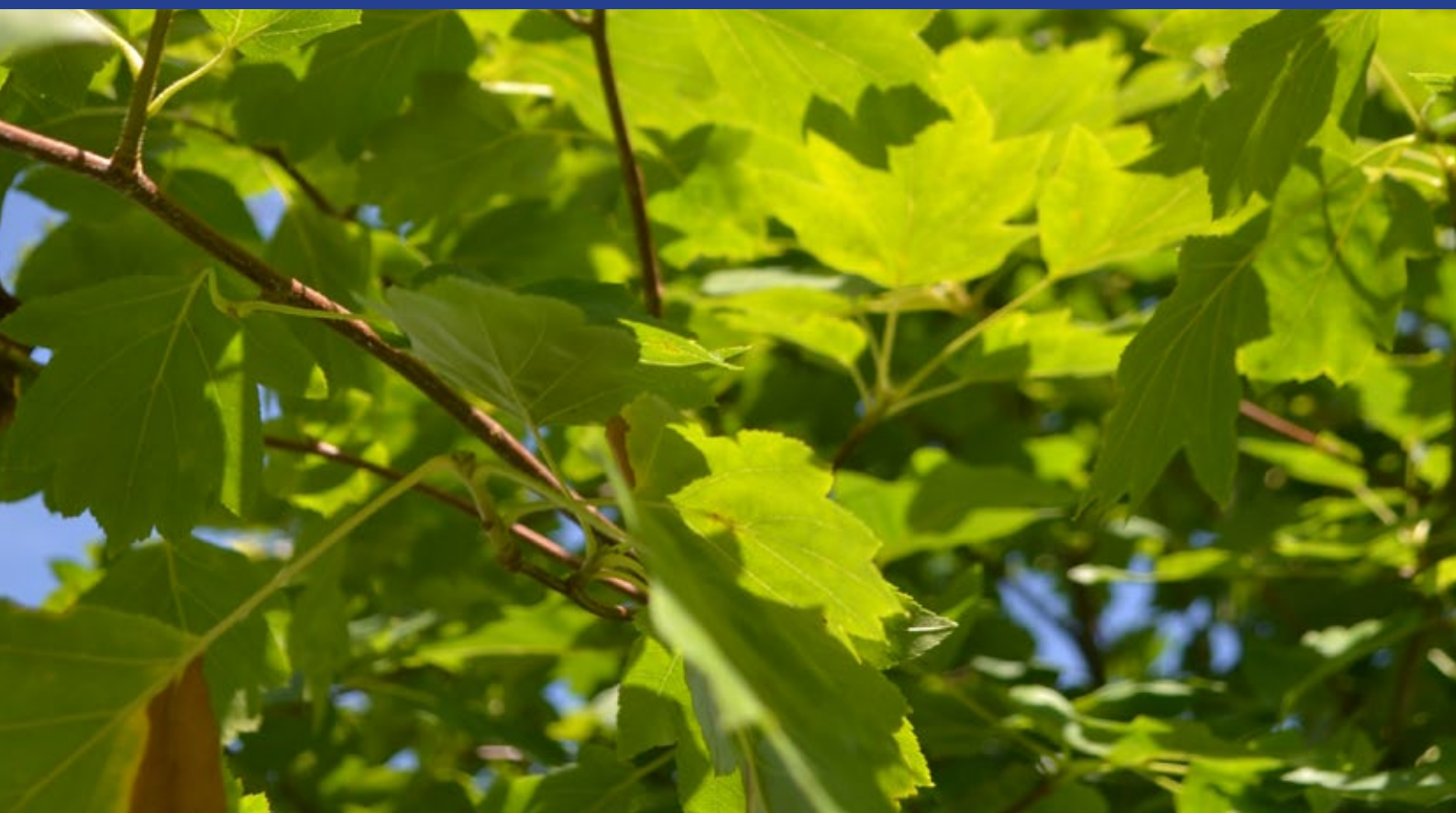
A TREE STRATEGY FOR HUNTINGDONSHIRE

The following document is still in draft form. Amendments are expected before the Strategy is finalised for publication.

Huntingdonshire
DISTRICT COUNCIL

A Tree Strategy for Huntingdonshire

Foreword



Foreword by Councillor Douglas Dew, Executive Councillor for Strategic Planning & Housing:

Huntingdonshire has a varied historic landscape of 350 square miles, with 4 market towns and nearly 100 villages, all within an expanse of attractive open countryside, farmland, and woodland.

Trees play an important role the rural and urban landscapes of Huntingdonshire, improving the quality of life in many ways. They make a great contribution to our rural and urban areas, adding great beauty and character and creating a sense of place. They enhance and compliment the built environment by providing screening, focal points, privacy and perspective. Those in parks and gardens bring nature into the hearts of our towns. Streets planted with trees look better, and they also provide valuable wildlife corridors connecting open spaces.

Trees are the largest and oldest living things in the environment. Trees and woodlands are dominant landscape features, and collectively they form one of Huntingdonshire's finest features.

We need to protect our trees and care for them properly. We also need to make sure we plant new trees to replace those that we have to remove, so that future generations car derive the same enjoyment and benefits from trees that we do.

This strategy sets out how the Council will do this over the coming years. We aim to have more and better trees than we have at the moment, in an attractive environment which will help make Huntingdonshire a better place to live, work, study and spend leisure time.

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1.0 Introduction

Introduction

Purpose of the Tree Strategy

Most people agree that trees are a good thing, and yet we continually see them felled for development, damaged and otherwise neglected, both on public and private land.

We need to protect our trees and care for them properly. We also need to make sure we pass on a legacy of an attractive and healthy tree population for future generations, by ensuring that we plant new trees to replace those that have died or been removed.

Huntingdonshire District Council (HDC) has a key role to play in the care and protection of existing trees and planting of new trees in the District. As well as looking after trees and woodlands on Council-owned land and protecting trees on private land, HDC has a role in raising the awareness of the importance of trees and influencing their positive management, by acting as an example of best practice and by providing information about tree management that we would like to see adopted by other public and private sector agencies within Huntingdonshire.

The action plan, policies and guidance within this strategy provide the Council with a framework to manage its own tree operations.

In very simple terms, the strategy aims to:

Protect the trees of Huntingdonshire, through the use of sustainable management techniques.

Care for the trees of Huntingdonshire, by practicing and promoting good tree care.

Plant more trees in Huntingdonshire, by carrying out and promoting appropriate planting of new trees.

The Tree Strategy has three parts:

1 Action Plan

Key aims and objectives for trees in the District and a five-year plan for the work that needs to be carried out to deliver these.

2 Tree Policies

The guiding principles on how trees in the District will be protected and cared for, and how new tree planting will be promoted.

3 Tree Guidance Notes

Guidance notes setting out operational standards, and outlining how management decisions are made. These documents will be updated to reflect best practice and legislative amendments as they change.

The aims of the guidance notes, within Part 3 of this document, are to provide information and advice on the management and care of trees. These documents have principally been written for HDC officers who deal with trees, but it is hoped that they will also be helpful to elected Members and to anyone else who would like to understand what sort of tree work is being carried out, the circumstances when it is necessary and why. It is intended that the detailed policies and guidance will also be of interest to private tree owners and contractors carrying out tree, hedging and woodland operations and to developers considering new development in the District.

Map of Huntingdonshire

The case for trees

Trees are a vital part of our natural life support system; cleaning the air we breathe, moderating climatic extremes and contributing to the health and well being of the community. They are without doubt the most significant features in many landscapes and also provide a perfect habitat for many other species. For hundreds of years trees have been cultivated not just for timber, food, shelter and medicine but simply for their intrinsic beauty. They are a part of our history and culture and have been worshipped, celebrated and revered in myth and folklore. The many benefits of trees are broadly summarised below:

Holme Fen birch wood

Quality of Life

Trees are important to the quality of life and have numerous social benefits. They provide a sense of place, history, establishment and continuity. Research shows that trees are associated with enhancing the quality of life through stress relief, improving mental health and a sense of well being. Trees in public spaces provide the opportunities for experiencing these qualities through outdoor activities or by direct public involvement in planting and caring for trees. They also provide a focus for environmental education and raising awareness of the benefits, value and role of trees in the environment, with green and outdoor classrooms enhancing learning opportunities.

St Neots, Market Square

Amenity

Many people appreciate the intrinsic beauty of trees and their subtle variations through the seasons, but the intrinsic amenity value of trees and how they can strongly influence the way a place feels and how it is used is often over looked. The amenity value of trees includes providing contact with the natural environment for those without daily contact with green space

Chestnut Walk, Hinchingbrooke Country Park

Mature trees play an important role in the character of historic townscape areas including Conservation Areas and complement the built environment. They instill a sense of place by creating an attractive and distinctive environment; often contributing to it by screening unsightly views. When allowed to grow to maturity, they provide a scale that contributes to the overall sense of history, establishment and continuity of a given place.

Honey Hill, Fenstanton

Trees are also important landscape elements in the open countryside and around towns and villages. They provide historic continuity by living for centuries, offering a link to past events and historic periods. Within urban areas they often form an important townscape feature, providing identity, orientation and structure to our urban areas and by introducing organic shapes and colours and seasonal change.

Mature lime trees retained at Rowley Arts Centre

Biodiversity

Trees and woodlands are an integral part of the ecosystem providing habitats for many species, some of which are completely dependent on them. Trees are used by birds and bats for nesting and roosting and the fruit and seed produced by trees provides a sustainable food source for various animals and birds. Invertebrates, lichens, moss, fungi and also ground fauna such as bluebells and other woodland species are also dependent on trees. Older and veteran trees are particularly important for biodiversity providing unique and increasingly rare habitats for many specialised species. Dead wood is also important for biodiversity as it can provide a variety of important habitats either as dead branches and decay within a living tree, as a standing dead tree or on the ground.

Robinia spp. with Chicken of the Woods fungus (Laetiporus sulphurous)

Improving air quality and mitigating climate change

Trees produce the oxygen that we breathe and absorb carbon dioxide, the greenhouse gas, and store it within their wood. They also help to improve air quality by trapping particulates on their leaves and absorbing harmful gases. Woodlands and dense groups of trees can also be effective at reducing noise pollution. In addition, trees can positively affect the local climate by providing shade and shelter from wind and sun, and research has shown that trees can reduce the energy needed to heat or cool properties if they are positioned to provide shade or shelter. Trees within porous surfaces also help to reduce flash flooding by intercepting rainfall and slowing or reducing run off. With a growing understanding of climate change issues and the need to become more fuel efficient, trees will have an increasingly important role to play in this area.

Roadside planting

Financial value of trees

Trees bring economic value in a variety of ways including;

- Producing products and by-products e.g. timber, wood chip, charcoal, compost and mulch, which can be created and sold to generate income
- Providing direct employment of specialists, such as foresters and arboriculturists
- Generating cheaper maintenance costs than grassland and other types of green spaces
- Increasing property values by providing an attractive leafy setting for individual dwellings and/or wider residential areas
- Creating an attractive environment; encouraging inward investment to employment and retail areas as a consequence
- Increasing the value of undeveloped land

Mature lime trees retained at Rowley Arts Centre, St Neots

Leighton Bromswold

In recent years there has been increased interest in quantifying these benefits and translating them into financial terms. A system known as CAVAT (Capital Asset Value for Amenity Trees) has been developed to allow authorities to prepare a valuation of their tree stock which can then be used to justify managing the trees as if it were a financial asset of the community. This is a major step forward as traditionally, the management of trees and woodlands by local authorities has been seen solely as a cost, with no acknowledgement of the financial benefits that trees bring. Such an assessment of the value of trees in Huntingdonshire has not been undertaken, although it is recommended as a target for the future and is included within the Action Plan.

Health

Health and social benefits of trees include:

- Providing a variety of sensory elements eg to those with visual impairment, through hearing a breeze or smelling a scent
- Enhancing quality of life through stress relief, improving mental health and emotional well-being
- Supplying cleaner air which decreases the incidence of asthma
- Reducing the occurrence of skin cancer by providing shade
- Speeding up patients' recovery times when trees are visible from hospital beds

Capinus betulus at Pathfinder House

Overview of the District's tree stock

Tree cover in Huntingdonshire has been slowly decreasing since Saxon times. Today, the main types of tree cover are: woodlands, hedgerow trees, street trees, trees on public land (parks, schools etc), trees on private land and orchards.

Woodlands

The majority of natural woodland in Huntingdonshire is owned and managed by statutory agencies such as English Nature or charities such as the Woodland Trust or the Wildlife Trust.

Woodlands of note include:

- Monkswood near Abbots Ripton owned by English Nature
- Archers Wood and Aversley Wood owned by the Woodland Trust
- Brampton Wood, Ladys Wood and Raveley Wood owned by Cambridgeshire Wildlife Trust

The District Council's Countryside Services manage woodland contained within Hinchingbrooke Country Park and Paxton Pits Nature Reserve. The Thicket, between St Ives and Houghton is a small area of ancient woodland with public access; whilst Holt Island, at the western end of St Ives is now wooded, being a disused Osier bed.

Hinchingbrooke Park Beech and Pine woodland

There are two areas of woodland bordering Hill Rise Park: Top and Long Plantations. Both are pleasant areas of mature woodland with informal access.

Oak and ash are the predominant canopy species with an understorey of shrub, including hazel, elder, hawthorn and wild cherry in less dense areas. In places, the conservation value of woodlands has been reduced due to the replacement of deciduous trees with non-native conifers, to create mixed plantations.

The District contains several areas of Ancient Woodland, and several areas of Ancient Replanted Woodland (areas where Ancient Woodland has been felled and replanted). Some notable and popular Ancient Woodlands in the District include: Brampton Wood (north east of Grafham Water), Monks Wood (south west of Wood Walton), Aversley Wood and Archer's Wood (just south of Sawtry), and Raveley Wood and Lady's Wood (south of Ramsey). Ancient Woodlands are the most important type of woodlands in the District and it is important to manage them and protect their historic features and diverse wildlife, to ensure their protection as key components of the local landscape character. Some areas of Ancient Replanted Woodland in the District include: areas of Brampton Wood, Bevill's Wood (adjacent to Monks Wood), West Wood and Diddington Wood (both near to Grafham Water).

Hedgerow trees

The agricultural landscape of Huntingdonshire includes both arable and pastoral farmland divided by hedgerows, with trees and farming still representing the predominant land use within the District. From the end of the Second World War until the mid 1990's the increased mechanisation and efficiency of farming led to changes in landscape character across the District with significant loss of hedgerows and hedgerow trees.

The presence of hedgerows and hedgerow trees varies across the District, changing with the different landscape character areas. The areas of fen margins have small fields with hedges, trees and woodlands which creates an intimate scale to the landscape, while the large scale field patterns of the central claylands have few hedgerows or hedgerow trees. The south east claylands have heavy clay soils supporting cereal crops and arable production, with tall hedgerows with frequent hedgerow trees in the central part of the area. In the northern Wolds the plateau or ridges are in arable production and have a relatively open feel, with long views and few hedgerow trees. In contrast, the valleys have a higher proportion of pastoral land and are more vegetated, with large mixed hedgerows containing ancient and young oaks. In the southern Wolds, hedgerows and hedgerow trees also make an important contribution to the well vegetated character of the landscape however this is under pressure from the effects of intrusive and insensitive development and the gradual loss of traditional features of the agricultural landscape.

Hedgerow Elms

Street trees

The District has a particularly low coverage of street trees within its built up areas. There are few residential areas with tree planting and few of the main through-routes are lined by trees. Street trees are particularly sparse in the areas of late twentieth and early twenty-first century developments in the District. Although vegetation in private gardens and public open spaces adjoining the road often assists in softening the built-up areas, most trees are small or medium-sized which bring limited benefits. The scarcity of street trees within the District's built up areas is a cause for concern and there is potential for significant improvements to be made to the quality of the townscapes and villages by the introduction of more tree planting where space permits.

There are a few notable areas or streets with trees, as listed more specifically below:

- Huntingdon – Victoria square has a variety of different trees along the streets
- St. Neots – Several London Plane trees along the market square
- St. Ives – Streets including and around Green Ley's have a number of mature street trees
- Ramsey – Significant row of Lime trees on Wood Lane
- Godmanchester – Several notable mature trees along the side of West Street

Green Leys, St Ives

Privately owned trees

The majority of trees within the District are privately owned and are located either within private gardens, country estates/parklands or on agricultural land. Parkland areas include country estates around Kimbolton and Elton including Elton Park and the parkland setting to Kimbolton village and School which contain distinctive groups of parkland trees. The Abbots Ripton Estate to the northern edge of Huntingdon is set within one of the few remaining substantial areas of woodland in Huntingdonshire. Abbots Ripton and surrounding villages in the estate are of particular importance and interest due to the survival of many elm trees. The devastation of Dutch Elm disease was greatly reduced by many factors. Today there are over a thousand living mature elms in this part of the District.

Kimbolton Castle, Wellingtonia trees

HDC has little control over privately owned trees except the most notable trees most of which are covered by Tree Preservation Orders. Privately owned trees are an important asset for the District making a very significant contribution to the character and quality of the District's landscape and the settlements within it. The Council can influence the management of some of the most notable privately-owned trees in the District through its statutory powers for Tree Preservation Orders and Conservation Areas. The remaining privately-owned trees are outside their immediate scope and responsibility although guidance on best practice can be given to encourage positive management and planting works.

Trees in Public open spaces

There are a number of established parks in built up areas around the District, many simply taking the form of grass lawns and a variety of mature and newly planted trees. HDC directly own and actively manage Riverside Park and Priory Park in St. Neots, together with Riverside Park and Sapley Park in Huntingdon and Hill Rise Park in St. Ives. Some of these parks are historic, and contain mature trees of species traditionally associated with parkland planting, including lime, sycamore, oak, cedar of Lebanon and giant redwood.

Warner's Park, St Ives

Orchards

There are a notable number of orchards in the District, predominantly recognised for growing a variety of apple and plum species. The number and extent of orchards has declined rapidly in the last fifty years as a result of increased competition from foreign imports and a reduction in locally available labour, and are now a threatened habitat. Although fewer than previously, there still remains a high density of orchards in the eastern part of the District, in particular around Somersham, Bluntisham, and Colne, approximately 5 miles north east of St. Ives. Orchards support a rich variety of wildlife, particularly in the grassland beneath the trees.

Apple orchard

Key tree issues in Huntingdonshire

Although trees are undoubtedly an asset for the District, they can also cause (or be perceived as causing) problems which can be costly to resolve. The following is a summary of the key issues which are currently experienced in the District:

Technical and planning issues

- New tree planting of appropriate species needed to address the gradual decrease in tree cover across the District since Saxon times
- Outdated Tree Preservation Orders with some average or poor quality trees inappropriately covered by TPOs whilst other high quality trees are not covered
- Ad hoc system of tree management works on HDC owned trees and absence of programme of regular tree works or prioritization system for tree works
- Absence of appropriate computerised tree management database for tree survey data
- Absence of protocol for investigating potential infringements of Tree Preservation Orders and Conservation Area regulations
- Incomplete survey information for Council-owned trees (including incomplete register of higher risk Hazard trees)
- Absence of protocol for the management of claims against the Council for damage to property allegedly caused by root damage form Council-owned trees
- Lack of information on historic or current % tree cover across the District resulting in difficulty of monitoring changes in tree cover over time
- Requests from the public for tree pruning due to complaints about loss of light, obstruction of view etc
- Dangerous trees and tree limb falls causing personal injury or damage to properties
- Replacement trees are needed to replace trees removed to accommodate new development or due to being diseased, dying or dead
- Litter collection, dog fouling, and weed and sucker growth in tree pits around base of trees

Beech tree with extensive decay

Public awareness and understanding issues

- Lack of public information on the Council website about trees and advice on best practice for tree planting and management
- Absence of a strategic approach to tree planting across the District
- Lack of understanding of tree pruning by the general public (frequency, types of pruning works etc)

Species specific issues

- Large number of Ash trees likely to be affected by Chalara fraxinea (Ash die-back) in the next 5 – 15 years resulting in further significant reduction in tree cover and the loss of notable landscape features.

Street tree issues

- Scarcity of street trees in many of the urban areas in the District (particularly the more recent residential developments)
- Damage to pavements and highways by tree roots lifting surfacing and creating a trip hazard
- Complaints about fruit, sap and bird mess from trees on vehicles, pavements and properties resulting in slip hazard
- Trees in pavements can cause obstructions to the visually impaired and pedestrians with buggies
- Obstruction of CCTV sight lines and satellite dish reception lines by trees
- Tree root damage by street trees to adjacent properties resulting in costs arising from subsidence claims

Public realm street trees

A Tree Strategy for Huntingdonshire

1.0 Action plan

1.0 Action Plan

1.1 Five Year Action Plan to deliver the aims of the Tree Strategy

The Council is committed to the high quality and proactive management of its tree stock . To achieve this, we will use this Action Plan which demonstrates how the Key Aims of the Tree Strategy will be implemented over the next 5 years.

1.2 Key aims and objectives

Three key aims and seven associated objectives have been identified which are central to the Tree Strategy for the District:

Aim 1: To protect the District's tree resource through sustainable management of the tree population.

Objective 1 - Identify and evaluate important trees and woodlands

Objective 2 - Protect vulnerable trees and woodlands of high amenity

Aim 2: To practice and promote good tree care.

Objective 3 – Care for Council owned trees to ensure a sustainable tree population

Objective 4 – Encourage tree owners to care for their trees

Objective 5 – Promote the value of trees and importance of good tree care

Aim 3: To carry out, and encourage appropriate tree planting to ensure a healthy balanced tree population.

Objective 6 – Plant and manage young trees on Council land to ensure a balanced tree population

Objective 7 – Encourage tree planting on private land

1.3 Tree Strategy Action Plan – 2015 – 2020

To support the delivery of the overarching vision and mission statement for trees in the District, and the key aims and objectives identified above, a five year action plan has been prepared. Actions have been prioritised as follows:

Priority A - actions to be completed by the end of 2015

Priority B - actions to be scheduled for completion by the end of 2017

Priority C - actions to be undertaken as resources allow

Ongoing - actions which are currently part of tree management and will continue to be so for the foreseeable future

Key to abbreviations used can be found at the end of this section.

Key Aim 1 - Protect the trees within Huntingdonshire District, through sustainable management

Objective 1 - Identify and evaluate important trees and woodlands

	Action	Resources required (Key staff involvement)	Expected outcomes	Reason	Priority
1.1	Develop the use of a map based computerised tree management system for all Council tree management	May require additional staff resources and software to set up, but once in place can be used by existing staff (AO/IMD/GIS officer)	A more effective tree management system; auditable tracking of tree works and inspections	To replace ad hoc system of recording and tracking tree work requests and inspections and contribute towards a defendable system of tree management	A
1.2	Establish a computerised record of the Council's tree stocks	Existing – data can be collected as trees are inspected by (ATL)	Gradual ad hoc accumulation of data on trees managed by the Council	Information on Council owned trees needs to be more readily available To allow tracking of inspections and works undertaken	A
1.3	Initiate a prioritised survey of Council owned trees, incorporating amenity valuation based on Capital Asset Value for Amenity Trees (CAVAT)	May require additional staff resources (temporary tree surveyor/ consultant) to allow high priority trees on areas of Council land with high public usage to be assessed within a reasonable timescale. (ATL/GSO)	A prioritised system of inspections and tree work for trees on Council land with high public usage Some data on trees in lower priority areas	More effective and targeted use of resources for the management of trees Improved tree risk management by identifying hazard trees Use resources effectively	B/C (dependent on availability of resources)
1.4	Identify and evaluate important groups of trees and woodlands	Existing (AO/GIS officer/P)	Existing data sets collated (ancient woodlands, ancient trees, nature conservations sites, TPO woodlands etc) Additional information to be added as required	Important information on the location and extent of important trees and woodlands easily accessible to AO to guide tree management	A
1.5	Develop a 'favourite trees' campaign to raise profile of notable and ancient trees in Huntingdonshire	Existing resources. Will require some limited funds for publicity - possibly grant available or could be sponsored (AO in partnership with TWC, ATL and ATA)	Raise profile of trees particularly veteran trees of interest to residents e.g. tree walk guides, notable trees; e.g. Huntingdonshire walks. Fostering local pride and a sense of place	Raise awareness of the importance of trees both environmentally and culturally Supporting regional and national campaigns e.g.; Tree Council campaigns Useful education tool	B
1.6	Undertake mapping exercise of tree cover across the District.	Existing resources. Will require some limited funds to purchase software. (AO/GIS officer/P)	Accurate mapping and understanding of % tree cover across the District	Improve understanding of existing tree cover in the District and to monitor changes over time	A

Key Aim 1 - Protect the trees within Huntingdonshire District, through sustainable management

Objective 2 - Protect vulnerable trees and woodlands of high amenity

	Action	Resources required (Key staff involvement)	Expected outcomes	Reason	Priority
2.1	Make new Tree Preservation Orders as appropriate to protect trees under threat	Existing – officer time (AO/P)	To protect important trees particularly of high public amenity when they come under threat To have a transparent system of assessment	To protect prominent amenity trees from being damaged or felled inappropriately Protecting the landscape and the environment of Huntingdonshire	ongoing
2.2	Review Tree Preservation Orders	A gradual review may be undertaken as part of day to day works with existing staff resources. A wholesale review would require additional resources (officer time or through employing a consultant). (P/ AO/Legal)	More appropriate application of TPOs Tree owners not hindered by inappropriate planning restrictions Once initial review complete more effective use of officer time	Some existing orders are over 30 years old and have become inappropriate, whilst many trees that should be protected are not currently covered A review of existing orders would allow resources to be applied more effectively Existing Government guidance is that there should be a program for reviewing existing TPO's	C
2.3	Agree a protocol for investigating potential infringements of Tree Preservation Orders and Conservation Area regulations	Existing – officer time (P/AO)	To ensure that there is a clear course of action to follow in each case To ensure that evidence is collected in the correct manner and with effective use of existing resources	Effective use of officer time To ensure that where a case is pursued the evidence collected is appropriate for use in court Ensure that where appropriate suitable mitigation is undertaken	B
2.4	'Guidance Note 3: Guidance for Trees and Development' to be adopted within the LDF as SPD (Supplementary Planning Document)	Existing resources (AO/P)	Clear guidance to potential developers on the appropriate retention, protection and planting of trees Improved protection and retention of trees to enhance new developments	To ensure that trees on development sites are retained where appropriate and where trees are removed that suitable mitigation is undertaken	A

Key Aim 2 - Care for the trees within Huntingdonshire District, by practicing and promoting good tree care

Objective 3 - Care for Council owned trees to ensure a sustainable tree population

	Action	Resources required (Key staff involvement)	Expected outcomes	Reason	Priority
3.1	Apply the principals of Guidance Note 2: Guidance for Tree Management to all tree management decisions.	Existing resources (ATL/CS)	A consistent approach to tree management across the District Transparent decisions made in relation to requests for tree works	To ensure that the tree cover in the District is managed sustainability	Ongoing
3.2	Ensure that the work to Council trees complies with the Guidance Note 1: Guidance for works to trees	Existing resources (ATL/CS)	Ensure a high standard of tree work	To ensure a healthy and safe tree population	B
3.3	Review Good Practices Guides at least every 5 years	Existing resources (AO/ATL)	The guides will be up to date and reflect current best practice and standards	To ensure that Council advice reflects best practice	Ongoing
3.4	Implement a Tree Risk Management Strategy as outlined in Guidance Note 4: Tree Risk Management	Existing resources (AO/ATL/IRO)	A more comprehensive and pro-active approach to tree risk management Identify ways in which to reduce the foreseeable risk to an acceptable level and the resources required to achieve this	To fulfil the Council's Duty of Care	A
3.5	Undertake management which promotes biodiversity	Existing resources (ATL/GSO/CS)	Habitat protection and creation Sustainable management of tree population	Contribute to the aims of the Local Biodiversity Action Plan, Wildlife and Countryside Acts and Natural Environments and Rural Communities Act 2006	Ongoing
3.6	Review recycling options	Existing resources (ATL/GSO/CS)	Maximise the diverse and sustainable reuse of arisings from tree work	Good environmental management	C

Key Aim 2 - Care for the trees within Huntingdonshire District, by practicing and promoting good tree care

Objective 4 – Encourage tree owners to care for their trees

	Action	Resources required (Key staff involvement)	Expected outcomes	Reason	Priority
4.1	Provide information on the Council website in relation to trees This will include access to this Tree Strategy and Good Practice Guides	Existing resources (AO)	Provision of advice and information on good tree care to residents of the District. Reduce officer time spent on dealing with requests for general information; time to be diverted to other projects	More effective use of staff resources. General information and advice could be provided more comprehensively and effectively via the website. Residents would have access to information out of office hours	A
4.2	Produce a set of leaflets based on the Good Practice Guides for those people who do not have access to the internet	Funds for the production of leaflets to be identified. (AO)	As above	Would ensure that those residents without access to the internet can access information and advice	A
4.3	Use planning powers (Development Control & S106 agreements) to generate management plans for woodland and new planting on private land	Existing resources (AO/P)	Increase woodland under appropriate management Soft landscape and tree planting on new developments managed appropriately	To ensure that the tree planting and management undertaken as part of planning and development process is sustainably managed	Ongoing

Key Aim 2 - Care for the trees within Huntingdonshire District, by practicing and promoting good tree care

Objective 5 - Promote the value of trees and importance of good tree care

	Action	Resources required (Key staff involvement)	Expected outcomes	Reason	Priority
5.1	Provide information on the Council website and in leaflets in relation to management and care of trees	Existing resources (AO) Funds will be required to produce leaflets	Improved provision of advice and information on good tree care to residents of the District	To ensure that the public have access to good practice guidance particularly in relation to tree pruning	A
5.2	Continue to support the Tree Warden network in the District	Tree Council membership and payment of some expenses to wardens for tree warden forum/other training days. Estimated £750 year.(TWC)	Provide local information on trees and bring any threats to trees to the attention of the AO Develop ideas for local projects and organise and encourage tree planting and other practical work Acting as a local community liaison – giving general advice on planting and grants etc	To promote the value and importance of trees on a local level To empower local communities to become involved in managing and planting trees in their local area. Promote good tree care planting and maintenance	Ongoing
5.3	Assist friends of parks in producing self-guided walk leaflets which indicate trees and wildlife of interest	Production of leaflets will incur some costs which may be met out of existing resources	Raise awareness of local trees and the environment Educational resource for schools	To promote the value and importance of trees on a local level	C

Key Aim 3 - Plant more trees within Huntingdonshire District, by promoting and carrying out appropriate tree planting.

Objective 6 – Plant and managed young trees on Council land to ensure a healthy balanced tree population

	Action	Resources required (Key staff involvement)	Expected outcomes	Reason	Priority
6.1	Plant at least 1 replacement tree for each one felled on HDC land.	Existing resources plus additional resources from grants as part of larger projects to be utilised where possible (ATL/GSO/CS)	At least maintain current tree population on Council land. Although replacement may not always be in the same place, one will be planted in an appropriate alternative location	To maintain a sustainable and balanced population of trees	A
6.2	Manage natural regeneration in Council owned woodlands	Existing resources plus additional resources from grants as part of larger projects to be utilised where possible (ATL/GSO/CS)	Maximise the potential for tree replacement using local natural stock rather than introduced trees. Improved cost-effectiveness therefore allowing resources to be diverted elsewhere	More natural, sustainable and cost effective method of tree replacement where appropriate	B
6.3	Identify suitable areas for tree planting – including larger scale planting	Existing resources (AO/ATL/GSO)	A more comprehensive and strategic approach to increasing tree cover in the District. Will contribute to exceeding the 1 for 1 tree replacement policy. Will enable the maximum use of available granting funding	More strategic approach to maintaining a sustainable tree population	B

Key Aim 3 - Plant more trees within Huntingdonshire District, by promoting and carrying out appropriate tree planting.

Objective 7 – Encourage tree planting on private land

	Action	Resources required (Key staff involvement)	Expected outcomes	Reason	Priority
7.1	Provide information on the Council website in relation to tree planting	Existing resources (AO)	Easier access to appropriate information More appropriate tree planting being undertaken	To assist local residents in tree planting by providing useful advice	A
7.2	Pursue replacement planting made as a condition of planning permission, and TPO application. Enforcement powers to be used if necessary.	Existing resources (AO/P)	Ensure that where it is appropriate, tree replacement occurs.	To maximise the potential for appropriate tree planting on private land Maintain the landscape character	Ongoing
7.3	Encourage tree planting as part of development proposals and new infrastructure (regeneration schemes etc)	Existing or grant aided as part of larger scale projects (AO/L/P)	Appropriate tree planting as part of new developments	To ensure opportunities for new tree planting are identified and undertaken to mitigate the loss of trees for development	Ongoing
7.4	Continue to support the Parish Planting Scheme	Existing resources (TWC)	1000's of new trees planted on private land each year.	Raise profile of tree planting To encourage Parish Councils, individual land owners and smaller community groups to plant trees	A

Abbreviations

AO	Arboricultural Officer
ATA	Arboricultural Technical Assistant
ATL	Arboricultural Team Leader
CCC	Cambridgeshire County Council
CS	Countryside Services
CWT	Cambridgeshire Wildlife Trust
GIS	GIS Officer
GSO	Green Space Officer
HDC	Huntingdonshire District Council
IMD	Information Management Division
IRO	Insurance/Risk Officer
L	Luminus Group
P	Planning
TWC	Tree Warden Co-ordinator
WT	Woodland Trust

1.4 Monitoring and reviewing procedures

It will be necessary for monitoring to be carried out to allow the success of the Tree Strategy to be assessed and to assist in identifying areas where new or amended tree policy is necessary. A series of performance indicators have been identified to facilitate this monitoring and are detailed below:

- No. of new trees successfully established each year, broken down to identify, trees on private land, as a result of TPO application conditions, planning application conditions, Parish Planting Scheme, and for trees on HDC land, Countryside, Green Spaces, and County Council land.
- No. of management plans produced and successfully implemented for woodland sites
- No. of trained Tree Wardens actively taking part in community events
- No. of parks and open space sites in which trees have been inspected and database updated
- Analysis of claims made, number of claims successfully defended and amount spent on insurance claims, broken down into tree and branch failures, and alleged root damage claims.
- No. of trees removed or permitted to be removed by the Council

This Tree Strategy will need to be reviewed and updated on a regular basis. It should be a dynamic document which can respond to changes in the District, new legislation and emerging industry best practice. As a minimum it is recommended that the Tree Strategy is reviewed every five years. The review should include:

- A detailed analysis of the monitoring information
- Identification of any obstacles or barriers to implementation and delivery of the policy contained within the strategy
- Recommendations for amendments to the strategy to respond to finding from the above

1.5 Community involvement

The success of the Tree Strategy will be greatest if it has the support of the District's community and the involvement of the community in its implementation. The following measures are proposed to promote community support and involvement in the Tree Strategy:

- Public consultation on the draft Tree Strategy
- High profile launch of the final Tree Strategy with press and web releases
- Continue to support the District Tree Warden scheme
- Continue existing parish planting scheme

Oak trees near Wooley

A Tree Strategy for Huntingdonshire

2.0 Tree Policies

2.0 Tree Policies

2.1 Policy context

The Tree Strategy for Huntingdonshire has been informed by a comprehensive review of policy at the national, regional and local levels, to ensure consistency between the Tree Strategy and the overarching policy framework. Principal policy issues set at the international scale and reflected in national policy include the protection and enhancement of biodiversity and ecology, landscape and cultural heritage. The relevant and key policies are summarised below:

International

- Sustainable development is the main national policy driver, filtering through from international policy and legislation. International and national bodies have set out broad principles of sustainable development, with Resolution 24/187 of the United Nations General Assembly defining sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs (World Commission on Environment & Development - 1987), ensuring a balance between social, environmental and economic development. Trees' benefits encompass these three pillars of sustainable development.

National

- Trees in Towns II, undertaken for the Department of Communities and Local Government, 2008). This survey of urban trees in England, and their condition and management, promotes investment in the urban forest. It sets a number of targets that Local Government should achieve including the implementation of a comprehensive Tree Strategy.
- A Strategy for England's Trees, Woods and Forests (Department for Environment, Food and Rural Affairs, 2007) aims to ensure that there is a resource of trees, woods and forests where they can contribute most in terms of environmental, economic and social benefits. It highlights the need for partnership working between all those responsible for trees, to increase their contribution to quality of lives, quality of places, and the sustainable use of resources.
- The National Planning Policy Framework (Department for Communities & Local Government) 2012) sets out policies for England, and has the central theme of achieving sustainable development.

Regional

- Climate Change & Environment Strategy (Cambridgeshire County Council 2012), adopted 2008), which tackled the issues of climate change and environmental sustainability in Cambridgeshire. The strategy recognised that in Cambridgeshire the pace of development creates a huge pressure on the environment, and aimed to balance environmental issues, social issues and the economy.
- Cambridgeshire Green Infrastructure Strategy (Cambridgeshire Horizons 2006, reviewed in 2011).The reviewed Strategy was developed by Cambridgeshire Horizons working with all the Cambridgeshire Local Authorities and statutory and non-statutory nature conservation organisations, and provides a strong evidence base for future policy and funding decisions, such as the Community Infrastructure Levy; ensuring that high quality and sustainable Green Infrastructure is delivered to 2031 and beyond.

Local

- Growing our Communities: Huntingdonshire Sustainable Community Strategy 2008 – 2028 (Huntingdonshire District Council, 2008) which informed the subsequent Core Strategy.
- A Plan for our Environment: 'Growing Awareness' (Huntingdonshire District Council, 2008). This five year environment strategy was the starting point for a variety of initiatives aimed at safeguarding Huntingdonshire's unique environment for the future.
- Core Strategy (Huntingdonshire District Council, adopted 2009), which sets out the overall vision and objectives for the District up to 2026. Also relevant are saved policies of the Huntingdonshire Local Plan 1995 and the Huntingdonshire Local Plan Alteration 2002. The Huntingdonshire Tree Strategy contributes to the following objectives for the Core Strategy:
    - To maintain, enhance and conserve Huntingdonshire's characteristic landscapes, habitats and species and historic environment
    - To increase and enhance major strategic green infrastructure while improving the natural habitat and biodiversity
    - To ensure that design of new development is of high quality and that integrates effectively with its setting and promotes local distinctiveness
    - To increase opportunities for pursuing a healthy lifestyle, by maintaining and enhancing recreation opportunities and encouraging walking and cycling
- Huntingdonshire Landscape & Townscape Assessment (Huntingdonshire District Council Supplementary Planning Document – adopted 2007). The report provides information on the visual character of Huntingdonshire's landscape and market towns, to raise the awareness and understanding of the special qualities of the District, and assist HDC in considering future priorities for the conservation, enhancement and regeneration of the area's countryside, villages and towns.
- Huntingdonshire Design Guide (Huntingdonshire District Council Supplementary Planning Document, adopted 2009), produced as an aid to improving the quality of new development in Huntingdonshire. It set out important design principles and explains key requirements of the District Council.

Platanus x hispanica

The main issues arising from the review of the policy context that need to be considered in the Tree Strategy are:

- The role of trees in climate change mitigation and adaptation
- Realisation of the social, economic and environmental benefits of trees
- Secure adequate investment in tree management programmes to reduce avoidable future costs
- Identify and protect ancient woodland and veteran trees
- Significantly increase tree and woodland cover in the District
- Ensure that appropriate tree planting is included in development proposals where possible and avoid loss of trees through development
- Follow the principle of right place, right tree
- Consider trees in the District as a single unified resource
- Ensure that the Tree Strategy informs the Local Development Framework and is a material consideration in decision making
- Realise the regeneration potential of trees in the public realm

2.2 District tree policies

Tree protection policies

TP1 - The Tree Preservation Order system will be used to ensure that trees of high amenity which are under threat are protected.

Many important privately owned trees and woodlands are already protected by virtue of being within a Conservation Area or by Tree Preservation Orders. However there are still trees of high amenity that are not afforded this protection.

Generally if trees are owned and managed by responsible owners it is not necessary to formally protect them, although trees of very high amenity or those which come under threat should be protected.

Trees under threat may come to the attention of the Council through various avenues such as applications for development, Conservation Area notifications or requests from the public. In each case before making an order the Council will carry out an assessment that considers the justification for making an Order based on government guidance.

TP2 - When a Tree Preservation Order is made the owner of the tree has a right to object to the order.

Objections will be considered by the Arboricultural Officer and where they cannot be resolved at this level they will be referred to the Development Management – Trees Sub-Committee for a final decision.

If the objector is not satisfied with the final decision they may apply to undertake works to the tree(s) which if refused then gives them the right to appeal to the Secretary of State.

TP3 - Felling and pruning of protected trees will only be granted consent where there is adequate justification. Applicants have the right of appeal to the Secretary of State against refusal of consent.

Applications to undertake work will be considered in relation to the policies outlined in this document and the latest national guidance. Where work applied for is not considered appropriate, the Arboricultural Officer will advise the applicant on the type of tree work that would be acceptable and invite them to submit a revised application. If an application is refused then the applicant will be advised of their right of appeal to the Secretary of State.

Notifications to undertake works to trees in Conservation Areas will also be considered in relation to the policies outlined in this document and national guidance.

Where work applied for is not considered appropriate the Arboricultural Officer will advise the applicant on the type of tree work that would be acceptable and invite them to withdraw the notification and submit a revised one. If agreement cannot be reached consideration will be given to the making of a Tree Preservation Order, in accordance with the Council's procedure for assessing the suitability of a tree for inclusion in a TPO.

TP4 - When unauthorised works are undertaken to trees protected by a Tree Preservation Order an investigation will be carried out and enforcement action will be taken where there is sufficient evidence and justification to do so.

The Council will investigate all unauthorised works to trees and gather information and evidence in relation to these infringements. An assessment of each case will be made with the advice of the Council's Planning Officers and Solicitor. Appropriate action will be taken where there is justification and sufficient evidence to do so.

Efforts will be made to identify, protect and retain veteran trees within the District because of the cultural, historical and biodiversity value. Veteran and ancient trees are particularly important for biodiversity as they provide a habitat for many species some of which may be protected in their own right such as fungi, lichens and invertebrates and also provide roosting and nesting sites for bats and birds. These trees are also often of cultural and historical significance because of their connections with the past.

TP 5 - The Council will promote the value and importance of trees, particularly through the use of its parks and countryside, as an educational and recreational resource.

To broaden the understanding and appreciation of trees as a vital part of our natural life support system; cleaning the air we breathe, moderating climatic extremes and contributing to the health and well-being of the community.

TP 6 - The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity or developments which have inadequate or inappropriate landscape proposals, unless there is adequate justification to do so.

To ensure that the tree and woodland stock of Huntingdonshire is protected and the health and longevity of that cover is secured, reflecting the aim that trees will become a key defining feature of the District for both current and future generations

TP 7 - The Council will impose planning conditions to ensure adequate provision is made for the protection or planting of trees, and to make Tree Preservation Orders (TPOs) as necessary.

When assessing planning applications there are many factors which have to be considered and decisions are guided by local and national policy, current legislation and government advice and recommendations. More information of the particular policies that apply how trees on development sites should be considered is given in Guidance note 3 - Guidance for Trees and Development.

Tree care policies

TP 8 - HDC owned trees will not be felled or pruned unless there is adequate justification.

The Council may carry out works to trees for safety reasons to reduce risk and liability, and to allow the reasonable enjoyment of public and private property. We may also prune trees to improve the structure and help the future health of the tree. Felling and removal of trees will only be considered where pruning does not offer a reasonable solution. Where risk is an issue a risk assessment of the tree will be undertaken.

Tree work may be required for the benefit of a group of trees for example it may be necessary to remove diseased trees or to thin out a group of closely planted trees to benefit the strongest individuals. More detailed guidance on making decisions in relation to tree work is given in Guidance note 2 - Guidance for Tree Management.

TP9 - Requests for tree work to Council trees will be considered in accordance with Guidance note 2 - Guidance for Tree Management.

This guidance note provides a transparent process by which requests for tree work will be considered. It helps officers deal with the most common requests received for work to trees in a constant and professional way. More unusual requests will be considered on their merits in line with policies and guidance outlined in this strategy.

TP10 - All requests for works to trees will be assessed by the Council's Arboricultural Team.

All work to be carried out to Council trees will be undertaken in consultation with the Arboricultural Team Leader, to ensure appropriate works are being recommended, and that all works are completed to a high professional standard in accordance with the policies and guidance provided by this document.

TP11 - All tree work undertaken by or on behalf of the Council shall be carried out in strict accordance with Guidance note 1, Guidance for works to trees.

Wherever possible the arisings of tree work will be recycled.

TP12 - A computerised record and risk management system will be developed for all Council owned trees.

Some initial work was carried out to survey and record trees on Council owned land in 2002. There were problems with the first tree survey, and some of the data has since been corrupted and lost when it was being transferred to the 'Uniform' database, which is not an appropriate integrated tree management system. While the initial survey was not perfect it did identify that there were thousands of trees that were not being looked after, and this helped with the setting up of the Council's Arboricultural team. This initial work needs to be built on, and all trees on HDC land need to be identified and a programme of surveying introduced.

The aim is to develop a computerised record of Council owned trees and a prioritised regime of re-inspection based on the level of risk. Resources will need to be identified to develop this system to cover all Council owned trees.

Guidance note 6 sets out how the Council will approach the management of risk associated with the tree population and how this will be developed in the future.

TP13 – The Council will work with the County Council and Town and Parish Councils to encourage an extensive risk assessment and active tree.

Many significant trees within Huntingdonshire, along roads, within school grounds and in towns and villages are the responsibility of Cambridgeshire County Council and Town and Parish Councils. However an extensive risk assessment of all trees on their land has not been undertaken and pro-active tree management does not take place.

TP14 - Owners of trees that pose an identified and significant risk to neighbouring properties or Council land will be asked to undertake remedial works. If no action is taken the Council will use its powers where justified to ensure remedial work is undertaken and the owner recharged the cost.

To ensure that the public is not put at risk the Council will use its powers where justified under the Local Authority (Miscellaneous Provisions) Act 1976 to enforce the owners of imminently dangerous trees to take action to remove the hazard. See Guidance note 5 - Miscellaneous Provisions Practice Note.

If it is not possible to identify the owner of the trees the Council will do the work necessary and the cost of the works will be placed as a land charge on the property so in the event of the land being sold the costs can be recovered. The assessment of risk will be based on the principles of risk assessment as outline in Guidance note 4 - Tree Risk Management.

TP15 - The Council will promote the care of trees through the provision of information and advice particularly for the owners of protected trees.

General advice and information will be made available to the owners of trees which promote good practice tree care in particular through the use of Guidance note 1 - Guidance for works to trees, and Guidance note 2 - Guidance for Tree Management.

The Arboricultural Officer will assist the owners of protected trees in making applications to undertake appropriate tree work.

TP16 – Trees to be retained on development sites must be appropriately protected during construction works.

Where it is required as part of the planning permission that trees on development sites are to be retained they will be protected in accordance with the recommendations of BS5837:2012 and Guidance note 3 - Guidance for Trees and Development.

Where trees are retained on a development sites, they can easily and quickly be severely damaged. This damage can be avoided by the use of tree protective fencing and prohibiting any construction works within these areas. Such provisions can be made a condition of planning approvals granted. Detailed guidance on this is given in the British Standard 5837:2012 - Trees in Relation to Construction and the specific guidance given in Guidance note 3 - Guidance for Trees and Development.

TP17 – The Council will inform the public in advance of undertaking major tree works.

Because the Council maintains hundreds of trees each year, it is not practical to consult with the public on all works undertaken. Pruning works if undertaken in accordance with the policy and the good practice guidance for tree works and tree management (Guidance notes 2 and 3) are unlikely to cause public concern. Felling of trees however can be contentious. Where the felling involves prominent mature trees and the timescales involved allow, efforts will be made to inform the public of the proposed works and the reasons why it is necessary. Occasionally it will be necessary to fell dangerous trees on safety grounds alone, where consultation is not possible.

Where the removal of prominent mature trees on Council land is being considered for reasons other than safety the consultation procedure as outlined in Guidance note 2 - Guidance for Tree Management will be followed.

For trees which are to be felled or pruned as part of the planning process i.e. trees protected by Tree Preservation Orders, in Conservation Area or on development sites there are already statutory consultation processes in place.

Tree planting policies

TP18 For every tree felled on Huntingdonshire District Council land at least one replacement tree will be planted.

Where it is practical a new tree will be planted for every one felled. In some cases it may not be appropriate to replant in the same area as the tree felled. Where this is the case planting will take place elsewhere. Where trees in a woodland are removed and there is suitable natural regeneration, this regeneration will be managed in an appropriate manner to ensure that it adequately replaces felled trees, rather than introducing new trees.

Therefore successfully managed regeneration will contribute to tree replacement targets. There are a number of initiatives as outlined in the action plan which are specifically intended to increase tree planting within Huntingdonshire and it is anticipated that replacement planting will be greater than 1 for 1.

TP19 Where trees are felled on private land the Council will encourage planting of replacement trees wherever possible.

Where trees are on land owned by a third party such as Cambridgeshire County Council, Luminus Group, or the many Town and Parish Councils, it may not be possible to enforce replacement planting unless the trees have the protection of a TPO, lie within a Conservation Area, or where a felling licence is required. However, all of these land owners will be encouraged to adopt a policy of replacement planting. Where such trees are within a CA or subject to a TPO or planning condition the Council can require replanting the felled trees, similarly trees felled with a felling licence may be replaced under the control of the Forestry Commission.

TP20 Selection of tree species for new planting to be appropriate to the local site characteristics.

When new tree planting is undertaken, species will be selected that are appropriate to the planting site - based on the ultimate tree height and spread; growth habits; nutritional requirements; the local landscape, and future management requirements.

When trees are planted in rural areas, a presumption will be made to favour native species appropriate to the area, with direction taken from the Cambridgeshire Landscape Guidelines. (However, advice on planting of Ash trees, see guidance note 8 Information for the General Public from the East Anglian Tree and Landscape Officers Group, Ash Dieback (Chalara fraxinea).) Where possible the trees will be sourced from stock of local provenance. Non-native species are more likely to be planted in more formal and urban areas to add variety and interest. Tree planting in the parks will reflect the historical landscape of the park itself.

Tree planting policies

TP21 Trees will be planted and established in accordance with current best practice.

It is important that when trees are planted that this is undertaken with care to ensure that they stand the best chance of survival. Different planting techniques will be required dependent on the type and size of tree being planted. Tree planting will follow best practice guidance BS 8545 Young Trees: From Nursery to Independence in the Landscape.

TP22 The Council will promote tree planting by private landowners.

The majority of trees in the District are on land in private ownership and it is important that if the urban tree population is to be sustained that appropriate tree planting is undertaken on this land. The Council can play a role in encouraging tree planting on private land by the provision of advice and directing individuals towards the various grants available for tree planting as well as other initiatives as the Parish Planting free tree scheme run by Huntingdonshire District Council.

The Council will promote the benefits of trees and continue to support and encourage the planting of trees on private land through the very successful Parish Planting scheme.

TP23 The Council will use its powers to require appropriate replacement tree planting when protected trees are felled or when trees are removed to allow development.

The Council can require that replacement trees are planted when trees protected by Tree Preservation Orders are felled. Replacement tree planting in Conservation Areas can only be required in some instances and when this is the case appropriate replacement planting will be required. Where trees are felled to allow a development landscaping including tree planting will be made a condition of planning approval where it is considered appropriate.

There is a widespread lack of knowledge in the current Landscape Industry of the basic requirements for successful establishment of new trees on Development Sites.

A Tree Strategy for Huntingdonshire

3.0 Tree Guidance Notes

3.0 Tree Guidance Notes

3.1 Guidance Note 1: Guidance for works to trees

1 Purpose of the guide

The aim of this guide is to provide information and advice on tree work, particularly pruning operations, by describing different pruning techniques and how they might be used and for what reasons. It supplements the Guidance note 2 – Guidance for Tree Management and is primarily aimed at providing additional information to private tree owners and managers, particularly those with protected trees.

The work of the Council's arboriculturalists and contractors is also guided by this document and strengthened by the more detailed contract specifications which cover areas such as health and safety.

2 Introduction

Pruning is the most common tree maintenance procedure. Pruning is often desirable or necessary to improve tree structure, limit inconvenience or maintain safety. Bad or unnecessary pruning can do more harm than good since each cut has the potential to change the growth of a tree, cause damage and decay, leave the tree unsightly, or allow the entry of wood decaying organisms. Therefore no branch should be removed without a good reason. Some older trees do not tolerate pruning as well as younger trees and substantial pruning can have a life-limiting impact on the tree. The effect of pruning also varies between species and some are not naturally tolerant of pruning, notably beech, birch, and walnut. Pruning work should be carried out in accordance with BS 3998: 2010 by suitably qualified Arboriculturalists. If the level of pruning being considered is likely to severely damage or limit the life of the tree, felling and replanting with a site suitable species may be the more appropriate action to take.

It is important to consider pruning over the entire life-span of the tree or trees involved and not as a one-off single operation. Pruning in a single year should not exceed more than a quarter of a tree's leaf area except in very special circumstances. Many trees generate adventitious sprouts, in response to over-pruning, as they attempt to replace the stored energy. However live-branch pruning is an essential part of forming good crown structure, and is often a necessary procedure in the management of specimen trees within residential areas, parks and gardens.

This good practice guidance outlines the acceptable standards of tree work at the present time. It is based partly on guidance within British Standard Recommendations for Tree Work (BS3998:2010) and the Arboricultural Advisory and Information Service's Arboriculture Research Note 48, 'A Definition of the Best Pruning Position'. Any competent arboriculturalist will be aware of and familiar with these publications, and will be able to carry out work to the required standard.

This guidance deals with the most common procedures undertaken in tree work, however more specialised pruning may occasionally be specified.

3 Protected trees

Trees may be protected by Tree Preservation Orders or by virtue of their presence within a Conservation Area, see below. Therefore it is important to check with the Council before proceeding with any tree works. If a tree is protected it will be necessary to make an application to the Council and get written consent before proceeding. The forms and guidance notes for both TPO applications and Conservation Area notifications can be found at http://www.huntingdonshire.gov.uk/Environment/Nature%20conservation/Pages/Tree%20Preservation.aspx

All trees or groups of trees within a Conservation Areas which have a stem diameter 7.5cm (or 10cm if part of a group), measured at 1.5m above ground level are also protected and will need six weeks prior notification to the Council in writing of your intention to undertake works to these trees.

To find out whether or not a tree is protected you can contact the Council's Call Centre on 01480 388388.

4 Wildlife

The habitat of all nesting birds and bat roosts are protected are protected by the Wildlife and Countryside Act, 1981 (amended 1984), strengthened by the Countryside and Rights of Way Act, 2000. With regards to birds this means that the felling or pruning of trees must be carefully carried out to avoid any risk of disturbing nesting birds particularly between the months of March to August inclusive.

Even a dead or dying tree may provide a habitat for plants and wildlife protected under the Wildlife and Countryside Act, 1981. Most notably, trees with hollows and crevices may well provide important natural roost sites for many bat species and nest sites for birds. A cautious approach is required when dealing with trees which provide suitable habitat potential.

All native bats are European Protected Species and it is an offence to kill or destroy such a species or to damage or destroy their breeding site or resting places. When proposing to fell or carry out other work to such a tree, care must be taken to ensure that there are no bats or roost sites present before commencing the work. If in any doubt that a bat roost may be present contact Natural England or the Bat Conservation Trust whose details are at the end of this Guidance note. If a bat is discovered by a contractor whilst undertaking work, all work must cease immediately and the site made safe, then Natural England or the Bat Conservation Trust should be contacted immediately. For guidance refer to Arboricultural Association Guidance Note 1 Bats In The Context Of Tree Work Operations. A new British Standards Institution guide is currently in draft.

Pruning trees can affect wildlife in more subtle ways, very manicured trees provide less opportunities for wildlife and where possible it is good to leave some deadwood in trees and allow dense crowns and low branches to develop to provide cover. Where trees are pruned or felled it is also important where appropriate to leave some of this dead wood around as a habitat for small mammals and insects.

5 Timing of pruning

Although most minor pruning can be carried out at anytime of the year, where possible it is desirable to avoid pruning operations when deciduous trees are coming into leaf and in the autumn when they are losing their foliage as the trees ability to close wounds is reduced and the tree can lose valuable energy reserves if pruning occurs before the leaves are shed. This is particularly important if it is necessary to carry out heavy pruning or work on older trees.

The pruning of maples (including sycamore), lime and birch should be avoided in the early spring when the sap is starting to rise as they will bleed sap from the pruning wound. This bleeding is harmless, but wastes the trees resources and is unsightly.

The following fruiting and ornamental flowering trees are best pruned after flowering between June and August: Plums, especially the cultivar ‘Victoria’, cherry, peach, apricot, pear, apple, laburnum, Portugal laurel and rhododendron.

Walnut species should not be pruned in spring and are best pruned in July and August.

This information is by no means exhaustive; for further information refer to BS 3998 2010.

6 Pruning specifications

Generally most trees that need to be pruned will require one, or a combination of the following pruning techniques. Usually between 15-20% of the crown is removed at any one time. Although in some cases the maximum of 25% may be recommended where justified.

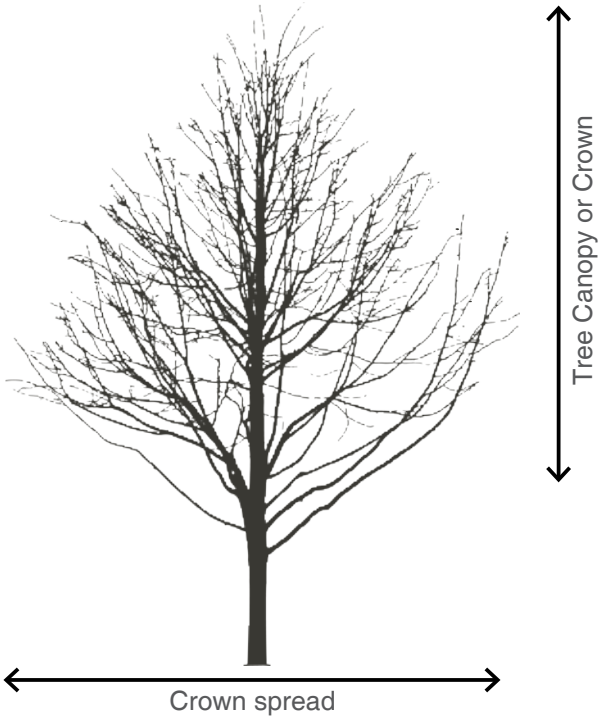


Figure 1: Crown or canopy of tree

6.1 Branch removal and appropriate pruning points

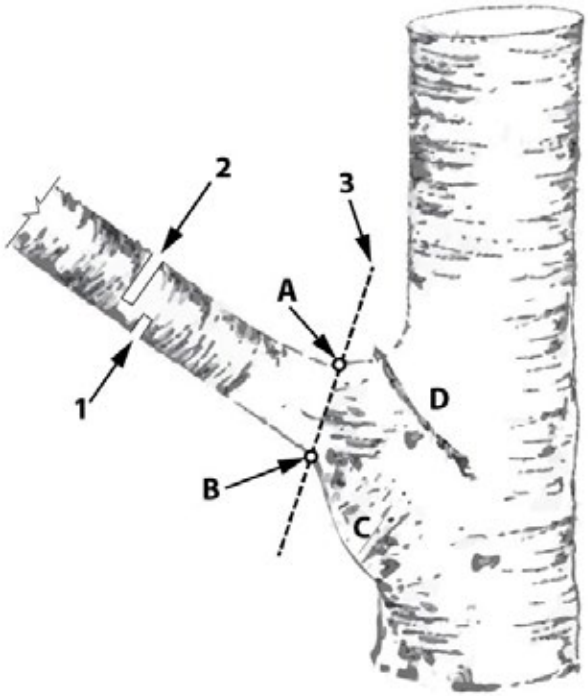


Figure 2: Branch removal

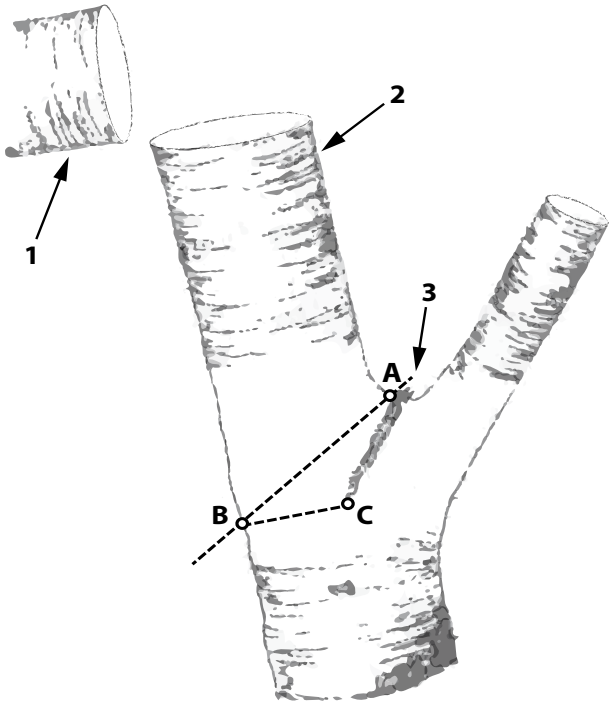


Figure 3 Reduction of a branch

If the branch is a large one, it is best to reduce it in segments to prevent it falling dangerously or damaging the tree by tearing the bark. Following Figure 2:

1. Begin removing each segment with a cut up about a third of the way from the underside of the branch (1).
2. Continue by cutting down about two-thirds of the way through the branch a little bit further up the branch (2). This should cause the branch to fall or allow it to be removed under control with minimal damage to the tree.
3. Once most of the branch has been removed, make the final cut (3) across the branch collar (A-B) to remove the stub. Leave the collar intact, or this could be the cause of infection to the tree.
4. Make sure the tree is not cut further than the end branch collar (D) – this will cut through the tree's barrier zones and make it extremely prone to disease.

1. When it is necessary to reduce the branch of a tree, cut from A to B in Figure 3: (3) after the top has been removed, (1 and 2).
2. Point B is at right angles to the main branch from point C, (the bottom of the branch bark ridge). The remaining branch should be at least one third the diameter of the stem to be cut.

Where a limb, branch or leader is to be shortened it shall be cut back cleanly to a vigorous side branch finishing with a sloping cut leaving the branch bark ridge and branch collar intact. The remaining branch should be at least 1/3 the diameter of the branch removed. This is to reduce the likelihood of decay or die-back as the lateral branch should be able to produce enough energy to keep the parent branch alive and there should be enough growth regulators present to suppress excessive shoots.

6.2 Formative pruning

Description: Pruning to improve the shape and form of young trees.

Reason: This type of pruning is usually completed when the tree is still relatively young. The main objective of this type of pruning is to encourage the formation of good stem and branch structure, by improving the orientation and spacing of branches and removing any potential weak structures that may fail later in life. Well planned, formative pruning during the establishment of a young tree can reduce the need for pruning later on. Formative or structural pruning can be completed on semi-mature trees, but should be avoided on mature specimens.

Specification: Remove or reduce any competing leading shoots to leave one strong, dominant leader. Rubbing, diseased, dead, congested or weak branches must be removed along with epicormic and basal growth on the main stem. Low branches pointed in undesirable directions must also be removed. All work carried out should take into account the species concerned, and the natural form of the tree. Formative pruning should only be carried out with suitable hand tools, such as secateurs, loppers, pull or bowsaws.

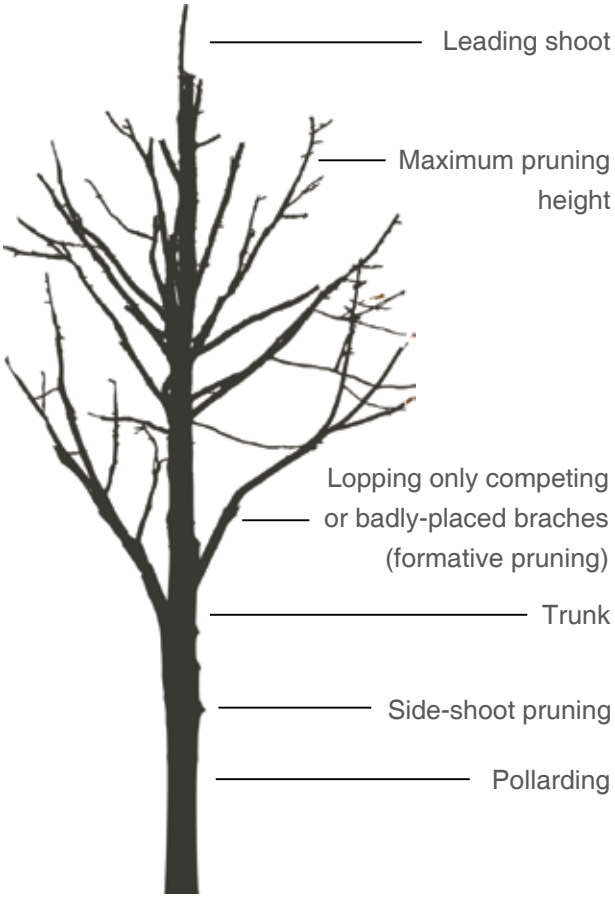


Figure 4: Formative pruning

6.3 Crown thinning

Description: Crown thinning is the removal of a proportion of secondary and small live branch growth, throughout the crown, to produce as far as possible an even density of foliage around a well spaced and balanced branch structure (see Figure 5). It includes the removal of dead, dying, diseased, crossing, crowded and weakly attached branches of low vigour. Merely removing secondary growth along the limbs and leaving dense branch ends is not an acceptable practice.

Reason: Crown thinning reduces the density of the crown without altering the shape of the tree. Thinning allows more light to pass through the crown therefore reducing shading and a more open crown reduces wind resistance.

Specification: The estimated percentage of crown to be removed is normally between 10% and 25% dependent on the circumstances. Most branches removed during a thinning operation are less than 4cm in diameter.

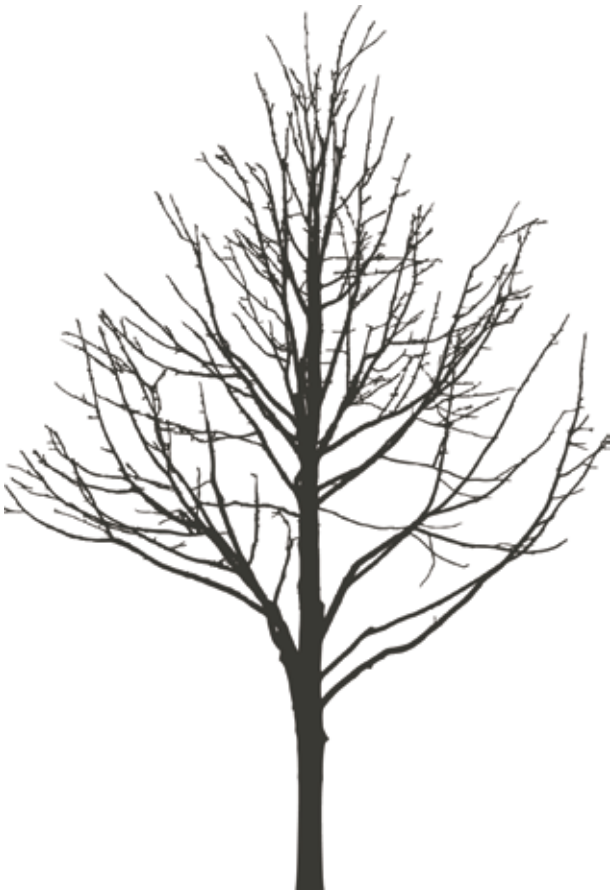


Figure 5: Crown thinning

6.4 Crown lifting

Description: Crown lifting, is the selective reduction and removal of the lower branches. The excessive removal of low branches can lead to the development of poor trunk crown balance, where a tree may become top heavy. Also large wounds around the main trunk of a tree could potentially allow the development of decay which can coalesce and reduce the long term integrity of the trees main supporting structure.

Reason: To allow space under the tree for light, people, vehicles or buildings.

Specification: Where possible the number and size of pruning wounds should be limited and well spaced, so there is less chance of decay pockets coalescing combining to form larger cavities within the stem of the tree. To avoid lack of balance after crown lifting the crown should retain at least 85% of the tree original un-pruned crown. Some circumstances may require a greater percentage of the trees crown to be lifted. In such circumstances the Council's tree officer should be consulted before the work is carried out. Some of the problematic issues described above can be addressed by the reduction of branches to lateral/ secondary growth leaving a flowing outline rather than their complete removal

Crown lifting is specified as the height from the ground to the desired height of lowest secondary branch. Trees situated along public highways must be maintained at the following minimum clearance height:

a) Over footpaths/paved areas - 2.4 metres over kerb height

b) Over carriageways – to allow for the free movement of traffic, or 5.2 metres over kerb height

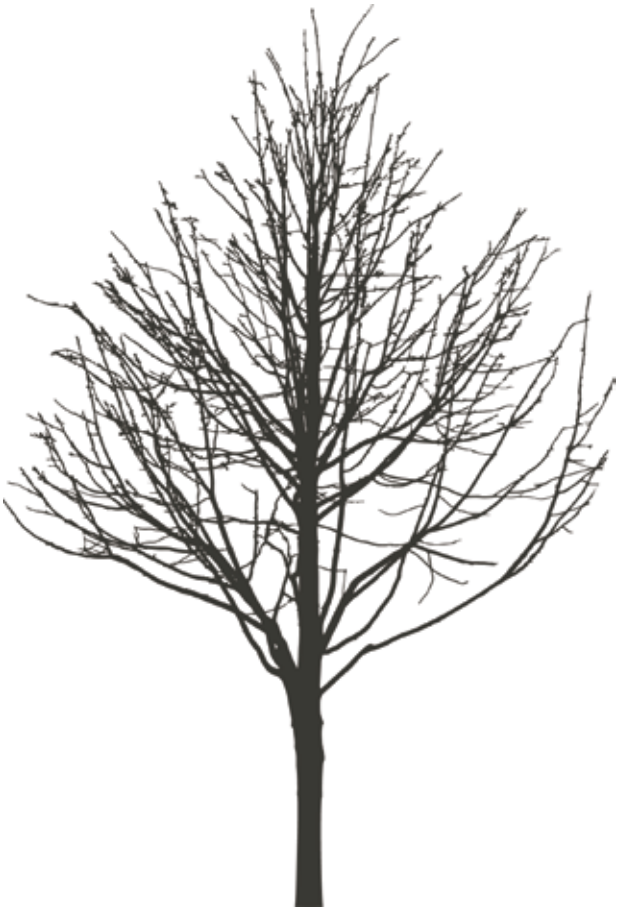


Figure 6: Crown lifting

6.5 Crown reduction

Description: Crown reduction or shaping, involves the systematic reduction of peripheral branches to decrease the height or spread of a trees crown area to leave a flowing line.

Reason: This is normally specified to reduce the contact between buildings and other infrastructure or to rebalance a tree after storm damage.

Specification: When a branch is pruned the diameter of the remaining branch should be at least 1/3 of the diameter of the branch that is removed. The natural shape and form of the species should be maintained and the tree should be balanced and uniform on completion.

Crown reduction work can be specified to cover every branch within a trees crown or it can be limited to just one. However the desired effect should be accomplished by pruning back to an appropriate pruning point (see section 6.1).

This allows more effective healing of the pruning cuts and maintains a good tree architecture. Inappropriate pruning can effectively destroy a trees natural shape, cause decay, an increased risk of failure, and result in a proliferation of new growth significantly increasing maintenance requirements.

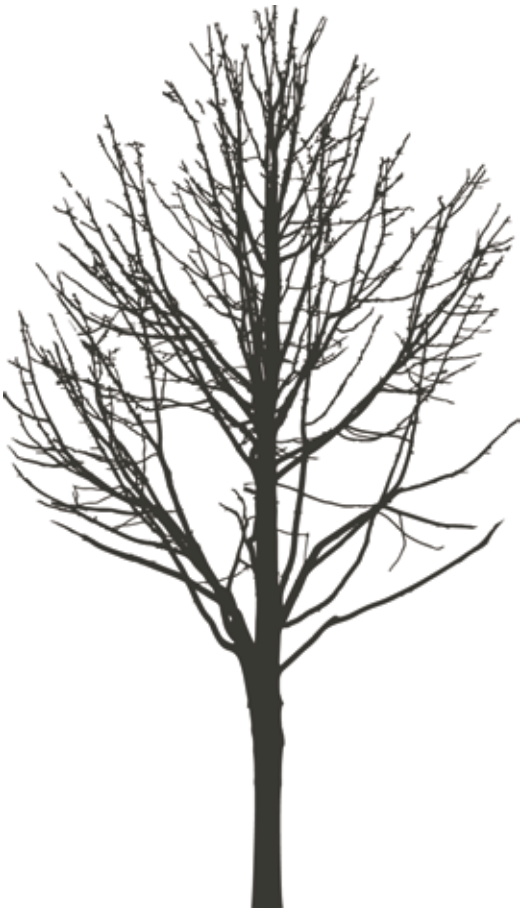


Figure 7: Crown reduction

6.6 Pollarding

Description: Pollarding describes the practice of regulating tree size and shape by training of young trees. It is very different from crown reducing and topping/lopping. To be done correctly, the desired shape is determined when the tree is young, by topping once to establish the desired framework. Once the desired framework is established, all sprouts or shoots are cut back to their base on a cyclical basis between one and four years. It is a methodology rather than a one off operation.

Reason: Pollarding is a way to control the ultimate size and shape of a tree, and to allow maximum leaf cover in limited spaces.

Specification: All regenerated sprouts/shoots are removed right back to their base, without cutting into the swollen tissue below the origin of the buds (knuckle) over the entire pollard. (With the objective of producing a quantity of vigorous shoots from the knuckle) All pollarding operations to be completed using hand tools, not power tools.

Figure 8:Pollarding

6.7 Topping

Description: Is the hard pruning, of a mature of semi mature tree, involving the removal of nearly all of the trees branches and foliage. This is nearly always considered unacceptable practice and should not be confused with pollarding. This type of pruning destroys the trees natural shape and introduces decay. This work encourages the development of a weak branch structure and can kill some species, such as beech.

Reason: This type of work will only acceptable in extremely rare cases, for example where a tree has become hazardous and cannot be made safe by normal pruning practice but the retention of the stem or tree in a much reduced form is desirable for biodiversity. Where a tree has previously been topped it may be acceptable to prune back to the previous pruning points as with pollarding.

Specification: Topping is considered as a last resort to avoid felling. It should rarely be specified and where it is, should deal with individual trees.

6.8 Restoration pruning

Description: The principles behind this type of pruning are similar to those used in structural or formative pruning on establishing trees, but more care is required due to the maturity of the specimens involved. Restoration pruning may involve the training of young epicormic shoots to form new branches and allow the reestablishment of new areas of crown. It is therefore important to provide a more detailed pruning specification, which may involved the identification of a specific area of the tree's crown or even a particular branch.

Reason: Restoration pruning is necessary where a tree has been damaged, poorly pruned or where a once regular management regime has lapsed, resulting in the formation of poor structural features. This is often a more appropriate pruning option than re-topping previously topped trees.

Specification: This type of pruning is likely to need planning over a longer time frame so that the percentage of crown affected is limited to (perhaps only 10%) of a tree's leaf area at each pruning operation.

6.9 Crown Cleaning and dead wood removal

Description: The removal of dead, dying or diseased branches, stumps, snags, broken branches, rubbing branches, unwanted epicormic shoots and climbing plants etc.

Reason: This type of pruning is used where a tree is being maintained as a specimen within the context of a formal park or garden. Here the removal of dead, dying, diseased, detached or broken branches is specified to improve crown appearance and the overall tree aesthetics. The removal of such branches may also be considered desirable where they represent a risk to persons or property. However, the formation of dead wood within the crown of a tree is part of the natural system of tree life and should not be considered to be a negative thing that has to be removed to maintain healthy tree growth, it is also important to remember that dead wood is an essential habitat for a large number of organisms in the ecosystem in which the tree lives. So it is important to consider that any removal of dead wood from the crown could potentially be detrimental to the continued viability of the ecosystem in which the tree lives.

Specification: This is achieved by systematically climbing throughout the crown of the tree. Cuts into live wood should be avoided when removing dead branches and stubs. Damage to the branch collar and callus tissue should be avoided when carrying out this operation.

6.10 Removal of epicormic shoots and basal growth

Description: Epicormic growth is the twiggy shoot growth which develops from adventitious buds under the surface of the trees bark and which develops more readily on some species such as lime and sycamore. It often grows from the base or stem of the tree but can also develop within the crown as a reaction to heavy pruning or as a reaction to a decline in the trees health resulting from a number of causes including root damage and the impact of pest and disease.

Reason: This growth, particularly around the base of the tree can cause an obstruction where it is close to footpaths, driveways or the road. Also it may be removed for aesthetic reasons. This type of maintenance will often have to be done annually as the shoots soon re-grow.

Specification: Epicormic growth less that 20mm in diameter should be pruned cleanly back to its point of origin, avoiding damaging the bark of the tree. Growth greater than 20mm should be cut back to avoid damage to the branch bark ridge and collar. This must be carried out using a sharp handsaw or secateurs. On no account should a chainsaw be used in this operation due to the nature of the small shoots adjacent to the bark. All shoots must be removed back to, but not into, the branch collar leaving no projections or exaggerating the size of the wound.

6.1 Felling

Description: The complete removal of the tree.

Reason: Felling will only be considered where pruning does not offer an acceptable solution. Where the risk of injury or damage is an issue a risk assessment of the tree will be undertaken. Felling may be required for the benefit of a group of trees for example it may be necessary to remove diseased trees or to thin out a group of closely planted trees to provide light and space to benefit the strongest individual trees. More detailed guidance on making decisions in relation to felling is given in Guidance Note 2: Guidance for Tree Management.

Specification: To cut the tree as close to ground level as possible, unless otherwise specified, sometimes it is desirable to level a taller stump to avoid creating a trip hazard where the tree is in a footpath. It may be necessary to remove the stump. The method of removal should consider the impact on the retained trees. See 6.1.2 for advice on tree stump removal.

6.12 Stump removal

Description: Removing the stump of the tree and the main roots near the stump.

Reason: The stump may be removed for aesthetic reasons so the ground can be reinstated or to remove a tripping hazard.

Specification: Stumps can be removed either digging out or by using a suitable stump grinding machine. The stump and exposed buttress roots are normally chipped to a depth of 300mm below the surrounding surface. Consideration should be given to the potential presence of underground services such as electricity cables and in many cases it will be necessary to contact public utility companies in order to identify any services, which may be present.

6.13 Stump treatment

Description: Treating stumps of felled tree with herbicide to prevent re-growth.

Reason: Where stumps are to be left in situ it is sometimes desirable to treat the stumps to prevent them re-growing. This re-growth is more likely in some species than others, for example poplar, willow, lime and sycamore will often shoot again from the stump where as this rarely occurs in conifer species. Stump treatment should not be undertaken where there is a group of trees of the same species growing together, as the herbicide may be translocated from the stump to the roots of a live tree via a root graft. This could potentially kill a neighbouring tree.

Specification: This should be undertaken as soon as possible after the tree has been felled to be effective. Approved stump killing herbicide must be applied in accordance with the manufacturer's specifications by suitably trained and qualified personnel in possession of a current certificate of competence under the control of pesticides regulations 1986. It should be applied by drilling holes in the outer cambium layer of the stump, which should then be bunged or covered to keep water out to prevent the chemical being diluted.

7 Getting Help

7.1 Sources of advice

Options for obtaining further help and advice include:

- Employing an arboricultural consultant or Contractor: Choosing an Arboricultural Consultant and Tree Contractor leaflets
- Contacting HDC Call Centre 01480 388388
- Contacting the Arboricultural Association http://www.trees.org.uk/

7.2 Employing a Tree surgeon

Tree work requires a high degree of skill and should only be undertaken by well trained and competent Arboricultural Contractors (also sometimes know as Arborists or Tree surgeons), many of whom are well trained and experienced, and will be able to undertake tree work to the standards set in this document. They can also assist you in determining what type of pruning is necessary to maintain or improve the health, appearance and safety of your trees. If tree work is not undertaken properly it could not only lead to lead to injury to people and damage to property but cause permanent damage to trees. The Council produce a Guide to Employing a Tree Contractor, which is available as a down load from the Councils website and leaflets on Choosing an Arboricultural Consultant and Tree Contractor.

8 Summary

- Consider whether the work is really necessary and that the type of pruning specified will achieve the desired aim.
- Check whether consent is required from the Council before commencing with tree works.
- The presence of nesting birds and bats and other wildlife should be considered before undertaking work.
- No more than a maximum of 25% of a trees crown should be removed in a single operation.
- Tree work should only be undertaken by a qualified, competent and insured Arboriculturalists.
- Poor pruning often leads to increased maintenance, risk of failure, and increased future cost.

9 More Information

For Further information contact

Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN
Tel: 01480 388388

Useful Contacts

Arboricultural Association Tel: Tel +44 (0)1242 522152
www.trees.org.uk

Bat conservation Trust Tel: 020 7627 2629
Bat Helpline: 0845 1300 228 (local rate)
www.bats.org.uk

British Standards
020 8996 9001
www.bsistandards.co.uk

Department of Communities and Local Government
020 7944 4400
www.communities.gov.uk

Huntingdonshire District Council 01480 388388
www.huntsdc.gov.uk

Useful Documents

British Standard BS 3998:2010 Tree Work

Town and Country Planning Act 1990.

Planning Practice Guidance Tree Preservation Orders and trees in Conservation Areas

Glossary

Basal shoot (a root sprout, adventitious shoot, water sprout or sucker)

- is a shoot or cane which grows from a bud at the base of a tree or shrub or from its roots.

Branch collar

- the attachment structure in woody plants that connects a branch to its parent branch or to the trunk.

Epicormic growth

- a shoot growing from an epicormic bud which lies underneath the bark of a trunk, stem, or branch of a plant

Leader

- the primary stem of a plant, usually the top stem

3.2 Guidance Note 2: Guidance for Tree Management

1 Purpose of the guide

These guidelines are intended as a supplementary note to accompany the Tree Strategy and aims to demonstrate in a transparent manner how the Council acts in caring for our own trees and our dealings with private trees protected by legislation. We outline Huntingdonshire District Council's approach to tree management and describe in broad terms, situations where we are likely to consider pruning, felling or other forms of tree management appropriate. The types of tree work that are normally considered acceptable as good practice within the authority are described in more detail in Guidance Note 1, Guidance for works to trees.

2 Introduction

Work to trees is often necessary to ensure they are maintained in as healthy and attractive condition as possible. The guidance identifies typical situations where the different types of tree work are applicable, though each tree will always be assessed on its merits. Work to our trees will be carried out by appropriately qualified and experienced staff or by an approved Council contractor and will be in accordance with current UK and EU legislation, guidance, British Standards and Codes of Practice, where they apply.

3 Management programmes for Council trees

Trees in publicly accessible areas may from time to time require management. Tree management should include regular prioritised inspections and where necessary programmed maintenance work. This maintenance may include the removal of some trees, pruning of others and replacement planting, with the aim of maintaining the overall tree cover in a safe, healthy and sustainable condition.

The Council has an Arboricultural Team based within its Parks Section. The Team leader is responsible for inspection and management of Council owned trees. The management of Council owned trees is based on a combination of regular inspections and maintenance of some trees in response to requests for tree inspection and maintenance works. The aim is to gradually move towards a situation where most trees in Council ownership are recorded and included within a prioritised inspection and maintenance regime; however resources are limited and this may take some time to fully achieve.

4 Dealing with requests for work to trees managed by the Council

Requests for tree inspections and work from the public are received via the call centre. Other requests for inspections or works to trees come from other Council Officers and Councillors. All requests are recorded and prioritised according to urgency; with safety issues given the greatest weighting. Response times to a request vary dependent on the number of requests received at any time. The aim however is to undertake most inspections within 4 weeks of the request and the enquirer advised of the decision within 2 weeks of a visit. Where longer response times are anticipated the enquirer will be informed. Any tree works required will be programmed dependent on its urgency, appropriateness and availability of resources. Some tree works may be recommended for inclusion within existing programs of works.

All tree works recommended will be guided by Council policy and the Council's Guidance Note 1: Guidance for works to trees.

However if an individual is unsatisfied with the decision and following further discussion with the Arboricultural Team leader an agreement cannot be reached a formal complaint can be made using the Council's existing procedures - *How to make a complaint to the Council*

5 Consultations regarding works to Council managed trees

The aim of the Tree Strategy and its policies is to set the standards and guidelines that the Council will work to when managing trees.

However where proposed tree works are considered to be of particular public interest or where there are special circumstances and the proposed works deviate from the normal standards public consultation may be undertaken. Generally pruning works within the Councils guidelines will not require public consultation.

Where large scale work is to be carried out, such as woodland felling, or the thinning of a shelter belt as part of routine management, local residents, Ward Councillors, and any other local groups, such as Parish and Town Councils will be informed before works commence. Any responses will be considered prior to works commencing.

Where trees present an immediate hazard such that felling is the only practical urgent solution it may not be possible to inform interested parties before the work is carried out. However when tree removal is proposed as part of planned management or as an agreed request for work, the local ward Councillors, Parish Councils and residents who live close to the tree/s to be felled will be informed before works start.

6 Dealing with Tree Preservation Order applications and Conservation Area notifications

When dealing with trees which are protected by the Town and Country Planning Act, 1990 by virtue of a Trees Preservation Order or location within a Conservation Area, the Council will follow the statutory procedures and timescales for dealing with applications and notifications. Existing national procedures exist for the right of appeal in relation to these trees, and no other local procedure is required. Refer to guidance: Tree Preservation Orders and trees in Conservation Areas

When the Council receives an application to undertake work to trees protected by a Tree Preservation Order it has 8 weeks to make a decision and in the case of Conservation Area notifications it has 6 weeks from the date they are received to form a view on the appropriateness of the work. These applications and notifications are entered on a register which is available for the public to view and the applications are circulated on the weekly list of planning applications. Applications can be viewed on the Council's Public Access system

If the Council believes that the work proposed by a Conservation Area notification is inappropriate it may negotiate an agreed compromise or, to prevent inappropriate works proceeding, the Council can make a Tree Preservation Order in respect of the tree or trees in question. The Council is only likely to undertake this action where appropriate trees works cannot be agreed with the applicant and the trees in question are of sufficient amenity to warrant inclusion within a Tree Preservation Order. When a Tree Preservation Order is made the tree owner has the right to object to the order. If the objection cannot be

resolved with the Arboricultural Officer the matter will be referred to the Development Management Trees-Sub Panel who decide whether the TPO is confirmed, confirmed with modification or allowed to lapse.

If an application to undertake works to a tree subject to a Tree Preservation Order is refused by the Council, the applicant has the right of appeal to the Secretary of State. If the appeal is valid a government inspector will visit the site to assess the case and decide on behalf of the Secretary of State whether the appeal is successful. The Council must abide by the Secretary of States decision in such cases.

Applications to undertake works to protected trees will be dealt using the same guidelines as for those set out for Council trees as outlined in this guide and Guidance Note 1: Guidance for works to trees.

7 When can trees be felled?

Huntingdonshire District Council will resist the felling of trees unless pruning and site management solutions have been considered and discounted as an alternative to felling. Each case will be judged on its merits. Tree felling will not be normally permitted for mature trees of high amenity value unless there is very clear justification for the work. There may be cases where the value of the tree, in terms of amenity value, cultural importance or biodiversity may override the reason to fell. Conversely where a tree is of limited amenity value or a relatively young specimen, the justification for felling will not need to be as vigorous as for a mature tree of high amenity. Trees in groups or in woodlands may be felled as part of a regime of thinning to provide more space for the retained trees to grow and provide more light so that ground flora and the shrub layer within the woodland can flourish.

The table at section 9 gives guidance on common situations where felling may be considered.

8 When can trees be pruned?

Pruning, particular heavy pruning, should be avoided for the tree health reasons stated in Guidance Note 1, since any cutting can weaken the tree and allow decay organisms to enter exposed and vulnerable tissue, causing significant decay. Pruning of a healthy tree may cause it to respond by producing vigorous new growth and in certain species the harder the pruning, then the more vigorous will be the re-growth. Older trees do not tolerate pruning as well as younger ones and substantial pruning can be very damaging particularly in species which are not naturally tolerant of cutting. Tree pruning will not be permitted where the tree is of high amenity value and there is no justification for the work. Work will also be resisted if the tree has been pruned during the previous 2 years, unless there are special circumstances agreed by the Arboricultural Team Leader. As with felling, each case will be carefully judged on its merits.

The table at section 9 gives guidance on common situations where pruning may be considered and the type of pruning that is likely to be advised.

9 Guide to tree management

The intention of the following table is to provide a guide to the types of pruning that will be acceptable to resolve common issues that arise in relation to trees. It also gives guidance of when trees may be considered for felling. It is impossible to be entirely prescriptive or to consider in detail all situations that may arise but it outlines the Council's general approach and will act as the basis of all day to day decisions in response to requests for tree work.

The types of tree pruning recommended are described in Guidance Note 1: Guidance for works to trees, which should be read in conjunction with this guide.

	Common reasons for tree work	Comments	Tree work solution	
9.1	**Risk reduction**		**Pruning**	**Felling**
9.1.1	Removal of hazards or reduction of risks For example the removal of the entire tree, or dead or diseased branches, broken and hanging branches, or storm damage to make a tree safe, and to reshape and balance the crown	The two principal hazards are falling branches or the whole tree failing due to structural failure or root failure Dead and dying trees can be a hazard as the branches become brittle and are more prone to failure. This risk is detailed in Guidance note 6: Tree Risk Management Dead trees in suitable locations provide a valuable habitat, and may be made safe and retained, following a risk assessment. Risk reduction pruning will be considered before felling and removal. In informal areas dead and dying trees may be rendered into a safe condition by reducing the branch structure	A variety of pruning may be appropriate: - Removal of dead wood/ crown leaning - Crown reduction - Removal of selective branches - In some cases 'topping' may be appropriate if the stem can be retained safely for its biodiversity and wildlife value Any or occasionally a combination of the following. dependent of circumstances: - Crown thinning - Crown lifting - Crown reduction	If the risk assessment indicates that the tree is an unacceptable risk
9.1.2	Trees causing a legal nuisance	A "legal nuisance" is one that is actionable in law. A tree cannot be a "legal nuisance" to its owner. Examples include physical damage to another owner's property caused by roots or branches. Alleged structural problems must be carefully investigated, and evidence will be expected if it is alleged that a tree is contributing to damage to a property	Any or occasionally a combination of the following. dependent of circumstances: - Crown thinning - Crown lifting - Crown reduction	Felling only considered if the nuisance is severe and unlikely to be addressed by pruning Felling may be an acceptable management action, such as in a wooded area or if the tree is young and unsuitable for the location, and has high growth potential
9.1.3	Trees giving rise to real or perceived fear of crime, trees which have provided access/cover for criminal acts, vandalism and harassment for local residents	The management of trees in instances such as this may be one of a variety of solutions considered	Typically making areas visible through crown lifting, thinning and coppicing may be required. This will vary depending on circumstances and location	Felling will only be acceptable as a last resort and where other solutions have been considered

	Common reasons for tree work	Comments	Tree work solution	
9.2	**Good maintenance and aesthetics**		**Pruning**	**Felling**
9.2.1	Structural or formative pruning to improve crown shape and branch structure. To avoid having to carry out more harmful pruning in the future or loss of tree due to poor form or structural weakness	Works shall only be carried out to young or semi-mature trees. In exceptional cases structural pruning may be carried out on maturing trees, when there is a desire to retain trees with significant structural weaknesses to remove a risk of branch failure, or following storm damage Pruning for purely aesthetic reasons such as to balance the shape of the crown will only be undertaken in formal areas and only be a very light removal of the crown area - usually less than 15%	Usually one of the following types of pruning will be specified dependent on the circumstances: - Formative pruning - Restoration pruning - Selective branch removal	Only if tree is of a very poor form and of low amenity value and pruning cannot achieve a desirable result
9.2.2	Disease prevention and control	Occasionally diseases or other disorders may affect part of the tree population, and will need controlling. Trees may then need to be felled to prevent the spread of disease or disorder, such as Dutch Elm Disease, and Ash Dieback, to benefit the wider tree population In these cases the guidance of appropriate bodies such as Forest Research, and the Arboricultural Association will be followed	Removal of infected limbs	Felling of diseased trees as appropriate and in accordance with guidance

	Common reasons for tree work	Comments	Tree work solution	
9.2	**Good maintenance and aesthetics**		**Pruning**	**Felling**
9.2.3	Woodland or tree/ shelterbelt /group management Thinning, coppicing and other similar operations being undertaken as part of an approved management plan to maintain woodland and promote good woodland and arboricultural practice	The felling of trees to thin out a small copse or woodland is desirable for maintenance of the area. This type of work is essential during establishment to reduce the number of young trees and to allow the best trees to flourish, encouraging healthy growth and development Sometimes tree removal from mature stands may be necessary to promote regeneration and improve the age structure It may be necessary to selectively thin groups of trees to remove non native, invasive, or just undesirable species to benefit the group as a whole in the longer term	Removal of lower limbs of trees	Thinning by felling typically benefits the health, structure or biodiversity value of the group of trees as a whole
9.2.4	Wildlife habitat improvement	Occasionally it may be necessary to fell trees to promote a particular habitat, for example to improve grassland or to encourage native tree species or desirable ground flora Other maintenance practices such as hedge laying and the creation of deadwood habitats may be appropriate to improve the biodiversity value of wooded areas	The type of pruning will be dependent on the circumstances and should be justified Innovative techniques such as coronet pruning may also be used	The felling of trees will only be carried out when it is clearly justified. The wildlife value of the trees will always be taken into account

	Common reasons for tree work	Comments	Tree work solution	
9.3	**Prevention of damage**		**Pruning**	**Felling**
9.3.1	Trees too close to adjacent structures; branches growing and in contact with buildings, trees that are restricting access for repairs and maintenance of buildings, or authorised construction work	When assessing planning applications the proximity of trees to proposed buildings will be a consideration However in some cases planning consent may be granted where it will be necessary to prune trees to allow construction, especially to allow access to site under the canopy of larger trees	Crown or selective branch reduction or lifting as appropriate	Felling only considered as a last resort if the obstruction cannot be addressed by pruning or if the tree has a high growth potential and would be inappropriate for long term retention in that location
9.3.2	Trees in close proximity to walls and fences which are causing direct damage	As trees grow the increasing girth of the stem and roots can displace walls and fences. Also the movement of branches may cause damage In some cases it is possible to realign, repair, or replace walls/fences bridging over root buttress or leave gap in the boundary to accommodate the tree. Solid boundary structures may also be replaced with hedges	Removal or reduction of selective branches or crown lifting	Where the tree is young and the potential for damage is foreseeable and unavoidable Where the damage is severe and alternative solutions without tree removal not possible

	Common reasons for tree work	Comments	Tree work solution	
9.3	**Good maintenance and aesthetics**		**Pruning**	**Felling**
9.3.3	Trees growing close to and obstructing / likely to obstruct or interfere with above ground service equipment such as lighting columns, CCTV, overhead cables and road signs	Tree branches may obstruct or become entangled with services equipment such as electricity lines, telephone cables or street lighting and signage Utility service providers have statutory powers to clear their operational equipment. Where this is the case discussion with the Council is advised to agree the most sensitive pruning regime possible New service locations should be agreed with Tree and Landscape Officers, and vice versa, to ensure future conflicts are avoided	Any or occasionally a combination of the following dependent of circumstances: - Crown lifting - Crown reduction - Selective branch removal	Where there is a young tree with a high growth potential in close proximity to equipment and regular and harmful pruning will be required to retain it in that location For mature trees only if alterative solutions cannot be found such as pruning or relocation of the service equipment
9.3.4	Trees growing close to and likely to obstruct or interfere with underground services including drains, electricity, telephone cables and gas mains	If drains are damaged and are leaking water, tree roots may be attracted to the moisture source and proliferate in the drains causing blockages. These can often be removed and the drains repaired without the need to remove the tree or undertake drastic root pruning Damage to underground cables is rare but access to these for maintenance sometimes requires excavation in the vicinity of the tree roots. Damage may also occur during the installation of new services in close proximity to existing trees. The guidelines of NJUG Chapter 4 should be followed where these works are required	Root pruning should only be undertaken where it is unavoidable and specified in agreement with the Arboricultural Officer or Arboricultural Team Leader	Felling will only be acceptable where essential works to services are required and access cannot be achieved without damaging roots to such an extent that the health and stability of the tree is uncertain In some case where a young tree with a high growth potential has established in an unsuitable location close to an underground service access point such as a manhole

	Common reasons for tree work	Comments	Tree work solution	
9.4	**Highway safety**		**Pruning**	**Felling**
9.4.1	Obstruction to the public highway or growing low over footpaths, public rights of way or access to private property, gardens or open spaces where the public have access	The Highways Authority can enforce the pruning or removal of a tree, including privately owned trees, obstructing the highway A minimum clearance of 2.1m should be maintained over public footpaths and 5.2m above the carriageway of adopted highways	Crown lifting or selective branch reduction	Felling only considered if the obstruction is severe cannot be address by pruning

	Common reasons for tree work	Comments	Tree work solution	
9.5	**General nuisance**		**Pruning**	**Felling**
9.5.1	Trees blocking daylight from habitable rooms and gardens to a severe and unreasonable degree	The seriousness of this effect is as variable as the perception of it. Various factors can affect the light reaching a property or garden including the aspect and other obstructions Pruning will normally only be carried out where the trees are a significant contributory factor and there is a reasonable chance that pruning will improve the situation. The effect of restricting light can sometimes be reduced by crown thinning and crown lifting. Although this may not increase the amount of light to the maximum level possible, it is usually a satisfactory compromise Shading of habitable rooms of property will be given more weight than the shading of the garden	In most cases crown thinning, but occasionally crown lifting or reduction dependent on circumstances	Felling for this reason will normally only be acceptable where there is a dense group of trees and some trees can be removed to benefit the growth of the group as a whole, or when shading is having a significant detrimental impact upon residents use and enjoyment of their property
9.5.2	Trees causing a general nuisance which prevent the reasonable enjoyment of the home and garden	In addition to shading, large trees can cause a number of other common complaints such as leaf fall, dropping of small twigs, seeds, berries etc Also insects and birds associated with trees can be a cause for concern. Honeydew, a sticky substance produced by aphids tends to adhere to surfaces below the tree and sometimes attracts wasps. Bird droppings can be an issue where the tree tends to attract large numbers of birds The same principles apply; pruning will normally only be carried out where the trees are a significant contributory factor and there is a reasonable chance that pruning will improve the situation	Any or occasionally a combination of the following dependent of circumstances - Crown thinning - Crown lifting - Crown reduction - Removal of dead wood	Felling for this reason will normally only be acceptable where there is a dense group of trees and the removal of some will benefit the group as a whole, or when shading is having a significant detrimental impact upon the residents use and enjoyment of their property

	Common reasons for tree work	Comments	Tree work solution	
9.5	**Prevention of damage**		**Pruning**	**Felling**
9.5.3	Trees affecting the reception of terrestrial, satellite and digital television signals	Interference with signals is worse when the leaves are on the trees and in bad windy and rainy weather satellite and digital reception is more sensitive to interference than television reception In most cases, the situation can be significantly improved or solved by the relocation of the aerial or satellite receiving dish. Boosters are also available which can improve the reception significantly. These options are far cheaper and less destructive than the felling or pruning of a tree There is no legal right to TV reception and interference is not, at present, a legal 'nuisance' as defined in law Pruning will normally only be carried out where the trees are significant contributory factor and there is a reasonable chance that pruning will improve the situation	If works can be undertaken within guidelines in Guidance Note 1: Guidance for works to trees, the following may be considered: - Crown lifting - Crown reduction - Selective branch removal	Only if there are other reasons for removing the tree

10 Summary

- The Council will endeavour to respond to all requests for tree inspections within 4 weeks and provide a decision within 2 weeks of the visit by the Arboricultural Officer.
- Work to Council managed trees will follow the guidelines set out in section 9 of this document and be prioritised dependent on urgency, appropriateness and availability of resources.
- Public notification will be undertaken at the discretion of Council officers and generally only when the felling of prominent mature trees is being considered and safety is not an overriding issue.
- All applications to undertake work to protected trees will be considered following statutory guidelines and within the statuary timescales.
- Pruning only with acceptable limits and to specifications outline in Guidance Note 1: Guidance for works to trees.
- Where appropriate a pruning solution will always be attempted in the first instance and felling only considered if this fails.
- Requests for pruning will be resisted if the tree has had some work carried out in the last 2 years.
- The amenity and importance of tree will be taken into account when considering the justification for works

11 More information

For further information

Huntingdonshire District Council

Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

01480 388388

Useful Documents

Huntingdonshire District Council Complaints Procedure http://www.huntingdonshire.gov.uk/Councils%20and%20Democracy/Council/Pages/complaints.aspx

3.3 Guidance Note 3: Guidance for Trees and Development

1 Introduction

Trees are a vital component of the built environment, adding variety and creating a more healthy and enjoyable living environment. Trees enrich our surroundings and are instrumental in enhancing quality of life. Apart from their visual amenity value, trees provide shade, help to absorb noise and provide a habitat for wildlife. The more general environmental benefits of trees include the filtering of air-borne pollutants, intercepting and reducing storm water run off, and the net production of oxygen. They also help to offset the urban heat island effect (an urban area that is significantly warmer than its surrounding rural areas due to human activities) by creating valuable shaded areas, and their presence has the potential to increase property values.

When considering proposals for development, it is important to take into account the effect they may have on existing trees, and to explore the opportunities for new planting.

This note sets out best practice for pre-application discussion, progressing the application, and subsequent construction phases. It is recommended that this document is read prior to contact with the Huntingdonshire Planning Service.

A partnership approach is required between the Huntingdonshire District Council (HDC) and the applicant's development team. A flexible approach by both parties within a clearly defined framework will lead to an efficient planning and implementation process resulting in a higher quality of built environment. The Council aims to develop sound working relationships with applicants and their agents when dealing with matters relating to trees on development sites.

Trees are at risk from the pressures of development. Damage can be sustained to both the above ground and below ground parts of trees.

Any failure to evaluate fully the impact of development at the earliest opportunity could lead to the loss of tree cover, which would inevitably create a poorer living environment.

Protecting the tree root systems is a key issue when dealing with trees and development. To try and ensure that damage does not occur, the British Standard (BS) Institute has introduced the concept of a Root Protection Area (RPA). The RPA is an area surrounding a tree that contains sufficient rooting volume to ensure the tree's survival. RPA dimensions will need to be agreed with the Council.

Diagrammatic shape and extent of a typical tree root system (at this scale, most of the root system would be too fine to depict)

Figure 9: Typical root pattern

It is a common misconception that trees have deep tap roots. Most roots will be found in the first 1 metre (40 inches) of soil and may spread well beyond the canopy line. Works within the RPA are generally prohibited. Even a small trench 0.5 metres (20 inches) deep to accommodate a cable or drain may lead to the loss of the tree.

How can trees be damaged?

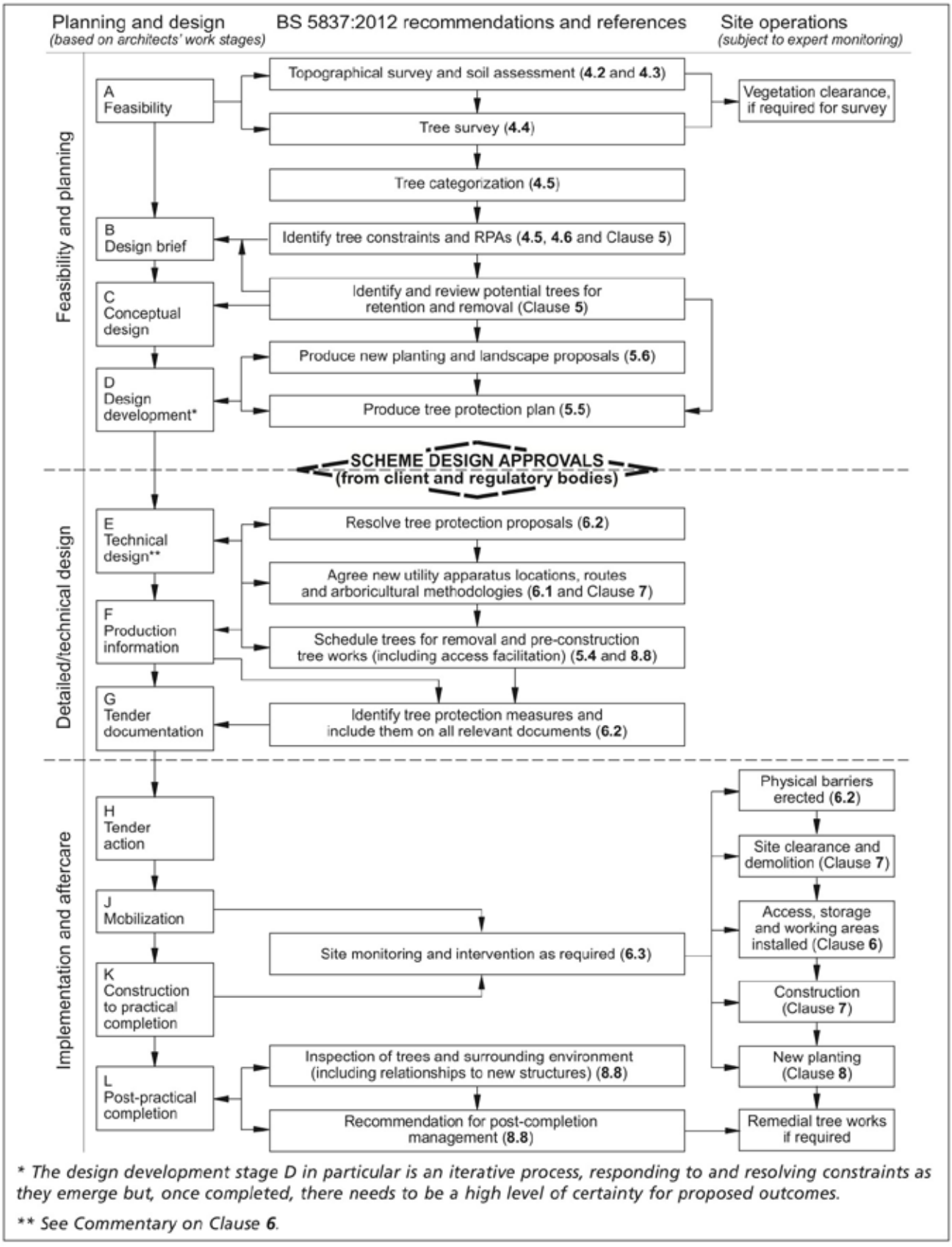
Damage to trees can occur during the demolition, construction and landscaping phases of a development. Examples of the most common ways damage is caused are as follows:

- Bark wounds or broken branches caused by machinery.
- Compaction of the soil from movement of heavy machinery.
- Root bark damage from site stripping or grading.
- Cutting of roots during excavation for foundations and services.
- Raising or lowering soil levels around trees.
- Raising the water table.
- The spillage of petrol or diesel, mixing of cement and the storage of materials which are toxic to trees, or machinery placed or operating beneath the canopy of a tree or within the tree's RPA.
- Burning waste materials close to the tree.
- Removal of branches to create space for scaffolding or access of heavy plant.

To integrate existing trees into a proposed development successfully, it will be a planning requirement to allow enough space in the design to enable trees to mature and flourish without outgrowing their surroundings and will not dominate adjacent new structures or create apprehension to new residents. Protection measures during the entire construction phase, including demolition, will also be required. Trees should be considered at the earliest design stage to allow them to be successfully integrated into new development. A survey of trees on and adjacent to the site should be the first step in the design process.

The diagram, Figure 1, summarises the framework within the document British Standard 5837: 2012 'Trees in relation to construction – Recommendations'. This should be the principal reference document when considering new and existing trees on proposed development sites.

Figure 1 **The design and construction process and tree care**



** The design development stage D in particular is an iterative process, responding to and resolving constraints as they emerge but, once completed, there needs to be a high level of certainty for proposed outcomes.*

*** See Commentary on Clause **6**.*

2 The pre-application stage

2.1 Initial considerations

It is desirable for contact to be made with HDC at the earliest opportunity so that proposals regarding development may be discussed. It is often productive for a pre applicatyion consultation to take place with Council Officers at this stage, with an initial idea of the nature of the development in order to assess the possible impact on trees. The proposals for the site should not be fully developed at this stage. The presence of trees, and their possible retention, should be an important factor in influencing the layout of any development.

At this stage it is beneficial for the applicant to have already completed a Land Survey, Tree Survey and Tree Constraints Plan, and also to have an understanding of the ecological impact of the proposed development. This information will enable the Council to provide more accurate advice and guidance regarding acceptable development parameters.

2.2 Incorporating trees into the development

Adequate consideration should be given to trees that are present on or adjacent to a site. The Council can require existing trees to be protected and retained, through the use of a planning condition, even when they are not the subject of a Tree Preservation Order. Development layouts should be designed to ensure that retained trees are able to grow and mature in the space provided. This will avoid future problems arising due to the trees' proximity to buildings, which would necessitate heavy and ongoing pruning that would be detrimental to their landscape value. Retained trees that are poorly positioned in relation to buildings can cause structural problems, distress or financial loss to occupants. Even if not affecting trees directly, development layouts will not be acceptable if they would result in undue pressure for future felling or unsightly heavy pruning.

New tree and shrub planting should be recognised from the outset as an integral part of any development, and should have regard to the national, regional and local Biodiversity Action Plans and Landscape Character guidelines. New planting should be purposefully designed to complement the proposed features of the development and existing features intended for retention. It is equally important to plan for the planting of trees on development sites that have no existing trees.

2.3 Arboricultural advice

Careful planning is essential to achieve a high quality development that fully considers all Arboricultural requirements. The inclusion of a suitably qualified Arboricultural Consultant on the design team and throughout the development process (i.e. from the survey phase to first occupancy) will help ensure that:

- Only trees suitable for retention are kept in accordance with the British Standard document BS 5837:2012 'Trees in relation to construction – Recommendations'.
- The juxtaposition of retained trees and proposed/existing buildings will not result in conflict.
- An appropriate level of information is submitted with a planning application.
- Retained trees are properly protected throughout the construction phase.
- Only trees of suitable species are incorporated in the landscape scheme.

The Arboricultural Association maintains a list of Registered Consultants (contact details at section 6 below).

2.4 Land surveys

Land surveys should be precise and show all relevant site features, including accurate location and identification of all trees, hedgerows and shrubs over 2 metres in height and/or with a stem diameter of 7.5cm measured at 1.5 metres above ground level. This survey should be made available as scale drawings (preferably 1:100 or 1:200) and in a commonly agreed digital format, if available, before any application for planning permission is submitted.

The survey should also include:

- Spot heights of ground level throughout the site.
- Location of trees on adjoining land less than half a tree height from the site boundary.
- The accurate canopy spread. If this is irregular it should be shown as such on the Land Survey plans.

2.5 Tree Surveys

Where developments are likely to affect existing trees on and off the site within 15m of the boundary where construction is likely to be proposed the Council will require the submission of a detailed tree survey, drawn up in conjunction with the land survey.

The recommendations of the tree survey should be based on the condition and value of the trees as they are, and NOT on a preconceived layout for the site.

All trees should be numbered on the land survey plan. Where appropriate, due to dense tree cover, tags with a corresponding number should be attached to all trees.

A tree survey should only be undertaken by a suitably qualified Arboriculturist with experience of trees on development sites and will be expected to meet the requirements of sections 4.2 to 4.4 of British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations', (or the current revision of this document). It should assess all existing trees, including those on neighbouring land that may be affected by the development, and should include at least the following information:

- Species of tree.
- Height (in metres).
- Diameter of the trunk (measured at 1.5m above ground level on single stem trees and immediately above the root flare on multi-stemmed trees).
- Canopy spread in metres in relation to all four compass points (to be recorded on tree survey plan).
- Height of crown base (i.e. clearance above ground of lowest branches; in metres).
- Age class (young, middle age, mature, over mature, veteran)
- Assessment of condition (physiological and structural)
- Tree management recommendations (e.g. Remove deadwood, crown lift etc)
- Desirability for retention in accordance with Table 1 of BS 5837: 2012. Retention categories should be clearly differentiated on plans

2.6 Identifying trees suitable for retention (BS 5837:2012 Tree Categorisation)

Table 1 within BS 5837:2012 explains how trees should be categorised. Section 4.3 of the Standard describes how the cascade chart should be used. Category A and B trees should be retained. Category C trees should be considered for retention where they would not impose a significant restraint on development

There is often a misconception that category 'C' trees, being those of lower quality and value, are dispensable. However, in certain situations it may be a requirement that category 'C' trees should be retained until new planting has established.

2.7 Tree Constraints Plan (TCP)

Correct interpretation of the information from the land survey and tree survey is essential for the proper selection of trees suitable for retention and for identifying the constraints that these trees impose on the site now and in the future. The TCP is a design tool that illustrates the constraints imposed by trees both above and below the ground, and should be used to inform the design process.

The TCP should illustrate the Root Protection Area and Buffer Zones.

2.8 Root Protection Area (RPA)

This is the area identified around a tree where no development is allowed. This area is vital to avoid damage to the roots or rooting environment of retained trees. Section 5.2 of BS 5837: 2012 should be referred to for detailed guidance on the calculation of this area.

It should not be assumed that building/ excavating may take place up to the edge of the RPA. Adequate working space between proposed buildings and the RPA should always be incorporated into the design.

Arboriculturalists should acknowledge that many trees that have grown within a built and developed environment will not have a regular rooting area, as a consequence of surface and sub-surface obstructions and constraints. In such circumstances the RPA may often need to be significantly altered and presented asymmetrically to account for unusual root system layouts. It may be necessary to quantitatively assess the extent of root spread by tree root sensitive excavations.

The RPA should be calculated by referring to the criteria in Section 5.2 of BS 5837: 2012, in particular Table 2.

2.9 Buffer Zones

A Buffer Zone is an area identified where it would be unreasonable to locate inhabited buildings. This should be established with regard to the ultimate size of trees in relation to proposed buildings. This Zone will allow trees to grow and mature naturally without unreasonably dominating buildings or gardens either now or in the future and should also take account of reasonable daylight requirements. It may be acceptable to locate uninhabited buildings (e.g. garages) or lightly loaded structures such as driveways, paths or hard standing within the buffer zone.

Not only the current but also the ultimate height and spread of a tree is a constraint due to its size, shading, dominance and movement potential in high winds. Therefore, the ultimate height and spread all trees to be retained should be annotated on the TCP.

3 Planning the development – the design stage

3.1 Initial Consideration

All survey information and the Tree Constraints Plan should be given to the developer's design team who can then logically design the development in relation to the existing tree cover.

3.2 Subterranean development

Whilst perhaps not yet a common proposal within Huntingdonshire, pressure to maximise the development potential on valuable town centre sites often means building elements are constructed below ground which often involves excavations from the side of the basement below the main footprint of the building. This can place the proposed structure close to retained trees both on site and within the adjacent third party land.

When considering the impact of such a proposal the principles outlined in BS 5837 2012 and set out above should be applied at the design stage and when assessing the likely impact of the proposal on the health and safety of the affected trees. Additional issues including ground moisture dynamics and the availability of water to the tree's root system and the stability of the excavation will need to be considered and included within a detailed arboricultural management plan to ensure that the retained trees are not damaged.

Whilst many things are possible the likely cost increase in terms of the development may be better spent on substantial new trees if the existing trees are of low quality.

3.3 New Tree Planting

Section 197 of the Town and Country Planning Act 1990 places a duty on the Local Planning Authority to secure the planting of new trees. HDC will secure the planting of new trees in locations where they will complement the surrounding local landscape and architecture. We will seek to ensure that the species of tree planted is suitable for each location.

The following factors should be considered when planning a tree planting scheme:

- Adequate space should be allowed for planted trees to reach their mature height and spread without causing nuisance to built structures and their occupants
- Predicted mature height and spread, crown density, propensity to shed honeydew, seeds or fruit etc. Wherever possible, large forest canopy tree species should be specified
- Suitability of planting positions in proximity to adjacent constructions, such as walls and buildings, to avoid the risk of structural damage occurring as trees grow and mature.
- Suitability of new trees within the built environment. They should complement the surrounding architecture, the historic environment and the local landscape in the long term. For example, formal terraced buildings require suitable formal planting; more irregular and varied planting may be more appropriate in a less formal built environment

Criteria other than potential size should be taken into consideration when choosing species – for example, colour of backdrop. A silver birch would not be clearly visible against a light background.

Suitability of tree species in relation to potential changes in climate, such as drought and predicted future increases in temperature should also be considered.

To enable trees to reach their optimum size, a sufficient soil volume should be available to the root system. The soil type, including drainage, should be such that tree roots are able to grow and function adequately.

3.4 Tree Protection Plan

Production of an accurate Land and Tree Survey and Tree Constraints Plan will enable the production of a Tree Protection Plan (TPP) for trees on or adjacent to the proposed development site.

The physical protection of trees during the construction process is the best way to ensure successful retention. This will impact on the available space for construction work and, consequently, on the siting of buildings. A Tree Protection Plan should be developed at an early stage and should contain the following information:

- Trees to be retained, clearly identified (e.g. by tree survey number) and marked with a continuous outline.
- Trees to be removed, clearly identified (e.g. by tree survey number) and marked with a broken outline.
- The precise location for the erection of protective barriers. This should enclose at least the area of the minimum Root Protection Area as identified in the Tree Constraints Plan, and should be marked on the plan as a construction exclusion zone.
- The precise location of other physical protection measures, (for example, temporary ground protection to prevent soil compaction).
- Specification details of the proposed protective fencing around the tree Root Protection Areas.

  Tree protective fencing that can be easily moved (e.g. Heras panels mounted on rubber/concrete feet) is not acceptable.

  See Figure 2, which provides an example of acceptable RPA protective fencing, in line with BS5837:2012. In certain instances on congested development sites it may be acceptable to position protective fencing within the RPA to allow the erection of scaffolding. See Figure 3.
- A schedule of pruning work identified in the tree survey either in accordance with good tree management, or precautionary, to prevent accidental damage during construction.
- Locations of areas proposed for positioning site huts, temporary toilet facilities and for the storage of building materials.

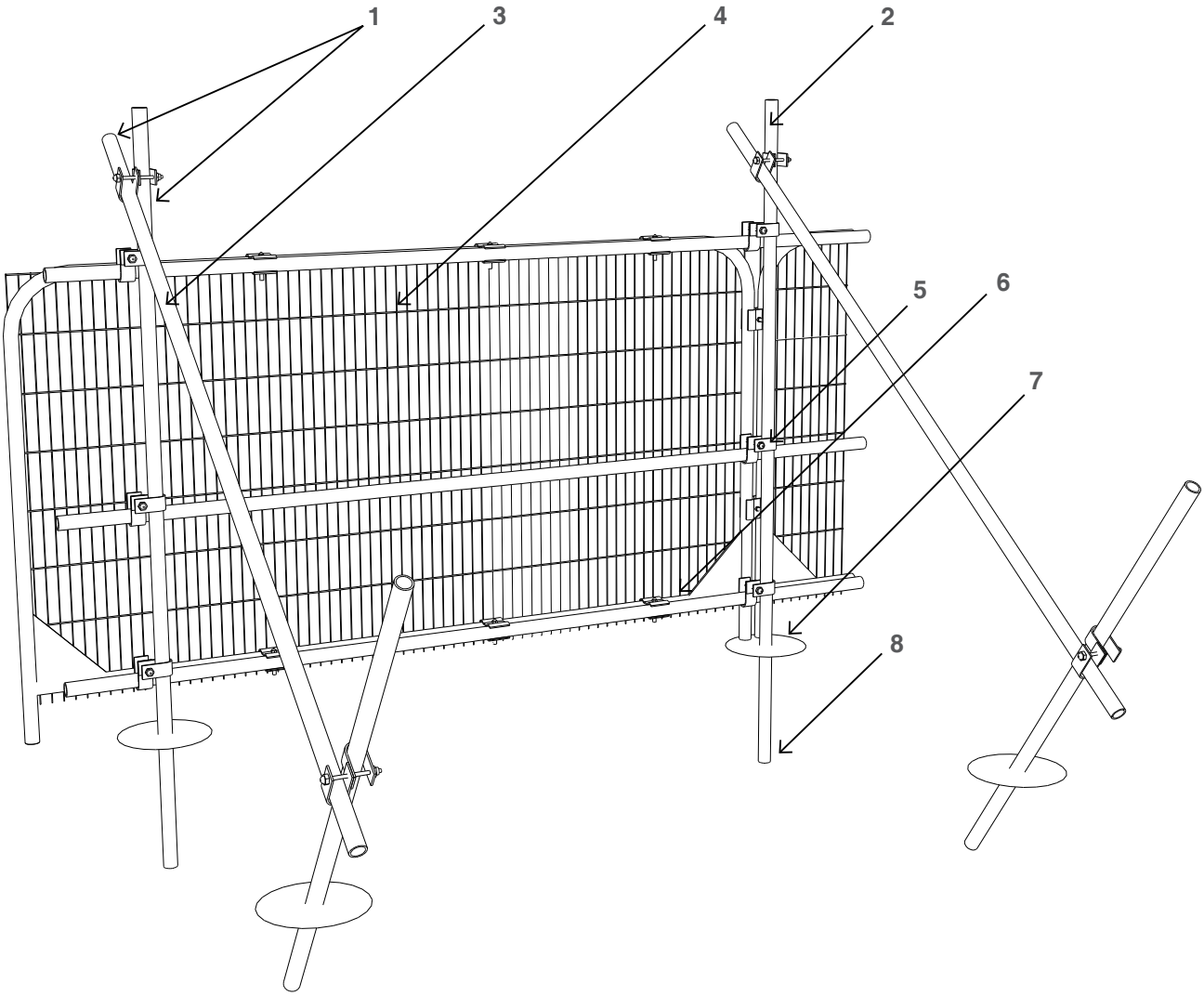


Figure 10: Protective barrier

1 Standard scaffold poles

2 Uprights to be driven into the ground

3 Panels secured to uprights with wire ties and where necassary standard scaffold clamps

4 Weldmesh wired to the uprights and horizontals

5 Standard clamps

6 Wire twisted and secured on inside face of fencing to avoid easy dismantling

7 Ground level

8 Approx 0.6m driven into the ground

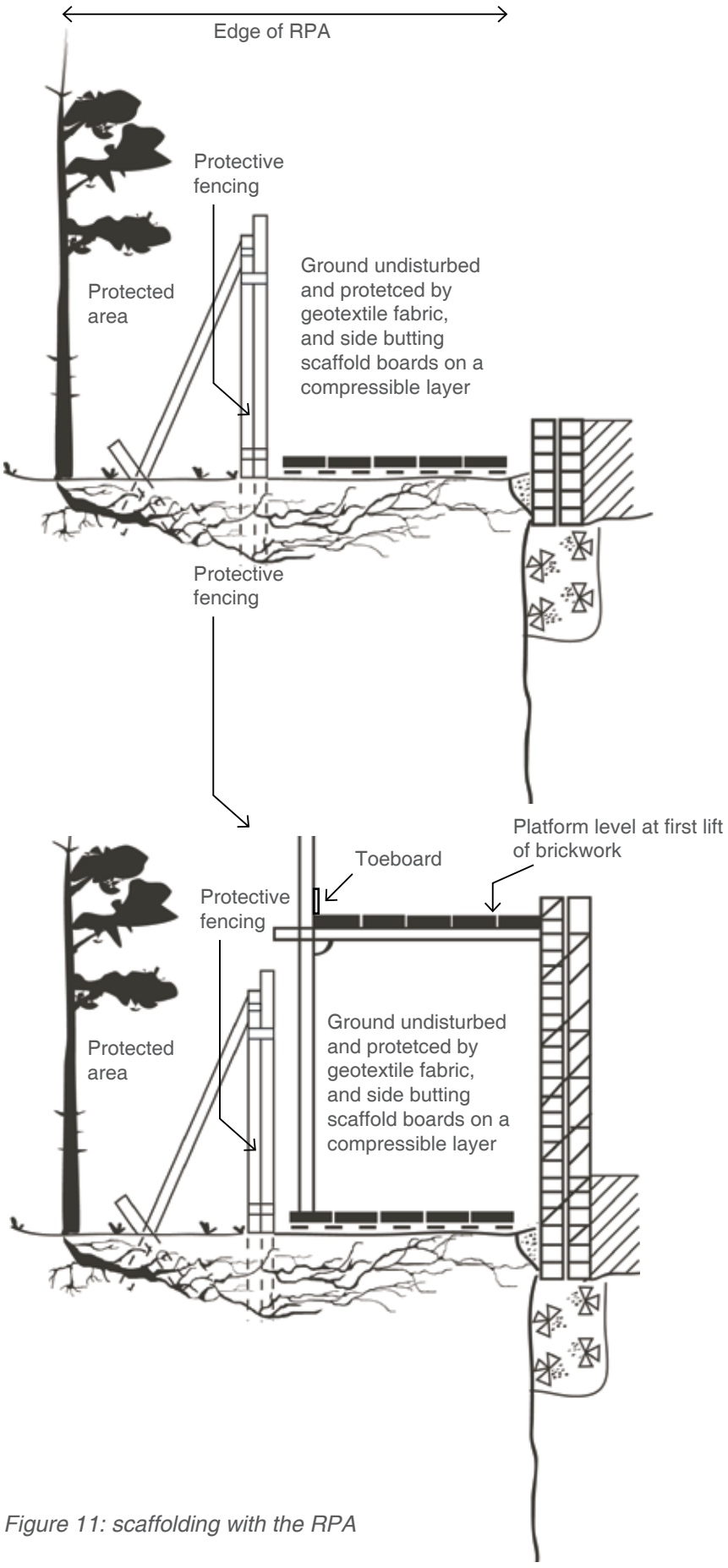


Figure 11: scaffolding with the RPA

3.5 Arboricultural Method Statement

On sites where trees are likely to be particularly vulnerable to damage the submission and approval of a detailed method statement for works near trees may be required. This is a particularly common requirement on congested development sites where working/storage space is very limited.

A method statement is likely to be required when one or more of the following aspects are a consideration at the time a planning application is submitted:

- Site construction access.
- Demolition of existing structures.
- Removal or replacement of existing surfacing.
- Groundworks directly adjacent to trees designated for retention.
- Positioning site huts and temporary toilets for use during the demolition/construction phase (including their drainage requirements).
- Space requirements for storing materials, spoil and fuel and the mixing of cement/concrete.
- Construction of underground services runs, bike sheds, bin storage areas.
- Specification and installation of temporary and permanent access paths/driveways near trees.
- Landscape operations (e.g. soil preparation within the RPA).
- Space requirements for piling rigs, foundation excavations and construction works.
- All changes in ground level, including the location of retaining walls, steps etc.

HDC will be guided by the recommendations contained within BS 5837 2012: Trees in relation to design, demolition and construction - Recommendations. This document provides essential advice. However, the Council will consider new methods or processes where these can be shown to improve the likelihood of tree retention on the site.

4 Planning permission – submission requirements

4.1 Important pre-application information

The following applies to all applications where there are trees on or adjacent to the proposed development site. Failure to submit the required information will prevent the application from being registered, or lead to a delay in determining an application.

Note: It may not always be necessary in all cases to provide all the information listed below, as the requirements of each individual development will vary. You are advised to seek pre-application advice if you are in doubt as to what may be required. If pre-application advice is not sought from the Local Planning Authority, applicants will usually be required to submit a Land Survey, Tree Survey and Tree Protection Plan with their planning application. If this information is not submitted it may delay the registration or determination of the application.

4.2 Submission Requirements

The following information should be submitted as part of the planning application:

- Land Survey (See section 2.4 above for guidance)
- Tree Survey (See section 2.5 above for guidance)
- Tree Protection Plan and Arboricultural Method Statement (AMS) (The content or necessity of an AMS will be dependent on the requirements of each individual application. See section 3.4 above for guidance.)
- Landscaping/tree planting scheme. (Tree planting proposals should include species and size of each tree measured by girth in cm, as should any proposed changes in ground levels)

The Council may request additional information before determining an application.
Once an application has been received by the Planning Department it will be necessary for a Council Arboricultural Officer to visit the proposed development site.

5 Implementation of planning controls

5.1 Planning Conditions

Experience has shown that a tree protection scheme is more likely to be successfully implemented if submitted and approved as part of the planning application.

Conditions will be attached to a planning permission, for example to ensure that that the Root Protection Areas of retained trees are adequately protected with tree protection barriers for the duration of the demolition/construction phase of the development.

Developers will be required to notify the Council's Planning Service prior to commencement of any works on site, including demolition. At this stage Council Officers will inspect the measures that have been put in place to protect trees during construction. Ad-hoc visits will be made throughout the construction phase to check that tree protection measures are still in place. The Council will exercise their powers of enforcement, where necessary, to ensure compliance.

The Council will not only expect developers to obtain the appropriate professional advice during the application stage but may attach a condition to ensure adequate supervision of the construction phase by the developer's own Arboriculturist.

If difficulties are experienced at any time during the construction process in complying with conditions relating to trees (e.g. in maintaining the distances for protective fencing in accordance with the Tree Protection Plan) and it is desired that the terms of any conditions be modified, it will be necessary to obtain the written agreement of the Council.

5.2 Failure to comply with planning conditions

Where a breach of any tree protection related planning condition is identified, the Council will take appropriate enforcement action. This may include serving a 'Stop Work Notice' on a construction site where a contravention has occurred, or the instigation of legal proceedings under Section 210 of The Town & Country Planning Act 1990.

5.3 Commencement of site works

All operatives should be aware of all tree protection measures, and a copy of the approved Tree Protection Plan, any Arboricultural Method Statements and a copy of the planning consent with conditions should be available for inspection on the site. The following simple rules MUST be adhered to throughout the demolition and construction phases of the development:

Do not remove the protective fencing for any reason without prior approval.

- Repair any damage to the protective fencing immediately.
- Do not park or operate machinery and equipment near trees.
- Do not store materials within the RPA.
- Contaminants (fuel, oil and chemicals) must be stored at least 10m away from the protected area.
- Do not mix cement near trees.
- Do not light fires within 10m of any tree and beware of flames drifting towards branches.
- Do not secure temporary overhead cables or floodlights to trees.
- Do not change the ground level or excavate within the branch spread.
- If a retained tree is damaged in any way, the contractor should inform the Council's Arboricultural Officer or appointed Arboricultural Consultant immediately.

5.4 Removal of tree protection

No tree protection should be removed until the supervising Arboricultural Officer or developer's appointed Arboricultural Consultant has inspected the site. Failure to comply could prevent the full discharge of tree protection conditions.

6 More information

For further advice contact:

Planning Department
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN
Tel: 01480 388388

Building Regulations
Contact: Building Control
Tel: 01480 388388

Other useful contacts

Arboricultural Association

Tel: 01794 368717
Web: www.trees.org.uk

Department of Communities and Local Government

Web: www.communities.gov.uk

Department for Environment Food and Rural Affairs

Web: www.defra.gov.uk

Forestry Commission

Web: www.forestry.gov.uk/ltwf

Useful documents

British Standard BS3998: 2010 Tree Work Recommendations

British Standard BS5837: 2012 Trees in Relation to design, demolition and construction – Recommendations.

British Standard BS8206: Part 2: 1992 Code of Practice for Daylighting.

Building Research Establishment (1998). Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice.

National House Building Council Standards Chapter 4.2 (as amended). Building Near Trees.

National Joint Utilities Group Publication: Volume 4 (as amended): Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees.

Huntingdonshire District Council Tree Strategy.

Appendix 1: The Legal Framework

Section 197 of the Town & Country Planning Act 1990 (“the Act”) places a duty on any Local Planning Authority:

(a) “To ensure whenever it is appropriate that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) To make such Orders (Tree Preservation Orders, “TPO’s”) under Section 198 as appear to the Authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

In addition to the Act Huntingdonshire District Council is also guided by current national Planning Practice Guidance for Tree Preservation Orders and trees in conservation areas.

Many trees in the District are already protected by TPO’s or by merit of their location within a Conservation Area. Under the Town and Country Planning Act 1990 (as amended) it is an offence to cut down, uproot or wilfully destroy/damage a protected tree, or to top or lop it in a manner which is likely to destroy it without the consent of the Local Planning Authority.

The Council regards unauthorised removal of or damage to protected trees very seriously and will not hesitate to prosecute whenever the circumstances warrant it.

Appendix 2: Planning Policy and Guidance

The preservation of existing trees is a material consideration in the planning process, whether they are subject to existing statutory protection or not. Whilst trees may affect the development potential of some sites, in many cases they can be successfully integrated into new development schemes, adding to the overall value of a development.

The Huntingdonshire Tree Strategy highlights the importance of having an SPD for Trees and Development. This is documented as action plan point 2.4: Guidance Note 3: Guidance for Trees and Development' to be adopted within the LDF as SPD (Supplementary Planning Document) which is "To produce a Supplementary Planning Document to ensure the protection of trees to be retained on development sites and to require high standards of replacement tree planting and landscaping."

The Huntingdonshire Core Strategy (Huntingdonshire District Council, adopted 2009) documents contain a number of key policies and recommendations relating to trees which are a material consideration when determining planning applications. Council policy in respect of trees and development sites is set out in the 'saved' policies contained in Huntingdonshire Local Plan; some of the most relevant policies are summarised below:

- En5 Conservation Areas character
- En6 Design standards in Conservation Areas
- En9 Open spaces, trees and street scenes in Conservation Areas
- En18 Protection of countryside features
- En19 Tree Preservation Orders
- En20 Landscaping schemes for new development
- En22 Nature and wildlife conservation

3.4 Guidance Note 4: The Evaluation of Trees for Protection with a TPO

1 Introduction

Section 198 of the Town and Country Planning Act 1990 provides that local planning authorities may make Tree Preservation Orders (TPOs) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. Section 333 of the Act gives authorities powers to vary and revoke TPOs, and government advice is that authorities should keep their TPOs under review and make full use of their variation and revocation powers.

When a tree is protected by a TPO, the authority’s consent must be obtained before it may be felled, lopped, pruned, or otherwise worked on. Certain exemptions apply, such as in the case of dead, dying or dangerous trees and trees obstructing the highway. Anyone can apply for TPO consent, and whenever an authority refuses an application for consent, or grants consent subject to conditions, the applicant has the right of appeal to the Office of the Deputy Prime Minister.

The Act does not define amenity, but Government guidance states that TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. It advises local authorities to develop ways of assessing the amenity value of trees in a structured and consistent way.

This document is intended to provide a detailed and robust framework for decision-making when there are judgements to be made about the making, variation or revocation of TPOs. (Where the text refers to the making of TPOs the same considerations will equally apply to the variation and revocation of Orders.)

2 The System for Evaluation

2.1 Background

The impetus to take a fresh look at existing TPO suitability evaluation methods grew out of the preparation for a local authority client of a detailed Method Statement for reviewing Tree Preservation Orders The key requirement was that the Method Statement should provide a reliable means of assessing trees for TPO suitability.

Having looked closely at what was already available, consultant arboriculturalists CBA Trees decided that there was considerable room for improvement, as each of the better-known existing methods has disadvantages.

Accordingly, the Tree Evaluation Method for Preservation Orders (TEMPO) was developed by CBA Trees as a direct response to the apparent continuing uncertainty about what attributes a tree should have in order to merit statutory protection by TPO.

2.2 Overview

TEMPO is designed as a guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma. As such, it stands as a record that a systematic assessment has been made (ref. Tree Preservation Orders – A Guide to the Law and Good Practice “the Blue Book” 2000 para. 3.3).

TEMPO is unique in that it is the only method that considers all of the relevant factors in the TPO decision-making chain. In this connection, it is helpful to revisit the wording of the Blue Book:

‘Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO.’ (para. 3.4)

From this, it is clear that existing methods are inadequate, seeking as they do solely to consider the tree rather than any known threats to its retention. TEMPO corrects this omission by including an expediency assessment within the framework of the method.

Excluding the first section, which is simply the survey record and is thus self-explanatory, TEMPO is a three-part system:

Part 1: Amenity Assessment

Part 2: Expediency Assessment

Part 3: Decision Guide

These parts are set out and work as follows:

Part 1: Amenity Assessment

This part of TEMPO is broken down into four sections, each of which is related to suitability for TPO:

a) Condition
b) Remaining longevity
c) Relative public visibility
d) Other factors

The first three sections form an initial assessment, with trees that 'pass' this going on to the fourth section. Looking at the sections in more detail:

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD
Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may have already done so

FAIR
Trees have some defects, which are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential, or if they already have their condition is likely to decline. However, they can be retained for the time being

POOR
Trees in obvious decline, possibly requiring major intervention to allow their retention. Health is significantly impaired, and it is likely to deteriorate. Life expectancy is curtailed and retention is difficult

UNSAFE
Trees with severe, irremediable structural defects, including advanced decay, and insecure roothold. Collapse or toppling likely in the near term, retention therefore impossible as something worthy of protection

DEAD
Self-explanatory

The scores are weighted towards trees in good condition. It is accepted that trees in fair and poor condition should also get credit, though for the latter this is limited to only one point. It is our view that unsafe and dead trees should not be placed under a TPO, hence the zero score for these categories.

Where a group of trees is being assessed under this section, it is important to score the condition of those principle trees without which the group would lose its aerodynamic or visual cohesion. If the group cannot be 'split' in this way, then its average condition should be considered.

Against each of these terms is set an assessment of TPO suitability. These assessments are designed to reflect the fact that trees which are dead, dying or dangerous (which may be equated to the 'Dead' – obviously – 'Poor' and 'Unsafe' categories above) are effectively exempt from TPO protection.

b) Remaining longevity

This is expressed by five terms, which are defined as follows:

The reason that this is included as a separate category to 'condition' is chiefly to mitigate the difficulty of justifying TPO protection for veteran trees. For example, it is necessary to award a low score for trees in 'poor condition', though many veteran trees that could be so described might have several decades' remaining longevity.

Longevity has been divided into ranges, which are designed to reflect two considerations:

- It has long been established good practice that trees with less than ten years' remaining life expectancy are not worthy of a TPO (hence the zero score for this category)
- The further ahead one looks into the future, the more difficult it becomes to predict tree longevity: hence the width of the bands increases over time

Scores are weighted towards the two higher longevities (40-100 and 100+), which follow the two higher ranges given by Helliwell (the Helliwell System being a method of placing a monetary value on the visual amenity provided by individual trees and/or woodland).

The Arboricultural Association (AA) publishes a guide to the life expectancy of common trees (AA 4). This guide is as follows:

300 years +
Yew

200-300
Common [pedunculate] oak, Sweet chestnut, London plane, Sycamore, Limes

150-200
Cedar of Lebanon, Scots pine, Hornbeam, Beech, Tulip tree, Norway maple

100-150
Common ash, Norway spruce, Walnut, Red oak, Horse chestnut, Field maple, Monkey puzzle, Mulberry, Pear

70-100
Rowan, Whitebeam, Apple, Wild cherry, Catalpa, Robinia, Tree of Heaven

50-70
Most Poplars, Willows, Cherries, Alders and Birches

The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive. However, it should assist with determining the remaining longevity of most trees, in light of their current age, health and context.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

If a group of trees is being assessed, then the mean age of the feature as a whole should be evaluated. It would not be acceptable, for example, to score a group of mature birches based on the longevity of the single young pedunculate oak present.

As with condition, the chosen category is related to a summary of TPO suitability.

c) Relative public visibility

The first point of note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on future development sites, with the visibility enhanced as a consequence.

The categories each contain two considerations: size of tree and degree of visibility. We have not attempted to be too prescriptive here, as TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. However, we have found that reference to the square metre crown size guide within the Helliwell System can be helpful.

Reference is made to 'young' trees are in the lowest scoring category. This is intended to refer to juvenile trees with a stem diameter less than 150mm at 1.5m above ground level. The reasoning behind this is that such trees may be replaced by new planting, though it is accepted that replacement specimen trees towards the upper end of the given size are expensive.

In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible: it is accepted that, in exceptional circumstances, such trees may justify TPO protection (Blue Book para. 3.3.1).

Where groups of trees are being assessed, the size category chosen should be one category higher than the size of the individual trees or the degree of visibility, whichever is the lesser. Thus a group of medium trees would rate four points (rather then three for individuals) if clearly visible, or three points (rather than two) if visible with difficulty.

Once again, the categories relate to a summary of TPO suitability.

Sub-total 1

At this point, there is a pause within the decision-making process: as the prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The total of seven has been arrived at by combining various possible outcomes from sections a), b) and c).

The scores from the first three sections should be added together, before proceeding to d) Other factors, or to Part 3: Decision Guide, as appropriate (ie depending on the accrued score). Under the latter scenario, there are two possible outcomes:

- 'Any 0' equating to 'do not apply TPO'
- '1-6' equating to 'TPO indefensible'

d) Other factors

Assuming that the tree or group qualifies for consideration under this section, further points are available for four sets of criteria, however only one score can apply per tree (or group):

- 'Principal components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to the Veteran Tree Management Handbook (Read 2000 for English Nature) The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to refine the selection, but it is important to stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child (incidentally, in over 25 years it has never failed to be in flower on the child's birthday). Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this is deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero score disqualification (under Part 3)

Sub-total 1

This completes the amenity assessment and, once again, there is a pause in the method: the scores should be added up to determine whether or not the tree (or group) has sufficient amenity to merit the expediency assessment.

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a), b) c), plus at least two extra points under section d). Thus trees that only just qualify for the 'other factor' score need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency Assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Known threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, Planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, the Blue Book is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

The fifth category within this section relates to reverse expediency: where trees are known to be an actionable nuisance, it is possible effectively to protect them with a TPO, hence the zero score.

Clearly, other reasons apply that might prevent/ usually obviate the need for the making of a TPO (eg the tree stands on Crown land). However, it is not felt necessary to incorporate such basic considerations into the method, as it is chiefly intended for field use: these other considerations are most suitably addressed as part of a desk study and could, if necessary, be factored into the scoring after the field work has been completed.

Finally, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 15, and thus 'definitely meriting' a TPO, might not be included for protection for other reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

Any 0 Do not apply TPO
Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice

1-6 TPO indefensible
This covers trees that have failed to score enough points in sections a), b) and c) to qualify for an 'other factors' score under d). Such trees have little to offer their locality and should not be protected

7-10 Does not merit TPO
This covers trees which have either qualified for a d) score, though they may not have qualified for Part 2. However, and even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention

10-13 Possibly merits TPO
This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'

14+ Definitely merits TPO
Trees scoring 14 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified

Notation boxes

Throughout the method, notation space is provided to record relevant observations under each section. It may even be helpful to include a copy of the TEMPO assessment in with the TPO decision letter to relevant parties, as this will serve to underline the transparency of the decision-making process.

3 Conclusion

TEMPO is a quick and easy means of systematically assessing tree or group suitability for statutory protection. It may be used either for new TPOs or for TPO re-survey, especially where Area TPOs are being reviewed.

From the consultants' perspective, it is also an effective way of testing the suitability of new TPOs, to see whether they have been misapplied. We have also used it to illustrate that trees adjacent to a development site merited TPO protection, securing a TPO for a worried client.

TEMPO does not seek to attach any monetary significance to the derived score: we recommend use of the Helliwell System where this is the objective.


T45
T44

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION GUIDE

Date: Surveyor:

Tree details

TPO Ref: Tree/Group No: Species:

Owner (if known):

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

5) Good	Highly suitable
3) Fair	Suitable
1) Poor	Unlikely to be suitable
0) Unsafe	Unsuitable
0) Dead	Unsuitable

Score and Notes

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

5) 100+	Highly suitable
4) 40-100	Very suitable
2) 20-40	Suitable
1) 10-20	Just suitable
0) <10	Unsuitable

Score and Notes

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

5) Very large trees, or large trees that are prominent landscape features	Highly suitable
4) Large trees, or medium trees clearly visible to the public	Suitable
3) Medium trees, or larger trees with limited view only	Just suitable
2) Small trees, or larger trees visible only with difficulty	Unlikely to be suitable
1) Young, v. small, or trees not visible to the public, regardless of size	Probably Unsuitable

Score and Notes

Sub-total 2 =

Sum of scores a), b), c), d) =

d) Other factors

Trees must have accrued 7 or more points (with no 0 score) to qualify

5) Principal components of arboricultural features, or veteran trees
4) Members of groups of trees that are important for their cohesion
3) Trees with significant historical or commemorative importance
2) Trees of particularly good form, especially if rare or unusual
1) Trees with none of the above additional redeeming features

Score and Notes

Sub-total 2 =
Sum of scores a), b), c), d) =

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

5) Known threat to tree
3) Foreseeable threat to tree
2) Perceived threat to tree
1) Precautionary only
0) Tree known to be an actionable nuisance

Score and Notes

Part 3: Decision guide

Any 0	Do not apply TPO
1-6	TPO indefensible
7-10	Does not merit TPO
11-13	Possibly merits TPO
14+	Definitely merits TPO

Add Scores for Total:

Decision:

3.5 Guidance Note 5: Planning Tree Enforcement Policy

1 Introduction

The purpose of this document is to set the framework for dealing with tree enforcement issues in a clear, consistent and fair manner and to ensure that activities in this regard are in accordance with current legislation and guidance.

The Town and Country Planning Act 1990 and the Town and Country (Trees) Regulations 1999 provides the statutory basis for most tree preservation and protection. It allows for Local Planning Authorities to make Tree Preservation Orders, protects most trees in Conservation Areas and it places a duty, where appropriate, for Local Planning Authorities to preserve and protect existing and new trees when granting planning permission.

Tree enforcement issues fall into two principal categories:

- unauthorised works on, damage to or removal of trees that are protected by Tree Preservation Orders or situated within Conservation Areas
- breaches of planning conditions relating to tree retention and protection.

2 Why have tree enforcement?

Trees in Huntingdonshire are increasingly under threat as a result of huge pressures to build more intensively on brownfield sites with older buildings, and often expansive and established areas of vegetation, as well as on undeveloped land. This can comprise gardens and open ground formerly used for such activities as sport or allotments. A common feature of all these sites is well established trees.

The demographic and cultural changes that are bringing this about in Huntingdonshire are likely to increase. Without the stewardship of these trees, delivered through careful and balanced protection and enforcement of protection, the character of HDC could change fundamentally. Such a change will have a deleterious impact on the quality of life for residents of Huntingdonshire and will be in direct contradiction to the District's commitment to sustainable development and a sustainable future.

3 Relevance of tree enforcement to the District's planning enforcement activity

Though high procedural standards remain paramount, tree enforcement cases are handled significantly differently to those associated with a normal planning breach.

In certain circumstances, enforcement notices may be too slow a tool. For example, where ground compaction around trees on a development site is being aggravated dramatically each time a vehicle passes over its root system, a stop notice is likely to be considered more appropriate than a breach of condition notice. Such notices would prevent permanent and irretrievable damage that can be caused so quickly and which cannot be repaired or improved. The provisions of section 183 of the Town and Country Planning Act 1990 enable the local planning authority to serve a stop notice, in certain circumstances, when they serve a copy of an enforcement notice. The stop notice prohibits the carrying out of that activity on the enforcement notice land.

4 The Range of Tree-Related Offences

Breaches of tree protection include:

- Unauthorised removal of tree(s): This always has a detrimental effect on visual amenity and the character of an area. Depending upon the size, species and prominence of the tree(s) the effect will vary from case to case.
- Unauthorised work to tree(s): The effect of work to tree (s) can vary from the expert removal of one minor limb to complete mutilation. This can mean little or no effect on amenity or in severe cases a seriously detrimental effect.
- Breach of tree protection conditions: This generally prejudices the health/safety/life expectancy/appearance of the tree(s) and, therefore, amenity in both the short and long term.

5 Factors Determining an Appropriate Course of Action

Action that can be taken by the Council in respect to the different types of contravention varies and needs to take into account:

- the size of the tree(s)
- the prominence of the tree(s)
- the condition of the tree(s)
- the life expectancy of the tree(s)
- the seriousness of the offence
- the loss of/effect on amenity

Where a tree which is the subject of a Tree Preservation Order is removed without consent or a tree in a Conservation Area is removed without the statutory six weeks notice having been served on the Council:

- If the preserved tree is a single specimen 'amenity' tree in good condition, and could not be adequately replaced by planting another tree, the Council will, in all but exceptional circumstances, be likely to prosecute those responsible for its removal. The Council will also seek to ensure the immediate provision (subject to planting seasons) of another tree.
- In all other cases e.g. lesser trees/trees in groups etc., the Council is likely to prosecute and in all but exceptional cases, require the provision of a semi-mature replacement tree.
- With respect to Conservation Area trees, the seriousness of such an offence will be judged by determining if the tree would have been made the subject of a draft Tree Preservation Order had the requisite notice been served. Where the tree would have been made the subject of an Order, the Council is likely to take the same action as indicated above.

Where unauthorised works are carried out on a tree (s) which is the subject of a Tree Preservation Order or in a Conservation Area:

- The seriousness of such an offence is determined by the extent and quality of works and the effect on visual amenity and life expectancy.
- Where relatively minor works to an acceptable standard (British Standard 3998 – Tree Works) are involved, the owner/tree surgeon will be formally notified that any future proposed works must be the subject of a formal application to the Council.
- If it is considered that consent would have been granted to a preserved tree (s) or no objection raised to a tree (s) in a Conservation Area where extensive works have been undertaken, notification as at the above paragraph will take place so long as the works have been carried out to an acceptable standard
- Where more extensive works are undertaken without consent or prior notification in the case of Conservation Areas that would not have been agreed had an application been submitted, the Council will seek to prosecute those responsible. This generally applies where the appearance of the tree is altered to a point where there is a clear effect on visual amenity. Where these works have been undertaken to a poor standard remedial works will be required.

- In cases where works are undertaken that would ordinarily have been acceptable, in terms of general form and extent, but to a poor standard, the Council will ensure that all necessary remedial works are undertaken as soon as possible. Where such remedial works are not undertaken in an acceptable timescale and in accordance with a specification issued by the Council, the Council will be likely to prosecute those responsible for the works.

Tree work or tree removal carried out on trees retained by condition on a planning permission without the necessary consent from the Council:

- Where tree removal or tree work has seriously harmed the appearance of the development the Council will seek to remedy the situation - if necessary through an enforcement notice or Breach of Condition Notice.
- Where there is a serious threat of further unauthorised work to trees of value to the development, a Stop Notice or Injunction may be used. The Council may prosecute those responsible for the works.

Failure to implement tree protection on trees protected by condition on a planning permission as agreed by the Council:

- A range of threats to trees are regularly encountered as a result of these breaches of conditions. Inadequate protective fencing, the unauthorised movement of fencing from the agreed positions, ground works taking place within the exclusion zones, installation of hard surfaces, foundations, services etc. contrary to conditions, changes to ground levels represent the major source of contraventions.
- Mechanical damage to trees above ground is usually obvious. An appropriate course of action will be determined by the extent of the damage. The most difficult problem to resolve occurs as a result of damage to trees below ground whether it is soil compaction resulting in asphyxiation of roots to root severance. Both threaten the health and safety of the trees and usually result in a shortening of life expectancy. The consequences are often not seen in trees for several years.
- Where normal Officer approaches do not succeed in achieving an immediate cessation of the works causing the damage the most expedient method of enforcement involves the service of an enforcement notice for breach of condition accompanied by a stop notice. Normal enforcement procedures are not speedy enough to prevent permanent damage to trees and this represents the only method of enforcement that can realistically bring about an immediate cessation of the breach of condition. The Council may prosecute those responsible.

With regard to any enforcement action, especially where criminal proceedings may be involved, each case will be considered on its individual merits. Any decision to prosecute will have regard to the two-stage test set out in the Code for Crown Prosecutors. This provides that proceedings should only be instituted where evidence is such as to render a conviction more likely than not and, that proceedings should only be commenced where it is in the public interest to do so.

6 Enforcement – trees protected under a TPO or within a Conservation Area

As described above, trees are protected when they are the subject of Tree Preservation Orders or within Conservation Areas (subject to certain exemptions). In general, it is an offence to cut down, uproot, lop, top, wilfully damage or wilfully destroy a protected tree without authorisation. Retention and protection of trees on development sites is also secured through the use of planning conditions.

In the case of trees protected by a Tree Preservation Order, consent is required for any works on the trees following submission of a formal application. Any consent may be subject to conditions, and there is a right of appeal to the Secretary of State against a refusal of consent or the terms of a condition.

Where trees are in a Conservation Area, six weeks' notice must be served on the Local Planning Authority of any proposal to carry out works on the trees. During this six week period, the Authority may raise no objection to the works or make a Tree Preservation Order to prevent them being carried out. If the Authority takes no action within six weeks, the works may go ahead as notified.

There are two offences, which apply equally to trees protected by Tree Preservation Orders and those within Conservation Areas:

1 Anyone who cuts down, uproots or wilfully destroys a tree, or who lops, tops or wilfully damages it in a way that is likely to destroy it, is liable, if convicted in the Magistrates Court, to a fine of up to £20,000. If the person is committed for trial in the Crown Court, they are liable on conviction to an unlimited fine. The Courts have held that it is not necessary for a tree to be obliterated for it to be "destroyed" for the purposes of the legislation. It is sufficient for the tree to have been rendered useless as an amenity.

2 Anyone who carries out works on a tree that are not likely to destroy it is liable, if convicted in the Magistrates Court, to a fine of up to £2,500. Any proceedings for offences in this category must be brought within six months of the date the offence was committed.

In addition to directly carrying out unauthorised works on protected trees, it is an offence to cause or permit such works.

In order to bring a successful prosecution, the Authority must be able to prove that:

- the defendant has carried out, or caused, or permitted works on the tree
- the tree was protected
- the works were carried out without the Authority's consent and
- the works were not exempt works.

If it is claimed that works are exempt from the usual requirements of the legislation, it is for the defendant to prove, on the balance of probabilities, that the exemption applies.

Whenever a tree has been removed in contravention of the legislation, or because it is dead, dying or dangerous, there is an automatic duty on the landowner to plant a replacement tree of a suitable size and species at the same place as soon as reasonably possible (unless that requirement is waived by the Local Planning Authority). The replacement tree is then subject to the same protection as the tree that was lost. If the landowner fails to comply with this requirement, the Authority may serve a Tree Replacement Notice within a period of four years to ensure compliance. There are rights of appeal against Tree Replacement Notices.

Procedures for investigating complaints

Incidents involving contraventions of the tree protection legislation may come to light as a result of complaints received by the Council. The Council may also become aware of contraventions when carrying out routine monitoring of works on development sites.

When alleged cases of unauthorised works on a tree come to the attention of the Council, an initial investigation will be carried out as soon as possible (normally within 48 hours). The initial investigation will consist of a check to establish whether the tree is protected, whether any consent has been granted, and a site visit. In cases where it appears that protected trees are being removed and in other instances where there may be a significant impact on public amenity, a site visit will be undertaken as a matter of urgency. The legislation confers a right to enter land to carry out such investigations.

Where it appears that unauthorised tree works have been undertaken, notes and photographs will be taken during the site visit which may be used as evidence later.

The suspect will be identified and contacted as soon as possible in the process (this may be at the time of the initial site visit). He or she will be asked to give his or her observations on the incident and any relevant background information. If it appears that an offence has been committed and that answers to preliminary questions on site may be required as evidence, he or she may be cautioned. Any such cautions will be issued in accordance with the code of practice issued under the Police and Criminal Evidence Act 1984 and the suspect will be advised that he or she is not under arrest, is free to leave at any time and is entitled to legal representation.

Where appropriate, the suspect will be invited to the Council offices to undertake a tape-recorded interview under caution and under the provisions of the Police and Criminal Evidence Act 1984. (See Appendix 1 for a pro-forma letter inviting a suspect for interview).

A judgement will be made at the time of the initial site visit as to whether cautioning and formal questioning is appropriate at that stage. In most cases, the Council will not seek to formally interview under caution on site but will write to the suspect, seeking detailed information regarding the incident. If a satisfactory written reply is received, formal cautioning and interviewing may not be deemed necessary. In the absence of a satisfactory written response, the Council will be obliged to reconsider this matter. The identity of any complainant will be kept confidential and not disclosed to the alleged offender as far as practicable. However, it will be made clear to the complainant that if the case comes to court it is most likely that they will be required as a witness and in that case they would not normally be entitled to confidentiality. Complainants will be kept informed of the course of the investigation and its outcome. Complainants and any other witnesses will be contacted as appropriate and requested to provide written statements to be used as evidence in court. Witnesses will be informed that they may be required to appear in court to give evidence and be cross-examined as necessary. Suspects will be given adequate and fair opportunity to give their side of events during the course of investigations.

Options for action

The Council has a range of possible courses of action available to deal with cases of unauthorised works on protected trees. These include the following :

- seek a prosecution
- administer a formal caution. This is a formal process whereby the perpetrator signs a statement admitting the offence and submitting to the caution (See Appendices 2, 3, and 4 for pro-forma letter and cautions). It may be referred to at the sentencing stage if the same person is ever found guilty of a subsequent offence. It may also be taken into consideration when deciding whether or not to prosecute at a later stage for another similar offence
- under section 206 of the Town and Country Planning Act 1990, require the planting of a replacement tree for each tree destroyed
- under section 207 of the same Act, serve a replanting direction. This is a formal procedure to secure replacement planting, which can be invoked if the landowner does not otherwise comply with a duty to carry out replacement planting and
- take no formal action. This may be accompanied by informal action, such as advising the alleged offender to ensure that the incident is not repeated.

Selection of appropriate action

Decisions as to what action to take in cases of unauthorised works on trees will be taken in the public interest, with each case being dealt with on its own merits. A prosecution will not normally be brought unless the unauthorised works have resulted in a loss of public amenity.
In most cases, a prosecution will not be brought if consent would have been granted (or no objection raised) for the works undertaken had they been applied for.

In considering whether to bring a prosecution, regard will be given to the likelihood of the offence being repeated and the degree to which a prosecution would act as an effective deterrent. Regard will also be had to any financial advantage perceived to have been gained by carrying out the unauthorised works and whether the perpetrator has been prosecuted, cautioned or warned for similar offences in the past.

Whilst ignorance of the law is not an excuse, the attitude and circumstances of the perpetrator will be taken into account, including any expression of regret, helpfulness and co-operation with the investigation and any indication that the perpetrator was acting in good faith. Individual personal circumstances and any other mitigating factors will be taken into consideration where appropriate.

Two tests will be applied in cases where a prosecution appears likely, consideration of which will be undertaken in consultation with the Council's Legal Section:

1. The Evidential Test: A prosecution will not be commenced unless there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a reasonable prospect of conviction

2. The Public Interest Test: A prosecution will only be brought where this is in the public interest. Administering of formal cautions may be applied in cases where a prosecution can properly be brought but where such action is not considered appropriate in the circumstances of the case. Persons who have previously received a formal caution will normally be dealt with by prosecution.

The planting of replacement trees will normally be required irrespective of whether the perpetrator has been prosecuted or cautioned.

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Procedures for taking action

Tree enforcement issues will be dealt with by the Council's Planning Enforcement Officers, in consultation with the Arboricultural Officer, and with the Council's Legal Section.

In cases where it appears that unauthorised works have been carried out on protected trees, decision on how to proceed will usually be made by the District Council's Head of Planning Services.

Formal cautions will normally be issued at the Council offices. The offender will be contacted in writing and requested to submit to the caution. Details of the offence will be provided in the letter, along with an explanation of the significance of the caution. Records will be kept of formal cautions issued and will be referred to in court if the offender commits a further offence. When a decision has been made to issue a formal caution, but the offender refuses to submit to the caution, the case will be reconsidered, including a consideration of whether to bring a prosecution.

Where suspects are invited to the Council offices for a tape recorded interview under caution, the Code of Practice under the Police and Criminal Evidence Act 1984 will be adhered to.

When replacement planting is required, monitoring will be carried out to ensure compliance.

7 Enforcement – use of planning conditions relating to trees

In granting planning consent for sites where trees are to be retained, the Council will typically use conditions relating to tree retention and protection. The Council will expect all conditions relating to trees to be complied with in full and will use its enforcement powers to seek compliance where necessary.

Tree related conditions generally require that the conditions be formally cleared in writing prior to any works commencing on site (including demolition). Trees can be damaged very easily in a short space of time. It is therefore particularly important with tree related conditions that they be cleared prior to works commencing and that they are fully adhered to.

Dealing with breaches of planning control

Breaches of planning control occur where conditions have not been formally cleared prior to works commencing or where the conditions are not complied with once works have commenced.

The principal instrument for dealing with breaches of tree related conditions is the Temporary Stop Notice. Officers of the Council have delegated powers to serve such notices under Section 171E of the Town & Country Planning Act 1990. The purpose is essentially to stop further works on site until such time as conditions have been satisfactorily complied with and tree protection details have been agreed. If tree related conditions are not being complied with, there is usually an imminent threat of damage to trees. If it not possible to resolve the outstanding issues there and then on site, the serving of a Temporary Stop Notice will be considered. Temporary Stop Notices come into effect immediately for a period of up to 28 days.

Contravention of a Temporary Stop Notice is an offence. A person guilty of this offence is liable, if convicted in a Magistrates Court, to a fine of up to £20,000. In a Crown Court, the potential fine is unlimited. If breaches of planning control lead to damage to, removal of or unauthorised works on protected trees, action may also be taken as detailed in Section 2 of this document.

Decisions upon action

The nature of breaches of tree related conditions is such that a decision often needs to be made quickly on site. Each case will be dealt with on its own merits and Council officers will make a proper assessment of the situation prior to making a decision on how to proceed.
The serving of a Temporary Stop Notice will be likely if the following apply: - a clear and demonstrable breach of planning control relating to trees has occurred - trees are being damaged or are likely to be damaged if works continue and - the matter cannot be resolved immediately on site.

Appendix 1

Pro-forma letter inviting suspect to interview under caution

Dear _____

TOWN & COUNTRY PLANNING ACT 1990; SECTION 210 BREACH OF TREE PROTECTION LEGISLATION

As you will be aware, the Council is investigating a breach of the tree protection legislation which occurred at _____ on _____.

In connection with this investigation, the Council would like to invite you to a formal interview under caution at the Council offices. The caution states: 'You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be taken in evidence'. The reason for the interview under caution is that the Council suspects that an offence has been committed, and before any questions are put to you about your involvement or suspected involvement in that offence, the caution should be given so that your answers or silence may be given in Court in evidence.

If you attend the interview then I would advise that you are not under arrest and would be able to leave at any time. Legal representation is allowed during the interview. Alternatively, if at any time you wish to contact your solicitor to seek legal advice during the interview then you are free to do so. Additionally, a copy of the codes of practice would be available for you to consult.

I would be grateful if you could contact me by telephone on the above number and advise whether or not you are willing to attend the formal interview and if so whether or not you will be legally represented. If you do not attend but choose to reply by letter, I would advise that your reply would be considered admissible as evidence since you have been advised of the caution. I would further advise that it is Council Policy to always seek to recover its enforcement costs.

I look forward to hearing from you in the near future.

Yours sincerely,

Appendix 2

Pro-forma letter regarding formal caution

Dear _____

TOWN & COUNTRY PLANNING ACT 1990; SECTION 210 BREACH OF TREE PROTECTION LEGISLATION

I am writing with regard to the breach of the tree protection legislation which occurred at _____ on _____.

Under the circumstances, the Council is prepared to deal with the matter by issuing a formal caution. As discussed, this will require you to admit to the offence in question. The caution will remain on your file and should you be found guilty of a similar offence in court, the formal caution will be brought to the attention of the court and will be taken into account when the penalty imposed on you is decided upon. It may also be taken into account in the future when the Council decides whether or not to prosecute if you commit a similar offence. I am enclosing a Preliminary Formal Caution form, which must be completed and returned to me, indicating that you admit to committing the offence and are willing to accept the formal caution. You will then be required to attend the Council offices to receive the formal caution.

I have provisionally booked _____. If this date/time is not convenient, please contact me as soon as possible to arrange an alternative appointment. I must advise you that if you do not agree to being formally cautioned, the Council will be obliged to re-consider the matter. This could result in the institution of a prosecution. You are welcome to be legally represented on this occasion or a friend may accompany you if you wish.

If you have any queries at this stage, please do not hesitate to contact me.

Yours sincerely,

Appendix 3

Pro-forma formal caution (preliminary) (to be sent with above letter)

FORMAL CAUTION (PRELIMINARY)

I, _____ of _____ hereby admit I have committed the following offence: Breach of the Tree Protection Legislation: Section 210 of the Town & Country Planning Act 1990 Details: The formal caution procedure has been explained to me and I am willing to accept a formal caution and for a record of that caution to be kept on file by Huntingdonshire District Council. I understand that if I commit a further offence this caution may influence the Council's decision on whether or not to prosecute me. I also understand that this caution may be cited in any future criminal proceedings should I be found guilty of a similar offence.

I undertake to co-operate fully with Huntingdonshire District Council in administering a formal caution to me.

Signed_____

Name (Block Capitals)_____
Date_____

Appendix 4

Pro-forma caution

FORMAL CAUTION

Mr/Ms _____ of _____ have agreed to be formally cautioned and accordingly I FORMALLY CAUTION you that I am satisfied that you have committed the following offence which you have admitted, namely: Breach of the Tree Protection Legislation: Section 210 of the Town & Country Planning Act 1990 Details: A record of this caution will beheld by the Council and may be used in future proceedings against you if you commit further offences. This caution was administered by me, _____ of Huntingdonshire District Council this __ day of _____ 200_.

Signed_____

This caution was received by me, Mr/Ms_____ of _____ this___ day of_____ 200_.

Signed_____

The giving of this caution was witnessed by me _____ of Huntingdonshire District Council this___ day of _____ 20_.

Signed_____

Appendix 5

Pro-forma Temporary Stop Notice

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY TOWN AND COUNTRY PLANNING ACT 1990 (As amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004) TEMPORARY STOP NOTICE SERVED BY: HUNTINGDONSHIRE DISTRICT COUNCIL herein after referred to as “the Council”.

To: [name of intended recipient of the notice]

1. On [date], the Council has issued this temporary stop notice alleging that there has been a breach of planning control on the land described in paragraph 4 below.

2. This temporary stop notice is issued by the Council, in exercise of their power in section171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in paragraph 4 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. THE REASONS FOR ISSUING THIS NOTICE [Briefly specify the reasons why the temporary stop notice has been issued. There is no requirement to outline specific policies from the Local Plan.]

4. THE LAND TO WHICH THIS NOTICE RELATES Land at [address of land, or description of relevant part of the land to which the temporary stop notice relates], shown edged red on the attached plan.

5. THE ACTIVITY TO WHICH THIS NOTICE RELATES [Specify the activity required by the temporary stop notice to cease, and any activity carried out as part of that activity, or associated with it.]

6. WHAT YOU ARE REQUIRED TO DO Cease all the activity specified in this notice.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on [date] when all the activity specified in this notice shall cease. This notice will cease to have effect on [date 28 days after it takes effect].

Dated: [date of notice]

Signed: [Council’s authorised officer]

On behalf of: HUNTINGDONSHIRE DISTRICY COUNCIL PATHFINDER HOUSE ST MARY’S STREET HUNTINGDON CAMBRIDGESHIRE PE29 3TN

Nominated Officer: Telephone Number:

ANNEX

WARNING - THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7. THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE AGAINST THIS NOTICE.

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you. (Section 171G of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with [Council's nominated officer to deal with enquiries, address and telephone number].

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

3.6 Guidance Note 6: Tree Risk Management

1 Introduction

1.1 Purpose of this guide

This guide outlines how Huntingdonshire District Council manages the potential risks associated with trees.

The guide concentrates on the risk associated with someone being killed or seriously injured by whole or partial failure of a tree. Other risks associated with trees, such as damage to property and minor nuisance, are dealt within in detail in Guidance note 2, Guidance for Tree Management.

1.2 Trees and risk

The risk of being killed by a falling tree is extremely low:

"Each year between 5 and 6 people in the UK are killed when trees fall on them. Thus the risk of being struck and killed by a tree falling is extremely low – the risk of being struck and killed by a tree growing in a public space is even lower. Up to 3 people are killed each year by trees in public spaces, but as almost the entire population of the UK is exposed, the risk is about one in 20 million." (HSE, 2007)*

The average risk is with the 'broadly acceptable' region of the risk triangle published by HSE's "Reducing Risks Protecting People". However this is only a general guide and not necessarily a statement of what is reasonably practicable in law.

Although the actual risk is low it is not generally perceived in this way by the public, due to the attention that any such incident inevitably attracts. It is important that an appropriate balance is reached which minimises risk whilst ensuring that large trees are not lost from the landscape.

2 Current status

2.1 General approach

Whenever a tree is inspected by the Council's Arboricultural Team Leader or Arboricultural Officer, consideration is always given to the potential hazard that the tree poses and appropriate action taken when a significant risk is identified. Tree inspections are generated in a variety of ways; the majority of inspections are reactive and in response to a request or enquiry usually from the public.

2.2 Scheduled surveys – Huntingdonshire District Council land

Pro-active inspections of trees are undertaken in wooded areas of land managed by the Council's Countryside Services.

Detailed inspection of trees in major parks will commence to identify both any work required and trees to be monitored due to their condition or location. Although a comprehensive re-inspection of individual trees will depend on the level of risk associated with them, an annual walk over survey of the major parks will be undertaken to identify any hazards and undertake tree works necessary for safety. The intention is to extend this survey to include all areas of land owned by the Council and prioritise a proactive re-inspection regime according to the level of risk.

2.3 Private trees

When trees in private ownership which pose a risk to public land are brought to the attention of the Council, the owner of the trees will be advised of the hazard and asked to take action. In cases where the owner of the tree fails to take action the Council, where appropriate, uses its powers under The Local Government (Miscellaneous Provisions) Act 1976, to ensure that the tree is made safe. If the tree is a threat to a public highway the matter is reported to Cambridgeshire County Council who use their powers under the Highways Act, 1980.

2.4 Recording tree related risk

When a tree that poses a significant risk is identified, the appropriate work to make the tree safe, or the felling/removal of the tree will be undertaken, as necessary. However, in some cases, an identified risk may not be sufficiently severe to warrant immediate action, and the tree may instead require ongoing monitoring; such as a reassessment in the summer to assess the physiological condition of the tree. In such cases, where the tree is outside an area within a proactive inspection regime, the monitoring will be recorded separately on a register of ongoing tree risk assessments.

3 Method of risk assessment

There are various tools which exist to assess the risk associated with trees, including:

3.1 Quantified Tree Risk Assessment (QTRA)

When a detailed risk assessment of a tree or group of trees is required, the Quantified Tree Risk Assessment (QTRA) system will be used. This is a system which applies established and accepted risk management principles to tree safety management. QTRA is a commonly used system in the arboricultural industry and the most commonly used tree risk assessment system for local authorities. QTRA compares the risks associated with the retention of trees with a broadly acceptable level of risk.

The assessment of tree risk is made up of the following three components:

1) Target

The target is anything of value that could be harmed in the event of tree failure. This is assessed on the frequency of occupation within the area. Therefore an area which is highly frequented such as a busy road will have a higher value than an area with a low frequency occupation such as a tree in a wood not adjacent to a public path.

2) Impact potential

The potential for the tree (or part of a tree) that is being assessed to do harm. For example a small branch is unlikely to cause significant damage, where as if a large limb were to fail it could cause serious injury or significant damage to a structure.

3) Probability of failure

This is an assessment of the likelihood of a part of the tree or the whole tree failing.

Using the QTRA system an assessment of the level of risk posed can be given expressed as a probability of harm in any one year eg 1:100,000.

3.2 Acceptable level of Risk

Once the level of risk has been established it is necessary to decide whether this level of risk is acceptable. The legal framework does not require the elimination of risk altogether, but that the risk is minimised to an acceptable level. Several publications have suggested that this level is 1/10,000 per year, notably the Health and Safety Executive (1996):

"For members of the public who have a risk imposed on them 'in the wider interest' HSE would set this limit at 1/10,000 per annum"

On the basis of this, the acceptable level of risk has been set at 1:10,000. It may be possible to reduce the risk associated with a tree by pruning or moving the target e.g re-routing a footpath.

There may be exceptional occasions when a higher risk may be acceptable, such as the presence of a tree of particular additional value, or for reasons of heritage associations. In these circumstances the general advice of the HSE will be followed:

Occasionally a duty holder will decide, usually for heritage reasons, to maintain a particular tree, despite the fact that it is very old or has serious structural faults that cannot be remedied. A specific assessment for that tree and specific management measures, including regular and detailed inspections are likely to be appropriate. (HSE 2007)

In addition to this further arboricultural advice or investigations in to the condition of the tree may be sought from an independent consultant, to verify the opinion of the Arboricultural Officer or the Arboricultural Team Leader.

3.3 Types of risk assessment inspection

At present four levels of inspection are used to identify the level of risk associated with trees dependent on the circumstances. Not all trees require individual assessment by the Arboricultural Team Leader or Arboricultural Officer. There are options for the types of inspection required and the degree of competency of the person undertaking the inspection. The HSE (2007) considers that someone to be competent requires a working knowledge of trees and their defects, but need not be an arboricultural specialist.

Non-specialist survey

Members of the Operations team, Countryside Services team, and Planning (Tree and Landscape) team all undertake surveys of land under Council control and as a result should bring trees in need of more detailed inspection to the attention of the Arboricultural Team Leader or Arboricultural Officer. It is acknowledged that the role of these officers could be enhanced with additional training, to raise awareness of potentially hazardous trees.

Drive-by survey

Principally used for roadside trees to identify roads which have trees associated with them and a general level of risk, from which the most obvious hazard trees will easily by identified. Where roads with mature trees are identified, a walk over survey to identify the trees will be required, and, in the case of some trees, detailed inspection.

Walk over survey

During such a survey, only those trees with defects are noted and recorded. Particular attention is given to trees in high risk areas, e.g by high occupancy areas, roads and buildings. If a defect in a tree is noted a detailed assessment will be made.

Detailed inspection

Comprising a comprehensive inspection and QTRA of the tree in question, with all relevant details recorded and specific management recommendations made. This type of inspection will only be undertaken by the Arboricultural Team Leader or Arboricultural Officer or other suitability qualified person.

4 Summary

- The system is currently under review.
- The risk associated with trees is generally relatively low
- The identification of risk associated with trees is always considered when a tree is inspected.
- A strategy of pro-actively surveying trees in high use areas has commenced and is being expanded to cover more areas.
- The Quantified Risk assessment (QTRA) method of establishing the degree of risk is used.

5 More information

Quantified Tree Risk Assessment

http://www.qtra.co.uk/

3.7 Guidance Note 7:Tree management advice for public and private bodies.

1 Introduction

Trees by their nature are dynamic living systems. They have evolved to cope with losing limbs, breaking apart and being wounded and they grow adaptively in response to the environment around them. Trees and woodlands can make a significant contribution to quality of life, the local economy and the environment. However, where trees and people co-exist, there is a need to ensure that a tree's natural processes do not pose a risk to the people and property around them.

Owners of trees have a legal duty of care and are obliged to take all reasonable care to ensure that any foreseeable hazards can be identified and made safe. Although it is not possible to completely eliminate the risk of a tree failing, there are often indications that a tree may be in decline, have structural faults or be suffering from decay or pests and diseases.

Horse chestnut - leaf miner

Many of these signs can be recognized by trained inspectors who can then instigate further investigations by a qualified arboriculturalist.

The safe and appropriate management of its trees is important to Huntingdonshire District Council. We want to advise all public landowners on the type of tree management to ensure that a balance is maintained between public safety and sustaining a healthy tree population with the benefits it provides.

Some examples of the many aesthetic, social, economic and health benefits of trees are listed below:

- Trees play a vital role in urban and rural ecosystems by helping to support a great variety of Wildlife;
- A large beech tree can provide enough oxygen for the daily requirements of ten people;- Property in tree lined streets is worth 18% more than in similar streets without trees;
- Trees intercept water, store some of it and reduce storm runoff and the possibility of Flooding;
- Trees help to lock up the carbon emissions that contribute to global warming. For example,1 hectare of woodland grown to maturity and looked after forever would absorb the carbon emissions of 100 average family cars driven for one year (Climate Care/Trees for Cities estimate);

- Trees have a positive impact on the incidence of asthma, skin cancer and stress-related illness by filtering out polluted air, reducing smog formation, shading out solar radiation and by providing an attractive, calming setting for recreation; Trees can save up to 10% of energy consumption through their moderation of the local climate;

The importance of trees has been emphasised by a number of recent Government reports including a national survey of England's urban trees and their management entitled Trees in Towns II, published in February 2008. More recently, in December 2011, the National Tree Safety Group released its guidance on how tree owners should approach tree safety management – see page 4. This guidance note is based on the National Tree Safety Group guidance.

2 The Guidance

This guidance document provides advice for the tree owner that is succinct, comprehensive but most of all practical in its application.

The fundamental concept underlying the management of risks from trees is that the evaluation of what is reasonable should be based upon a balance between benefit and risk.

This evaluation can be undertaken only in a local context, since trees provide many different types of benefit in a range of different circumstances.

This concept of tree and risk management is underpinned by a set of five key principles:

1. trees are important, and provide a wide variety of benefits to society

2. trees are living organisms that naturally lose branches or fall

3. the overall risk to human safety is extremely low

4. tree owners have a legal duty of care

5. tree owners should take a balanced and proportionate approach to tree safety Management

Managing the risk from trees is the responsibility of the owners and managers of the land on which they grow.

Trees form part of the overall landscape and their presence has many different benefits depending on how the land is used. Not all trees are managed and, even for those that are, such management forms a component of overall land management.

Human safety is one part of that management; Risk management can be undertaken only by understanding the trees and their value to people in the context within which they grow. The requirement under health and safety legislation is to have a suitable and sufficient risk assessment, and to apply measures that are reasonable and practicable. This guidance shows an integrated approach to that process within the wider context of land ownership and management.

3 Understanding the risks from trees

The Overall risk to Human Safety is Extremely Low

Research by the centre for Decision analysis and risk management (Darm), commissioned by the NTSG, has addressed the risk to people from trees. It demonstrates that the overall risk to the public from falling trees is extremely low, representing about a one in 10 million chance of an individual being killed by a falling tree (or part of a tree) in any given year.

So far as non-fatal injuries in the UK are concerned, the number of accident and emergency cases (A&E) attributable to being struck by trees (about 55 a year) is exceedingly small compared with the roughly 2.9 million leisure-related A&E cases per year. Footballs (262,000), children's swings (10,900) and even wheelie bins (2,200) are involved in many more incidents.

The research also shows that there is limited societal concern about risks of this type (although there may be adverse publicity in the immediate aftermath of an individual incident). The analysis indicates that it would be unlikely that adjustments to the current overall management regime would reduce the risk to health and safety in any significant way.

Real Risks and Public Concerns

Trees grow in many different situations, and within areas of widely varying levels of public access or other human activity. Where it is appropriate to manage trees, this management should seek to enhance their significance (in terms of value, access and other benefits) and all the other ecosystem service, biodiversity and social benefits they provide, and to manage the undesirable impacts they can have (such as damage to property and risks to human safety). Considerable concern and uncertainty about managing trees for safety has arisen in the last few years. This has largely been stimulated by a number of court cases and other responses to rare incidents where a falling tree or branch has killed or injured a person. Addressing these concerns requires information about the "real" risk involved and the level of public concern.

Hazards

Very simply, a hazard is something that can cause harm and here, the hazard is a tree. Risk is characterised by reference to potential events and consequences, or a combination of the two. It is often expressed as a combination of an event's consequences and the likelihood of it occurring. In this case, a potential consequence is death or serious injury. Levels of risk are judged against a baseline, which is usually the current overall maintenance or control regime for that hazard (the tree). When assessing trees, owners and managers need to judge whether the management measures they adopt will fulfil society's reasonable expectations. "Reasonableness" is a key legal concept when considering the risks of trees to the public and tree owners' obligations.

Deciding what is reasonable can be undertaken only with regard to the trees' place within the wider management context and how that context influences decisions locally. The Health and Safety Executive (HSE) has identified that an individual risk of death of one in one million per year for both workers and the public corresponds to a very low level of risk. It points out that this level of risk is extremely small when compared with the general background level of risk which people face and engage with voluntarily in the course of everyday life.

Significance of the Identified Risks

The individual risk of death attributable to trees is 10 times less than the threshold of one death in one million per year that the HSE says people regard as insignificant or trivial in their daily lives. Because trees present a very low risk to people, owners and managers should be able to make planning and management decisions by considering how trees fit into a particular local context and avoid unnecessary intervention, survey and cost. This approach will help them ensure that any management is proportionate and strikes an appropriate balance between the real risks and benefits.

4 Managing the Risk from Trees

Tree management or the lack of it should not expose people to significant likelihood of death, permanent disability or serious injury. Accidents are on occasions unavoidable. Such risk is acceptable only in the following conditions:

- the likelihood is extremely low
- the hazards are clear to users
- there are obvious benefits
- further reducing the risks would remove the benefits
- there are no reasonably practicable ways to manage the risks

In its position statement, the NTSG argues that it is reasonable that sufficiently large organisations that own or manage trees develop a management strategy (in line with practice in other sectors). This strategy may strike a balance between risks present and benefits accrued. An organisation that publishes and maintains a tree strategy or management plan, part of which includes information on their risk management plan for the trees they own, is much better placed to demonstrate they have fulfilled their duty of care.

5 What the law says

The Role of this Guidance

This document may be presented to a court for consideration as supporting documentation in any case involving death or personal injury caused by a falling tree or branch. Reported judgments already demonstrate that courts will consider publications of this nature when addressing the duty of care.

It must, however, be appreciated that the guidance in this document will not in itself determine a court's judgment in an individual case. First, all cases are sensitive to their own facts. Second, a court will always reserve to itself the decision as to whether a tree owner has acted as "a reasonable and prudent landowner". This guidance can, however, inform the court in the making of that decision.

The Legal Framework

Under both the civil law and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch. The civil law gives rise to duties and potential liabilities to pay damages in the event of a breach of those duties. The criminal law gives rise to the risk of prosecution in the event of an infringement of the criminal law.

The Civil Law

The owner of the land on which a tree stands, together with any party who has control over the tree's management, owes a duty of care under common law to all people who might be injured by the tree. The duty of care is to take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property.

The Duty Holder

This is the person who has control of the tree's management whether as owner, lessee, licensee or occupier of the land on which the tree stands. The relevant highway authority is responsible for trees on land forming part of the highway.

The Person to whom the duty is owed

This is any person who can be reasonably foreseen as coming within the tree's vicinity and being injured by a fall of the tree or a branch from the tree. Those using highways, footways, public footpaths, bridleways, railways and canals are likely to come within striking distance of trees on adjacent land. in public spaces, and semi-public spaces such as churchyards and school grounds. Those working in or visiting them can be expected to come within the vicinity of trees. On private land, visitors and employees can also be expected to come within the reach of trees. Trespassers may also, in certain circumstances, be expected to come within the vicinity of trees on private land.

The Duty Owed

This can be stated in general terms as being a duty to take reasonable care for the safety of those who may come within the vicinity of a tree. the courts have endeavoured to provide a definition of what amounts to reasonable care in the context of tree safety, and have stated that the standard of care is that of "the reasonable and prudent landowner". The tree owner is not, however, expected to guarantee that the tree is safe. They have to take only reasonable care such as could be expected of the reasonable and prudent landowner. The duty owed under the tort of nuisance is owed by a tree owner to the occupier of neighbouring land. The duty, however, is no different to the general duty owed under the tort of negligence. It is the duty holder's fundamental responsibility, in taking reasonable care as a reasonable and prudent landowner, to consider the risks posed by their trees. The level of knowledge and the standard of inspection that must be applied to the inspection of trees are of critical importance. It is at this point that the balance between the risk posed by trees in general terms, the amenity or other values of trees and the cost of different types of inspection and remedial measures becomes relevant.

The Standard of Inspection

The courts have not defined the standard of inspection more precisely than the standard of "the reasonable and prudent landowner". In individual cases, the courts have sought to apply this general standard to the facts of each case. However, there is no clear and unambiguous indication from the courts in regard to the extent of the knowledge about trees a landowner is expected to bring to tree inspection in terms of type and regularity of inspection. Generally, the courts appear to indicate that the standard of inspection is proportional to the size of and resources available (in terms of expertise) to the landowner. It is of note that the HSE states in the HSE sector information minute Management of the risk from falling trees (HSE 2007), that: "for trees in a frequently visited zone, a system for periodic, proactive checks is appropriate".

The Criminal Law

The Health and Safety at Work act 1974 places a duty on employers to ensure, so far as is reasonably practicable, that in the course of conducting their undertaking, employees and members of the public are not put at risk (sections 2(1) and 3(1) respectively, see also 3(2) in respect of self-employed persons). The acts of felling or lopping a tree clearly fall within the scope of this duty. It is also likely that the growing and management of trees on land falls within the scope of the duty if such operations fall within the employer's undertaking. The duty is subject to the words "so far as is reasonably practicable". This proviso requires an employer to address the practical and proportionate precautions which can be taken to reduce a risk. The courts have generally been unwilling to take into account environmental or aesthetic values when considering whether a step is reasonably practicable, confining the consideration to whether a precautionary step can "practically" be undertaken. Nevertheless, in HSE v North Yorkshire County Council (20.5.10) Wilkie J., when directing the jury as to the meaning of "reasonably practicable", identified as a material consideration "the benefits of conducting the activity". He said (NTSG emphasis):

"Now, in this context what does 'reasonably practicable' mean? Well, as you have been told correctly, it is a narrower concept than what is physically possible. It requires a computation to be made by the employer in which the amount of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk, whether in terms of money, time or trouble, or the benefits of conducting the activity, are placed in the other. If there is a gross disproportion between them where the risk to health and safety is insignificant in relation to the sacrifice and/or loss of benefit involved in averting that risk then the defendant discharges the onus upon him and is entitled to be acquitted, but if the defendant does not persuade you of that on the balance of probabilities then you would convict."

The management of Health and Safety at Work regulations 1999 require employers, and self-employed persons, by regulation 3 to "make a suitable and sufficient assessment of the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking". This requires an employer, and a self-employed person, to undertake a risk assessment of the tree stock on the land which forms part of the undertaking.

Breach of the duty under the act, or the regulations derived from the act, can give rise to a criminal prosecution against the employer.

6 Reasonable, balanced tree risk management

Responsible Management

Landowners who already sensibly manage their trees can be reasonably confident that there is no need for any radical change driven by a fear of the law, though they may find this guidance useful when reviewing management practice. No tree can be guaranteed to be safe. as long as we retain trees, we cannot achieve zero risk. A disproportionate response to the actual risks posed by trees leads to unnecessary intervention, particularly alongside roads and public places. Disproportionately responding to risk itself runs the risk of diminishing the landscape and depriving the whole community of the enjoyment of trees and their wider benefits.

Legal Requirements

The law requires only that people should take reasonable care to avoid acts or omissions which cause a reasonably foreseeable risk of injury to persons or property. The generally agreed standard to be achieved is that of a reasonable and prudent landowner.

Low Risks and Common Sense

Generally speaking, the existing tree management regimes in the UK's towns, cities and countryside contribute to the acknowledged low risk of anyone being killed or injured by a fallen or falling tree or branch. The normal practices that have prevailed over the past decades have, in large measure, been reasonable and proportionate. These management regimes have worked in conjunction with people's common sense approach to appraising risk from trees.

Defendable Practice

Defendable management is consistent with a duty of care based on reasonable care, reasonable likelihood and reasonable practicability. Landowners and managers who know how important their trees are tend to take an interest in them; including their setting and how people use their land and the benefits that trees bring. It is reasonable that decisions regarding tree safety are considered against a background of the general low risk from falling trees. Being reasonable involves taking actions proportionate to the risk. Reasonable tree management has both reactive and proactive elements. While the owner or manager may need to react to events involving dangerous trees as they arise, it is also prudent to have forward-looking procedures to keep tree-related risks at an acceptable level. These procedures need not be complicated and may be incorporated into a tree strategy or management plan where applicable.

7 Defect and obvious defect

What is a defect?

The term “defect” can be misleading, as the significance of structural deformities in trees (variations from a perceived norm) can be extremely variable. NTSG definition: “a defect in the context of the growing environment of a tree is a structural, health or environmental condition that could predispose a tree to failure”.

What is an Obvious defect?

The courts and specialist literature often apply the term “obvious” when referring to tree defects of which an owner or adviser should be aware. Obvious defects are likely to be so apparent that most people, whether specialist or not, would recognise them. While obvious defects may include external indications of potential structural failure, they take many forms, not all of which are significant hazards. Defects pose risks only where there is a likelihood of harm. An obvious risk defect might be a large tree that is clearly breaking up over a well-used road. A person doing a safety inspection is on the lookout for obvious defects posing a serious and present risk, particularly where the danger is immediate.

8 Key steps in tree safety management

The Essentials

A reasonable and balanced approach forms the basis of a tree safety strategy for sensible tree safety management. By a “strategy”, we mean a plan that guides management decisions and practice, in a reasonable and cost-effective way, typically covering three essential aspects:

- zoning: appreciating tree stock in relation to people or property
- tree inspection: assessing obvious tree defects
- managing risk at an acceptable level: identifying, prioritising and undertaking safety work according to level of risk

A tree safety strategy may not necessarily be supported by extensive records. It may be self-evident through general prudent practice and behaviour. Alternatively, a strategy may be explicitly formulated and expressed through documents relating to management practice. If reasonably carried out, the strategy should meet the duty of care required by law, without the need for an overly bureaucratic approach or excessive paperwork. In the event of an accident, documents may provide supporting evidence that reasonable care has been taken.

Keeping Records

Records, including maps, provide the basis for safety management reviews and, in the extremely rare event of an accident, can support evidence of reasonable tree management. It is not necessary to record every tree inspected. However, records of trees presenting a serious risk and requiring treatment are useful, as is a record of how they have been treated. When inspections are carried out, records can demonstrate that the owner or manager has met a key component of their duty of care. Other useful ways of demonstrating reasonable assessment and management of trees include recording recommendations for work and when tree work has been carried out.

Zoning

Zoning is a practice whereby landowners and managers define areas of land according to levels of use. This practice prioritises the most used areas, and by doing so contributes to a cost-effective approach to tree inspection, focusing resources where most needed. It contributes to sensible risk management and a defendable position in the event of an accident. it may be a reasonable outcome of the zoning process to decide that no areas require inspection. Classifying levels of use in this way requires only a broad assessment of levels of use. Typically, two zones, high and low use, may be sufficient. High use zones are areas used by many people every day, such as busy roads, railways and other well-used routes, car parks and children's playgrounds or where property may be affected.

Low use zones are used infrequently and may only require irregular inspection if at all. While owners and managers may deem it appropriate to use a more sophisticated approach, designating three or more zones, in the event of an accident whichever system is adopted may require justification according to the standard set. Normally, the best person to do an initial assessment is someone familiar with the land, how it is used and what trees are present. Typically, this could be the landowner, occupier or land manager. It does not require a tree specialist to zone a site.

Trees within falling distance of roads, railway etc

Among the relatively few accidents from falling trees each year, the greatest risk to public safety has proved to be from trees within falling distance of where people move at speed in vehicles. However, even trees in well-used areas pose an extremely low overall level of risk to public safety. On average over the past decade, four people a year have died from roadside trees falling onto vehicles or from collisions with fallen trees, mainly because:

- risk of harm from falling trees is related to the force of impact
- the likelihood and extent of harm is influenced by the speed at which vehicles may impact
- risks are higher when vehicles are travelling at speed in high winds

It is both the high usage of roads and the speed at which people travel along them that makes this the most likely way that people will be killed by trees. Even in well-used areas, inspecting and recording each tree is not always necessary. Trees with structural faults, but valued for their habitat or amenity interests, that are retained in frequently used areas may require specific assessment and management. Trees in well-used natural woodland or woodland surrounding housing or a public park may only warrant an informal or non-onerous prioritised system of assessment to identify trees warranting closer inspection.

Trees in infrequently used areas

The risk of death or serious injury from trees in infrequently used areas is so low that it is reasonable that these should receive no formal inspection or visual check. However, owners may need to respond to any reports of problems.

9 Tree Inspections

The three types of inspections are:

- informal observations
- formal inspections
- detailed inspections

Informal Observations

Informal observations of trees contribute to wider management and tree safety. They are essentially those day-to-day observations of trees made by owners and employees of a site who have good local knowledge of the trees and location and see them during the course of their daily lives and work. While not going out of their way to make an assessment of the condition of the tree, they are nonetheless aware of it and any changes that may occur over time. In some circumstances, informal observation may be considered reasonable and appropriate when owners and staff are able to assess the trees' health and any structural weaknesses that may pose an imminent threat to public safety.

Persons suitable for undertaking informal inspections

Informal observations may be undertaken by: people with good local knowledge and familiarity with local trees who are not tree specialists, but rather those closely associated with a property, such as the owner, gardener, other employee or agent, who understands the way the property is used (areas most and least frequented) and the extent of the danger, should a tree be found that is clearly falling apart or uprooting. Reports of problems by staff or members of the public are a fundamental part of informal observations and should be acted upon.

Frequency of informal inspections

Informal observations contribute significantly to public safety, being important for deciding when action is needed and when more formal assessment is appropriate. They are generally on-going and undertaken as a given part of daily life on a site with trees and public access.

Formal Inspections

Formal inspection of a tree is when a specific visit to the tree is made with the sole purpose of performing an inspection that is not incidental to other activities. The spectrum of formal inspection ranges from survey work for tree inventories, to health and condition assessments. These may be carried out through drive-by and walk-over inspections or ground-based visual checks. Drive-by and walk-over inspections are accepted types of reasonable risk assessment under certain circumstances. It should be noted that reliance on drive-by inspections is not appropriate in busy urban areas. Initial drive-by inspections can, when appropriate, assist in deciding where tree management, walk-over or detailed inspection might be necessary. Simple formal inspection, through ground level visual checks in the course of walk-over surveys, provides a useful, cost-effective means of identifying clear and present signs of immediate instability (uprooting or other structural failure). This is an important means of identifying when further action is needed, including immediate tree surgery or further detailed inspection.

Persons suitable for undertaking formal inspections
Formal inspections should be undertaken by people who have been trained in tree inspections. People who do not necessarily have specific tree-related qualifications but have been trained in a Basic Tree Inspection course, such as the one ran by Lantra (Lantra Awards) and do have a general knowledge of trees and the ability to recognise normal and abnormal appearance and growth for the locality can be appropriate. This includes an ability to recognise obviously visible signs of serious ill health or significant structural problems, such as substantial fractured branches or a rocking root plate which, were they to cause tree failure, could result in serious harm. They also need the ability to assess approximate tree height and falling distance from the tree to the area of use as well as when to request a detailed inspection.

Frequency of inspections

Formal inspections will be undertaken as part of the implementation of the tree strategy or management plan for the site. Their frequency will be determined as a consequence of the zoning of the site together with consideration of prioritisation of the risk and the resources available to manage that risk. The decision is a judgment for the owner, agent or adviser, applying sensible reasonable behaviour in taking account of the site circumstances as a basis for good practice.

Detailed Inspection

Detailed inspection of a tree should be applied for individual, high-value trees giving high-priority concern in well-used zones. The detailed inspection is normally prioritised according to the level of safety concern. It entails an initial ground-level, visual assessment by a competent qualified and trained Arboriculturalist looking at the exterior of the tree for signs of structural failure. In a few special cases, further detailed investigations may be required, involving one or more of the following: soil and root condition assessments, aerial inspections of upper trunk and crown, or other procedures to evaluate the nature of suspected decay and defects, including using specialist diagnostic tools. Detailed inspections are therefore unusual, typically reserved for trees valued for their heritage, amenity or habitat and which are suspected of posing a high level of risk, as already identified through owner interest or a previous formal or informal assessment.

Persons suitable for undertaking detailed inspections

Detailed assessments should be undertaken by an appropriately competent person, usually a qualified and well trained Arboricultural Consultant experienced in the field of investigation that is to be carried out. Whoever is commissioning the detailed inspection should satisfy themselves as to the suitability of the inspector's qualifications, experience and professional indemnity and public liability insurance. A specialist involved in conducting a detailed tree inspection should be able to demonstrate the reasonable basis for allocating risks according to priority, and identify cost-effective ways of managing those tree-related risks.

Frequency of inspections

Detailed inspection of a tree will normally be undertaken as a consequence of information obtained following informal observation or formal inspection of the tree. Alternatively, if the tree is a special tree it may be placed on a regular inspection regime that is determined by its location and the risk it poses.

Special Trees

Informal observation and formal inspections both have a reasonable likelihood of identifying trees posing a risk of serious harm in the near future. Important trees that owners want to retain, eg for heritage, habitat or visual amenity, but which may present a significant risk, are likely to require regular specialist detailed inspection to manage them without serious loss of the benefits they provide. Like formal inspections, the decision on the frequency of these inspections is a judgment for the owner and their advisers based on the circumstances and applying sensible reasonable behaviour as a basis for good practice.

Fire and Impact damaged oak tree - Priory Park, St Neots

10 Reducing Risks by managing Access

For sites where special events greatly increase the number of people in the area within falling distance, restricting access is the best option. A large number of people on a site in very wet conditions can compact soil and harm tree roots. Though the effects of root damage can be slow to develop, they increase risks of tree failure.

Ways to reduce risks in well-used areas include:

- deterring informal parking beneath trees; damage to roots may not be apparent for many years and increases risk of failure
- re-locating facilities such as play equipment, seats, picnic tables, barbecues, information boards, commemorative plaques, hides, fishing platforms, horse jumps, feeding centres etc
- re-routing paths and tracks where legally allowed
- redesigning mown paths in areas of long grass, a proven method of directing people away from high-risk zones
- placing structures and assembly points beyond the falling range of trees

Effective ways of deterring access to areas/ specific trees:

- planting brambles and thorny shrubs
- using logs or piles of deadwood
- allowing grass to grow
- leaving brushwood around the tree
- temporary exclusion in adverse weather conditions
- changing the area's use, eg to hay meadow and for grazing

11 Balancing Risk with Benefits

Outdoor activity increases in fine weather, with people remaining longer in certain areas. In summer, one option to reduce risk from falling branches is by the simple practice of not mowing under the trees' drip-line. However, within the play sector there is a strong recognition that it is important for children to get "back to nature", including interaction with trees. Decisions need therefore to balance benefits with risks when considering segregating trees and people.

12 Sources of advice

National Tree Safety Group (NTSG) guidance on tree safety management

The NTSG was formed in 2007 to agree a nationally recognised approach to tree risk management. The Group was composed of organisations from both public and private sectors, bringing together land owners, government agencies, academics and arboricultural interests to work towards a common approach on how tree owners should manage their trees for safety in ways that are proportionate to the risk posed and defendable should the need arise. It published its guidance in December 2011. The main booklet is titled "Common sense risk management of trees - guidance on trees and public safety in the UK for owners, managers and advisers".
As well as the full guidance booklet, there are two supplementary documents – a landowner summary document for estates and smallholdings, and a householder leaflet for the individual domestic tree owner:

1. "Common sense risk management of trees - guidance on trees and public safety in the UK for owners, managers and advisers". Published in December 2011, available for £19.99 plus P&P. ISBN: 978-0-85538-840-9. Forestry Commission stock code FCMS024.

2. "Common sense risk management of trees - landowner summary of guidance on trees and public safety in the UK for estates and smallholdings". ISBN 978-0-85538-841-6. Forestry Commission stock code FCMS025.

3. "Managing trees for safety" - a leaflet for the domestic tree owner ISBN 978-0-85538-842-3. Forestry Commission stock code FCMS026.

Online PDF downloads and hard copies of all these may be obtained from the Forestry Commission's publications website: http://www.forestry.gov.uk/website/publications.nsf/$$Search. [Search term – "NTSG"]

Other guidance

The Visitor Safety in the Countryside Group has its own on-line guidance on tree safety management at http://vscg.co.uk/good-practice/published/tree-safety-management.

The Health and Safety Executive has guidance for its own inspectors – "Management of the risk from falling trees" - on its web site at: http://www.hse.gov.uk/foi/internalops/sims/ag_food/010705.htm.

The Inland Waterways Association has a 2007 policy document on its web site at: https://www.waterways.org.uk/information/policy_documents/management_of_trees

National Tree Safety Group (NTSG)

Arboricultural Association

Hazards from Trees: Forestry Commission guide

Visitor Safety in the Countryside Group

3.8 Guidance Note 8: Tree Related Claims Management

1 Introduction

Huntingdonshire District Council currently spends officer time and money on dealing with and settling tree related insurance claims. The process of settling claims can cause distress to claimants and local residents and where supported by inadequate evidence can become a prolonged process. A proactive approach to the management of tree related claims should reduce the time taken to deal with such claims and reduce Council spending in this area.

This note provides guidance on how the District Council will deal with claims made against it in relation to trees it owns or is responsible for and where the threat of an insurance claim is being used to justify the removal of a tree protected by a Tree Preservation Order or within a Conservation Area.

For the purpose of this guidance the term claimant means any person or party who is claiming that a tree should be pruned or removed or that some form of monetary payment should be made because the tree is causing, is believed likely to cause or has already caused some form of damage to a property resulting in a financial loss. The term claimant will also be used to describe the person or party who is justifying the pruning or felling of a protected tree on the basis that it has caused damage, resulting in a financial loss regardless of whether the person or party own tree. The term claim will mean any attempt to seek compensation due to a tree related loss such as subsidence or where the removal of a protected tree is being sought because it is being blamed for damage or a financial loss. The latter may not result in a financial liability but may result in the removal of a protected tree.

2 Purpose of the guide

The purpose of the guide is to:

a To reduce the number of existing unresolved claims providing a clear procedure for assessing claims and valuing the implicated trees.

b To reduce the number of claims in the future by providing clear guidance on the information required from claimants and the procedure that will be adopted for assessing claims and valuing the implicated trees

c Ensure that the District Council is provided with sufficient information to enable an assessment of the validity of the claim being made. (To assist this process a tree claim report pro forma is provided at appendix xxxxxx)

d To enable the District Council to challenge unwarranted claims where evidence is inaccurate or poorly investigated.

e To assist the Council in making decisions on the retention or otherwise where protected trees are being implicated in damage to property, where that damage is being used to justify the removal or heavy pruning of the implicated tree.

3 Background

This guidance is informed by the work carried out by the London Tree Officers Association (LTOA) which is published in their Risk Limitation Strategy for Tree Root Claims which is available on the LTOA website at:

http://www.ltoa.org.uk/component/docman/doc_download/126-the-risk-limitation-strategy-for-tree-root-claims

4 Reducing existing unresolved and future claims relating to trees owned by the Council

The Council owns or has responsibility for many trees on land it owns, land it rents or leases and land for which it is responsible under agency agreements with other organisations such as Cambridgeshire County Council. These trees represent a variable degree of risk in terms of third party claims for damage. To reduce the current and future liability the Council will take tree management steps including the surveying of trees and where appropriate the removal and replacement of high risk trees.

Table 1 below sets out the key actions the Council will take in relation to reducing claims against it for damage to property alleged to have been caused by trees owned by the Council.

Actions the Council will undertake:	Notes
1. The council will review all existing unresolved claims to ensure the information provided by the claimant meets the standard required by the council for claims	Where claimants submissions fall below the Councils standard for supporting evidence, deficiencies will be brought to the attention of the insurers and loss adjusters and challenged.
2. Challenge unwarranted claims based on poorly investigated or inaccurate evidence.	Where claimants submissions fall below the Councils standard for supporting evidence, deficiencies will be brought to the attention of the insurers and loss adjusters and challenged.
3. Instigate a tree removal and replacement regime where building movement is known to be an issue.	The Council will allocate sufficient resources to enable a survey of its tree stock to be carried out and analysis to be carried out of tree locations, species and the incidence of claims.
4. Adopt specific evidence requirements for trees of value and apply them to existing claims.	Generally as the value of the tree increases, the requirement for detailed information will increase. Placing a value on the tree at an early stage in the process is a key element in deciding the Council's response to a claim.
5. Reject the claim where the evidence provided indicates another cause for movement. The claimant will be informed of the Council's decision.	The tree claim report pro-forma will provide the mechanism to make a decision.

Table 1

Review of existing claims may be carried out by administrative staff against a pro forma check list of information requirements needed for a claim to be validated.

By reviewing the portfolio of existing claims in a structured manner using the criteria adopted by the Council it will be possible to reduce the current level of liability by identifying claims which are not adequately supported by the evidence provided. By robustly reviewing existing claims the balance of probabilities that the causal factor in the damage claim is the tree is likely to be incorrect in some cases and the Council will then be able to argue that there is no blame attached to the tree or a proportionate amount of blame so that the whole value of the claim does not lie with the tree.

By reviewing existing claims in a systematic, robust and logical way it is likely future claims will be reduced in number and value as the need for properly investigated evidence is realised by claimants. Thereby reducing the number of speculative claims based on insufficient supporting evidence.

Once a new claim has been received, existing claims will be reviewed in light of this guidance, and the Council will decide whether to accept the claim or challenge it. A structured approach is recommended so that unwarranted claims, where the tree is a convenient scapegoat for the damage, can be filtered out and rejected at an early stage. In this case there are likely to be many contributing factors in the resultant damage which may require the input of the Council's building surveyors, engineers and an understanding of local conditions to aid the rejection of an unwarranted claim. Resources will be required to enable a proper assessment of the claim to include the input of the Council's engineers and surveyors. However as the process of challenging claims reduces the Council's liability the cost to the Council of dealing with successful claims will diminish and the claim culture which blames the tree first will change as the requirement for properly substantiated claims is understood by claimants.

Part of the process for reducing the number and value of claims is reducing the risk of claims by better management of the Councils own tree stock. Item 2 of table 1 above requires a survey of trees so that the risk of damage caused by trees can be reduced. A program of removal and replacement of trees which present a high risk should be implemented as soon as appropriate funding has been identified and secured.

Criteria for selective removal and replacement of trees are:

If the evidence presented demonstrates the tree is, on the balance of probability, the actual cause of the damage and regular pruning would be unlikely to mitigate the tree's effect

That the tree should be in such poor condition that cyclical pruning would either kill it or lead to its having a NIL value (See CAVAT appendix B).

That the tree is one which requires an uneconomically high level of attention with regard to claims, complaints, structural faults, etc. Such as regular pruning and frequent repairs to damaged structures.

That the BRE Category of damage is 3 or above and that the sum of the investigative evidence suggests that pruning will not control the situation even if repeated annually.

Investigation of the specifics of the particular case shows that there would be benefit in starting again with a new specimen.

In the long-term, tree removal and replacement will result in costs being reduced as the replacement trees would not constitute a high subsidence risk to property.

The actions recommended above may result in political and public resistance to tree removal and in some cases replacement. Replacement planting may be difficult to establish leading to a reduction in the tree cover in previously well treed areas. These risks need to be considered against the cost of maintaining the tree and the possibility of meeting expensive claims for damages.

5 Privately Owned Trees Covered by Tree Preservation Orders:

The Council will undertake a review of all existing undecided protected tree applications and challenge those claims based on poorly investigated and inaccurate evidence. For the purposes of this guidance all trees covered by a Tree Preservation Order are necessarily deemed to be within the “High” category listed below in Section 6, Levels of Evidence.

The relative value of trees is an important consideration when deciding what action is appropriate when dealing with subsidence related tee cases. The method adopted by the Council for the evaluation of trees is CAVAT. The CAVAT method is widely published and has become an accepted standard by which tree values are calculated. CAVAT is included in The LTOA risk limitation strategy available at: http://www.ltoa.org.uk/component/docman/doc_download/126-the-risk-limitation-strategy-for-tree-root-claims

Trees which score low using CAVAT but which are protected by a TPO or by being within a Conservation Area may be dealt with without the need for supporting evidence. However care should be taken to ensure that the Council is not seen to be agreeing with the claim that the tree caused the damage. The decision should be made without prejudice on the basis that the tree did not warrant the continuation of formal protection by a TPO.

The Council will carry out the following actions in relation to reducing applications for tree works or removal of trees covered by Tree Preservation Orders due to claims that a tree(s) is causing damage:

- Allocate sufficient resources to enable the review of evidence being used to support existing unresolved protected tree applications
- Where inadequacies or discrepancies occur in the reports these should be brought to the attention of the insurers and the claim challenged.
- Adopt specific levels of evidence required for particular trees of amenity value and applying these to existing claims where applicable.
- Where the evidence clearly indicates another cause for movement the claim should be repudiated and the insurer informed of the local authority’s position.

The actions recommended above may result in political and public resistance to tree removal and in some cases replacement and may result in new evidence being presented which proves the case for the removal of the tree. A reduction in the value of a claim against the Council may result, however, if the decision is to refuse the application to remove a protected tree because of its high amenity value, this may result in legal challenges.

For an existing compensation claim to have been registered against the Council it must have already issued a tree works application Refusal Notice or be the subject of a “deemed refusal” following an appeal to The Secretary of State on a Tree Preservation Order application which has been refused or was undecided.

The same principles apply to reducing the numbers of existing claims in this area as for Council owned trees. That is, to systematically critique the evidence presented thereby accurately identifying the mechanism responsible for movement in the building. This permits the construction of a robust defence that may identify other causes of movement, exonerate the tree, or reduce the proportion of the claim attributed to the tree. In some cases the financial liability for the Council will be reduced or removed.

It is essential that in assessing the evidence presented the Council make co-operative use of all the expertise and knowledge base available to it within its own building control, structural engineering and tree section. By bringing all this expertise to bear on assessing the evidence presented, unwarranted claims are more easily dismissed and claims that do have merit may be mitigated proportionately.

6 Summary for reducing claims

By following the above guidance the local authority will be placing itself in the best possible position to reduce the numbers and cost of existing claims.

The principal mechanisms for this reduction will be:

- Providing regular and more consistent management of its own trees
- Identifying appropriate levels of evidence that can be applied in each case.
- Indicating to the claimant the need for appropriate evidence to support applications to remove trees on the basis of subsidence damage.
- Setting in place the necessary resources for scrutinising the evidence presented for each claim.
- Adopting a strategy of selective removal and replacement where appropriate.
- Identifying positive interpretations of the Tree Preservation Order compensation regulations to reinforce the Council's legal position.
- Co-operative advice sought from local authority building control, structural engineering and tree sections.

7 Technical information required by the Council in support of a claim

One of the most argued issues in dealing with tree related claims of all kinds is confirming the link between the tree and the damage. The causation of damage may be complicated but it is important that appropriate potential causes are investigated and evidence provided before the cause of the damage can be agreed.

The legal onus is always on the claimant to prove that the tree caused or contributed to the damage or loss. The Council should avoid undertaking its own surveys and tests for cost reasons but also to avoid unhelpful disagreements on the validity of two sets of data. The Council can however insist that the claimant provides appropriate survey information based on nationally accepted standards. The Council's engineer should be in agreement with the claimant's engineer on the level and type of survey information required to provide an accurate commentary on what is going on beneath the buildings foundations.

Without this clear picture any claim against the Council or tree works application which claims damage or loss as a reason to fell or carry out inappropriate pruning can and should be rejected.

Soil science and the influence of trees on shrinkable soils are complicated subjects. Some, and on occasion all, of the following information and test results should be considered as necessary and appropriate when considering a claim:

The following are listed in no particular order of importance

- Engineers report on assessment of damage to building. (Seat, nature and BRE category).
- Plan and profile of foundations.

- Plan of site showing location of building in relation to the trees both on the site and on neighbouring properties as well.
- Arboricultural report (not required for a low value tree that may be removed and replaced).
- Clear evidence that the ground is desiccated and that this has stemmed substantially from the presence of a tree. Clear evidence should include the following:
    - Trial pit cross section to underside of foundation depth plus borehole through base of trial pit to a minimum depth of 3m (explanation to be provided if borehole unable to reach 3m depth). Borehole log to be provided.
    - Root ID from beneath underside of foundation.
    - Soil moisture content readings at 0.5m centres, starting at the underside of the foundation, down to 3m depth of B/H.
    - Liquid limit test results at underside of foundation and approx 2m depth.
    - Plastic limit test results at underside of foundation and approx 2m depth.
    - Soil plasticity calculated from LL – PL.
    - Control borehole to 3m depth with log, with same tests as above, if it is possible to locate such a borehole on the site and remote from the influence of any vegetation. If impossible then explanation needed.
    - Oedometer or suction test results at underside of foundation & 1.0m centres down depth of 3m borehole ONLY when there is NO control borehole. If there is a control borehole then other tests listed are sufficient.
    - Shear vane test results at 0.5m centres, starting at the underside of the foundation, down to 3m depth of borehole(s).
- CCTV & hydraulic testing to drains (excluding Water Board owned) located within 3m distance of area of subsidence damage. If unable to water test due to no access/blind entries/etc then give reason.
- Crack monitoring is required on a 6 weekly frequency and is to be set up ideally at time of first visit by building insurer representative or within 7 days of 1st visit. Send all available readings with Submission of Evidence.
- Soil sieving to determine soil particle size
- Level Survey
- Level monitoring with deep control datum

The level of evidence required to support a claim will vary from case to case. The Council should be mindful that the value of the tree may be relatively low and in such cases a reduced level of information is likely to be appropriate. Or if the tree is of no value its removal may be agreed without the need for the information listed above. Care should be exercised in responding in such cases and confirmation of the action to be taken worded in such a way that no acceptance of liability is implied.

The claim report pro-forma sets out the basic information required and enables the need for additional information to be provided for the specific case being dealt with.

It is not always the case that a tree within the area of potential influence of a building is the primary cause of subsidence or that felling it is the most appropriate action.

8 Linking Levels of Evidence to Value of Trees

In recent years, representatives of the local authority and insurance sectors have been looking for ways to grade the amount of information and test results that are required and relating this requirement to the quality and value of the tree implicated in the damage. This work has now been published as the Joint Mitigation Protocol- see further reading appendix C of LTOA - A Risk Limitation Strategy for Tree Root Claims. This would enable the insurance sector to know the cost of the reports they would need to commission prior to proceeding with accepting a member of the public's subsidence claim on their policy. It would also give risk managers and tree officers the ability to ask for much more detailed and better quality investigations when allegations are made regarding a tree of high value.

No Value - Dead, declining or structural defective trees with no intrinsic value. The trees satisfying this category will vary depending on location and proximity to the claimants property. For instance a nearly dead tree in a woodland belt may warrant retention in some form because of the ecological value it provides.

Low Value - A small relatively insignificant tree which could be easily replaced.

Medium Value - A tree that makes an important contribution to the area.

High Value Tree - A tree that makes an extremely important contribution to the area.

Old Flowering Cherry tree at Claytons Way

Horse Chestnut tree at Valiant Square, Upwood

9 Conclusion

Oak trees adjacent to Warner's Park St Ives

Trees are often implicated in claims which involve subsidence damage to buildings' often with little or no evidence to support the claim or indeed confirm the causal link between the damage and the tree. Establishing a procedure for requiring the claimant to properly support the contention that the tree is at least in part to blame is an important element of the process of dealing with claims and ensuring that the Council is not spending money it could use more effectively elsewhere. Defending such claims requires a systematic approach and sufficient information to enable a decision on how best to deal with the claim. Requiring such information will enable tenuous claims to be rejected immediately.

The potential financial savings to local authorities and insurance companies by adopting a systematic approach to dealing with claims outlined in this guidance note are considerable. The need and frequency of paying out large sums to settle claims will be reduced as the Council becomes better able to repudiate unsubstantiated claims. Equally, by presenting much more accurate and reliable investigative results at the onset of a claim, insurance companies should see their claims being dealt with much quicker, thereby reducing their costs and the potential for long drawn out and time consuming negotiations.

Trees are an essential prerequisite for people to live healthily and happily in urban areas. They do cause problems and difficulties from time to time but the benefits they bring far outweigh these difficulties. By following these guidelines, a sensible and cost-effective approach can be taken towards managing claims for tree removal and/ or financial compensation for damage allegedly caused by trees.

3.9 Guidance Note 9: Information for the General Public from the East Anglian Tree and Landscape Officers Group, Ash Dieback (Chalara fraxinea)

1 Introduction

Ash Dieback is a fungal pathogen specific to Ash trees (Fraxinus excelsior) which has infected and killed a large proportion of ash trees in Europe. It was first discovered in the UK in nursery stock in 2009 and has recently been discovered in ash trees growing in woods and plantations especially in Eastern England. It is thought that the fungus spores have been carried on the wind from Europe to infect trees here. It is unlikely that the disease can now be eradicated from Britain and it will ultimately infect most of our ash trees in a similar way to Dutch Elm Disease in the 1970's. There are hopes that perhaps some ash trees may show some form of resistance but this is largely aspirational.

Ash Dieback is now firmly established in East Anglia. Council officers are sharing information between authorities so that a well informed and consistent approach can be made in terms of managing the disease on publicly accessible land and also in the provision of advice to the public. This guidance note provides information on the disease, how and where it occurs and the possible options available for infected trees. The document concludes with some frequently asked questions and answers regarding the disease together with advice on where to go for further information.

2 Description of the disease

Chalara dieback of ash is a serious disease of ash trees caused by a fungus called Chalara fraxinea (C. fraxinea), including its sexual stage, Hymenoscyphus pseudoalbidus (H. pseudoalbidus). The disease causes leaf loss and crown dieback in affected trees, and usually leads to tree death.

Outbreak stage

Ash trees suffering with C. fraxinea infection have been found widely across Europe since trees now believed to have been infected with this newly identified pathogen were reported dying in large numbers in Poland in 1992. These have included forest trees, trees in urban areas such as parks and gardens, and also young trees in nurseries. In February 2012 it was found in a consignment of infected trees sent from a nursery in the Netherlands to a nursery in Buckinghamshire, England. Since then it has been found in a number and variety of locations in Great Britain, including urban landscaping schemes, newly planted woodland, and more nurseries. In October 2012, Fera scientists confirmed a small number of cases in Norfolk and Suffolk in ash trees at sites in the wider natural environment, including established woodland, which do not appear to have any association with recently supplied nursery stock. Further similar finds have since been confirmed in Norfolk and Suffolk and in Kent, Essex and other counties. So far, though, the majority of such cases have been concentrated along the south-eastern seaboard of Great Britain, with a small number further north and west. (See map below)

C. fraxinea is now being treated as a quarantine pest under national emergency measures and any suspected sighting should be reported.
A Pest Risk Assessment (PRA) on C. fraxinea was published, and a formal consultation on its management held by Fera in September/October 2012.

Hundreds of staff from government agencies checked ash trees across the UK for signs of the disease during early November 2012. It was one of several actions to emerge from a meeting of the Government's emergency committee, COBR, which Environment Secretary Owen Paterson chaired in November 2012.

Plant health experts are also undertaking a survey of about a thousand sites which have received saplings (young trees) from nurseries where Chalara dieback has been found.

Distribution

Confirmed findings at 4 March 2013: Nursery sites - 19 Recently planted sites - 202 Wider environment, e.g. established woodland - 170 Total: 391

Video: history of the pathogen.

Symptoms

Video: Spotting winter symptoms (above)
Video: Year round symptoms Symptoms picture guide

Pdf guide

Exotic pest alert which gives more information about the disease.

The Food & Environment Research Agency (Fera) has also produced this video presenting and explaining the main symptoms.


Forestry Commission
Map 2b: Chalara fraxinea - confirmed infection sites
Based on information obtained as at midday on 23 June 2014.
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1:2,500,000
© Crown copyright and database right 2014. Ordnance Survey 100021242.
© Crown Copyright 2014 - Land & Property Service No. 130036
NORTH SEA
IRISH SEA
ATLANTIC OCEAN
Wider Environment - Infection Confirmed
Recently Planted Site - Infection Confirmed (from Rapid Survey and Nursery Trace Forward)

3 Managing infected trees

You are not required to take any particular action if you own infected ash trees, unless we or another plant health authority serves you with a statutory Plant Health Notice requiring specified actions. You should, however, monitor the trees' safety as the disease progresses, and prune or fell them if they or their branches threaten to fall and cause injury or damage. You can also help to slow the spread of the disease to other ash trees in your area by, where practicable, collecting up and burning, burying or composting the fallen leaves, and by following our detailed advice and guidance. Infected trees will require more frequent assessment with regard to health and safety as the likelihood of failure increases as the damage to affected trees progresses. As with all tree health and safety issues a risk assessment should be used to confirm the frequency of inspection and the level of qualification required by the person carrying out the inspection.

4 Reporting suspected cases

If you think you have spotted the disease, please check our symptoms video and symptoms guide , and our guide to recognising ash trees, before using our Tree Alert form.
You can also download our free Tree Alert app to your smartphone or tablet.
We are very grateful for the many reports we have received from the public and partners. We are working through the reports, and are sorry that we might are not able to respond to each report individually. However, every one of them will be assessed, and for each report we will:

- prioritise action according to our existing knowledge of the disease's distribution; and
- decide it isn't Chalara dieback of ash; or
- ask for more information, which might include asking for photographs; or
- arrange for someone to do a further investigation on site.

The disease does not spread via spores from the fungus during the winter, so we have the time to carefully examine all the reports.

5 Understanding of the disease

Government scientists have set out the most up-to-date understanding of the disease. Their assessment agreed with the earlier Pest Risk Analysis carried out in August, and concluded that:
- the spores are unlikely to survive for more than a few days;

- spore dispersal on the wind is possible from mainland Europe;
- trees need a high dose of spores to become infected;
- the spores are produced from infected dead leaves during the months of June to September;
- there is a low probability of dispersal on clothing or animals and birds;
- the disease will attack any species of ash;
- the disease becomes obvious in trees within months rather than years;
- wood products would not spread the disease if treated properly;
- once infected, trees can't be cured; and
- not all trees die of the infection, and some are likely to have genetic resistance.

Government scientists are working with their counterparts in other countries to learn from existing and emerging research and practical experience in combating the disease in countries which have had it for longer than the UK. They are also approaching companies with proposed treatment solutions for Chalara to rapidly evaluate their research to see whether they have potential for further testing and development.

A key scientific facts paper has been prepared by the expert group led by the Chief Scientific Adviser, Sir John Beddington.

6 Import and movement restrictions

A Plant Health Order 2012 (pdf) prohibits all imports of ash seeds, plants and trees into Great Britain, and all movement of ash seeds, plants and trees within Great Britain. This is to prevent further spread of the disease.

New requirements for statutory notification of imports of Fraxinus (Ash) - as well as Castanea (Sweet chestnut), Platanus (Plane) and Quercus (Oak) - came into effect on 17 January 2013.

7. Frequently asked questions

Q1 How do I tell if I have infected ash trees?
The main symptoms are:

- Dead branches
- Blackening of leaves which often hang on the tree
- Discoloured stems often in a diamond shape where a leaf was attached

Double check the symptoms at the website; www.forestry.gov.uk/chalara or report them to the helpline: 08459 335577.

Q2 What can the public do to help slow down the spread of Chalara

If you see symptoms of the disease report them to the helpline

If you walk in woodlands stick to the paths and clean your boots and dogs before you leave to remove any mud or leaves. Bike tyres should also be cleaned. Do not take away any leaf litter or wood.

Q3 I am a householder with affected leaves from a confirmed infected tree. What do I do?

Leave them where they fall

If you need to clear the leaves you should compost, bury or burn them in your garden. Do not remove compost made from infected leaves from your garden. Do not put infected leaves in your brown garden waste bin. If you burn the leaves please be considerate of your ***neighbours and do not cause nuisance from smoke.***

For more information : http://www.forestry.gov.uk/forestry/infd-92gjvb

Q4 Do infected mature trees have to be cut down?

No. At present infected mature ash trees do not have to be cut down.

If infected trees need to be cut down for safety or other reasons the wood branches and leaves should be disposed of on-site by composting or burning. If you burn the material please be considerate of your neighbours and do not cause nuisance from smoke. Where on-site disposal is not feasible please contact the council for further advice.

Please check with HDC call centre, 01480 388388, to check if there are any tree constraints affecting your property.

Q5 How do landowners request permission to undertake tree works on ash trees that could be affected with Chalara fraxinea?

Any application should follow the existing established procedure for consenting to tree works as undertaken by the district council's Arboricultural Officer.

Q6 Where do I seek advice if I am concerned that trees on my land may be infected with Chalara fraxinea?

Owners should seek advice from a qualified arborist, unless it is considered that there may be an immediate risk to safety, then the district Council's Arboricultural Officer should be contacted.

Information on Forestry Commission website: http://www.forestry.gov.uk/chalara

8. Further information

Please first see our Questions and Answers brief (added below) or contact:

Chalara helpline: 08459 33 55 77 (8am - 6pm daily) or plant.health@forestry.gsi.gov.uk

Appendix A – Frequently asked questions about ash dieback – produced by FERA

1. What exactly is Ash dieback?

Chalara dieback of ash is a disease of ash trees (Fraxinus species) caused by an asexual fungal organism called Chalara fraxinea (C. fraxinea) and its sexual stage, Hymenoscyphus pseudoalbidus (H. pseudoalbidus). For ease of reference, Chalara fraxinea is used as the common term. The disease causes leaf loss and crown dieback in affected trees, and it usually leads to tree death. The C. fraxinea fungus has caused widespread damage to ash tree populations in continental Europe since it was first reported as an unknown new disease in Poland in 1992. It is especially destructive of common ash (Fraxinus excelsior), including its 'Pendula' ornamental variety. Narrow-leaved ash (Fraxinus angustifolia) is also susceptible. Chalara dieback of ash is particularly destructive of young ash plants, killing them within one growing season of symptoms becoming visible. Older trees can survive initial attacks, but tend to succumb eventually after several seasons of infection.

2. What is the situation in Great Britain?

It was unknown in Great Britain until the first case was confirmed in ash plants in a nursery in Buckinghamshire early in 2012, in a consignment which had been imported from The Netherlands. Since then, more infected plants have been confirmed in nurseries in a wide range of locations in England and Scotland, and in recent plantings of young ash trees at a variety of sites supplied by nurseries, including a car park, newly planted woodland and a college campus. Our colleagues in Fera and the Scottish Government are continuing work to trace and inspect plants which had already been sold on to retail customers from the infected nursery consignments.

In October and November 2012 infection was confirmed for the first time in the wider natural environment in longer-established situations, such as woodlands and hedgerows, in East Anglia, Essex and Kent. These trees appear to have had no recent connection with nursery supplied plants or imports of ash plants from mainland Europe, so we are investigating how the fungus got to these sites. Given their proximity to mainland Europe, we cannot rule out the possibility of some sort of natural introduction, such as wind-borne spores from mainland Europe, and we are investigating the likely consequences

On 29 October 2012, following the publication of a Pest Risk Analysis and a consultation with the industry and affected parties, the UK Government passed emergency legislation restricting imports into and movements within Great Britain of imported ash plants, seeds and trees in a bid to prevent any more accidental introductions into and spread within Britain of the disease. Details of this legislation are available in this Questions and Answers document.

Northern Ireland and the Republic of Ireland have introduced similar legislation.

3. What are the symptoms?

See our Symptoms Guide and Pest Alert for a description and pictures of the symptoms.

4. What should I do if I think my ash trees have the disease?

If you think you have spotted the disease, please check our symptoms video and pictorial guide to symptoms before reporting it using our Tree Alert form.

5. How much of a threat is it to Britain's ash trees?

It is potentially a very serious threat. It has caused widespread damage to ash populations in continental Europe, including estimated losses of between 60 and 90 per cent of Denmark's ash trees. We have no reason to believe that the consequences of its entering the natural environment in Britain would be any less serious. Experience on the Continent indicates that it kills young ash trees very quickly, while older trees tend to resist it for some time until prolonged exposure causes them to succumb as well.

6. How is it spread?

Local spread, up to some tens of miles, may be via wind. Over longer distances the risk of disease spread is most likely to be through the movement of diseased ash plants. Movement of logs or unsawn wood from infected trees might also be a pathway for the disease, although this is considered to be a low risk.

7. How did it get into Britain?

The first interception of diseased ash plants found in a Buckinghamshire nursery had entered Britain in a shipment of plants for planting from a supplier in the Netherlands, who had obtained them from a nursery in Belgium. Many of the other interceptions of infected plants had come from suppliers in mainland Europe. The discovery in October and November 2012 of infected trees in established woodlands near the south-east coast of England raises the possibility that a natural introduction of the fungus might have occurred, such as spores borne by the wind from mainland Europe across the North Sea and English Channel.

8. What other countries have Chalara fraxinea?

According to the European Plant Protection Organization (EPPO), Austria, Belgium, the Czech Republic, Finland, France, Germany, Hungary, Italy, Lithuania, the Netherlands, Norway, Poland, Slovenia and Sweden have confirmed its presence. On the basis of symptoms, the disease has also been observed in Denmark, Estonia, Latvia and Switzerland.

9. How were diseased ash plants allowed to enter Britain?

What regulatory protection measures were in place to stop it coming in? C. fraxinea is not a "regulated" plant disease in European Union plant health law, which means that ash plants moved between Member States are not subject to inspection. EU legislation allows Member States to take national measures to prevent the entry and spread of pests and diseases not found on their territory, and the UK introduced such legislation for Great Britain on 29 October 2012. Northern Ireland and the Republic of Ireland have similar legislation.

10. What are you doing to deal with the current known introductions?

Fera and Scottish Government inspectors have been following up plants involved with the different interceptions, requiring destruction of associated plants. A multi-agency, cross-border Outbreak Management Team has been formed, including representatives from all five countries in the British Isles. Forestry Commission staff have been redeployed from usual duties to survey the British countryside for signs of the disease, and a strategy to deal with it is being developed as research information and information about its extent is obtained and analysed.

11. Will you be able to eradicate it?

Where the disease is established it will be impossible to eradicate, but we are giving ourselves the best prospects by responding promptly to findings. We need to determine the extent to which the organism is present and whether it is established, which is why we encourage all those with an interest in trees and woodland to work with us to report any suspected findings.

12. Why did FC/Fera not act before now?

This has been an evolving situation. The organism which was at one time thought to be causing this disease has been present in Great Britain since the 1800s and is already widespread, so legislative action against it would not have been appropriate. But with better scientific techniques we now know that a different organism is responsible. The origins of this organism are not known.

13. Why is this organism not regulated at EU level?

The disease is already established in much of eastern and northern Europe, so action across the EU is not realistic. However, parts of the UK which remain free of the disease can be considered for “protected zone” status, which would introduce requirements for ash plants being moved into the UK to come from a designated “pest-free area” for C. fraxinea. This could be the next step after having introduced national legislation on this issue. No such pest-free areas have yet been designated in any country.

14. Why can’t we grow our own ash trees here instead of importing them?

We can and do grow our own trees, and people have the option to specify British-grown trees and plants if they wish. We strongly advise tree and plant buyers to be very careful to specify healthy stock from reputable suppliers, to practise good plant hygiene and biosecurity in their own gardens and woodlands etc to prevent accidental spread of plant diseases, and to report any plant diseases. Buyers should also be aware that seed gathered from British trees is sometimes sent to nurseries in continental Europe to be cultivated before being reimported as seedlings.

15. I own or manage ash trees - how can I help?

There are several things you can do to help us get this disease under control.

a. Be vigilant – Chalara dieback could appear in ash trees anywhere in Britain. Early action is essential if we are to eradicate this disease from Britain before it becomes established. We therefore urge you to inspect frequently any ash trees in your care, and especially any which have been planted during the past five or so years. Make yourself familiar with the symptoms of Chalara dieback from the materials here. There are other causes of ash dieback, so it is important to distinguish them from Chalara dieback. However, if in doubt, report it.

b. Report it - Report suspicious symptoms to us or Fera - see Question 3 for details of where to report them.

c. Buy with care – Be careful when buying plants to buy only from reputable suppliers, and specify disease-free stock. A list of countries where C. fraxinea is known to be present is at Question 7.

d. Be diligent - Practise good plant hygiene and biosecurity in your own gardens and woodlands etc to prevent accidental spread of plant diseases. See our biosecurity advice for guidance on basic hygiene and biosecurity measures which you can take.

e. Keep up to date – Check our website regularly for updates on developments. 'Follow' our Tree Pest News account on Twitter at www.twitter.com/treepestnews to receive rapid intelligence of new developments, delivered by text or email. Information about a wide range of other tree pests and diseases can be accessed via our Tree pests and diseases page.

16. I have a woodland planting grant or felling-licence agreement with the Forestry Commission to plant ash trees this season. If I do not wish to take the risk of losing the ash trees to Chalara dieback, may I plant another species instead?

Now that movements of ash plants are prohibited, it is not possible to plant ash seedlings which are not already on the site. We are operating a flexible approach for those customers with existing grant or licence agreements which specify ash as a planting species, but it is essential that owners discuss the situation with their local Forestry Commission woodland officer before planting alternatives.

17. What species can I plant instead?

Species choice should be guided by management objectives and site conditions, and the decision tool Ecological Site Classification ESC3 is the key tool to help review options which are likely to be sustainable in the future climate.

Detailed guidance on species choice in native broadleaved woodland can be found in Harmer, R., Kerr, G. and Thompson, R. 2010 Managing Native Broadleaved Woodland, from http://www.forestry.gov.uk/fr/INFD-89PDQH There is a wide range of alternatives species for sites with brown-earth soils, including aspen, beech, birch, field maple, hornbeam, oak, lime, rowan, sweet chestnut and sycamore.

The species range is more restricted for calcareous soils, particularly shallow ones, and includes beech, birch, field maple, hawthorn, holly, lime, rowan, whitebeam and yew.

Alder, aspen, willows and oaks are possible alternatives on moist to wet soils.

On sites where there are few restraints, non-native species can also be considered, and guidance can be found in the tree species information on the Forest Research website and links therein.
Some of the alternative species to ash, such as beech, sycamore and Norway maple, are particularly susceptible to bark stripping by grey squirrels.

There is a wider range of species to choose from for the urban environment, and the Right Tree for a Changing Climate website provides information on more than 300 species.

18. What advice do you have for the trade?

Be careful about the sourcing of, and the specification for, your plants. (See question 7 for countries where C. fraxinea is present.) Keep good records of any imported stock, remain vigilant, inspect any recent plantings of ash, and report any suspicious signs to Fera or the Forestry Commission – see Question 3.

19. What advice do you have for the public?

We welcome reports of ash with Chalara dieback symptoms. We do ask that you take care first to ensure that the infected tree really is an ash, because they can look very similar to rowan trees (Sorbus aucuparia), which do not get the disease. (To add to the confusion, rowan trees are sometimes called mountain ash.)

Please also take care to ensure that the symptoms you report are Chalara dieback symptoms, and not the symptoms of some other, less-serious form of dieback or disease of ash tree. You can familiarise yourself with the symptoms with our guide, symptoms pdf and this video.

You should also follow the 'biosecurity' advice on any signs at affected sites, to avoid accidentally

20. What does a Plant Health Notice involve?

Owners of any recently planted ash plants which are found to be infected, or infected ash plants in nurseries or garden centres, can be served with statutory Plant Health Notices requiring them to destroy the plants, either by burning or deep burial on site, or to take steps to contain the disease on site. All ash plants in a new-planting site will initially be contained on the planting site, using biosecurity measures to prevent the disease spreading.
We may require that all ash plants on the site are destroyed to prevent the disease spreading, regardless of whether they express symptoms of the disease. This is because experience with other plant diseases shows that we must presume that asymptomatic plants in close proximity to symptomatic plants are almost certainly infected, but are not yet showing symptoms.
In an established woodland or similar site, the Plant Health Notice will require movement restrictions and biosecurity measures to prevent the disease being spread from the site while we consider our disease control strategy.

21. Is there any compensation available for people who have to destroy ash plants under a Plant Health Notice?

Unfortunately we are unable to offer compensation for plants destroyed to comply with a Plant Health Notice. It is felt that the available resources are best used for surveillance, research and eradication work. Plants are therefore purchased and planted at buyers' risk, and any questions about recompense would be between the customer and supplier of the plants involved.

22. Can the timber from infected ash trees still be used?

The implications for growers of ash for the timber trade would be significant if the disease were to become established in Britain. The timber in infected trees might still be usable for some purposes, although staining by the fungus might limit the range of end uses. However, it is not currently possible to move ash material out of confirmed infected woodlands or other sites which have been served with a Statutory Plant Health Notice. See our separate Questions and Answers about the details of the legislation imposing movement restrictions on ash material.

23. How many ash trees are there in Britain?

Common ash (Fraxinus excelsior) is the third most common native broadleaved tree species in Great Britain after oak and birch. The National Forest Inventory interim report 'Preliminary estimates of quantities of broadleaved species in British woodlands', published in December 2012, estimates that ash trees in woodlands greater than 0.5 hectares (1.25 acres) cover about 142 thousand hectares in Great Britain. It also estimates there are approximately 126 million live ash trees in woods greater than half a hectare. The report is available in the National Forest Inventory pages of this website. In addition, the complementary Countryside Survey Report estimates there are 38,500 hectares of ash trees in woodland smaller than 0.5 hectares, and that there are approximately 2.2 million individual ash trees outside woodland.

24. What is the distribution of ash trees?

Common ash is a deciduous, broadleaf species native to much of continental Europe and the British Isles, and a map of its European distribution is available on the pest alert.

This map of ash distribution shows its distribution in Great Britain, and indicates those managed by the Forestry Commission and those belonging to other owners. (Note that this map does NOT show where Chalara dieback has been found.)

25. How important are ash trees in Britain? What are their benefits?

Ash is a common component of many native woods and makes an important contribution to biodiversity and wildlife habitat. It is popular for landscaping urban facilities such as car parks. It is grown commercially for its dense, strong but elastic, easily worked hardwood, which was traditionally and commonly used for making tool handles and furniture. Usage has declined in these markets due to the advent of other materials, but the good-quality timber is still sought after for flooring and high-end, bespoke uses. It also makes excellent firewood, smoking wood and barbecue charcoal.

26. Where can I find more information?

There is further information about Chalara fraxinea on the EPPO website