

# **Tree, Woodland and Hedgerow Management Policy**

**Cultural and Community Services**

**March 2022**

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## Version Control

Version	Description of version	Effective Date
1	Original draft for CCS HOS	July 2019
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4	Revised version including HOS amendments	May 2021
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## Approvals

Approved by	Date

## Associated Documentation

Description of Documentation

## Executive Summary

S1 In common with most local authorities, South Derbyshire District Council is responsible for many parcels of land, many of which contain trees, woodland, and hedgerows. These features are valuable natural capital assets which are critical to our ecosystem services (see 1.2 below). They need careful management, not least because the Council has legal duties of care to keep open spaces safe and to protect and enhance biodiversity. This Tree Policy has been created to provide the Council with both current, medium, and long-term direction, guidance and matters for action in dealing with tree, woodland, and hedgerow issues, in particular:

- to ensure the protection of members of the public and Council employees from tree hazards
- to optimise the protection and management of its valuable tree stock
- to improve its service to residents,
- to reduce the number of tree-related complaints
- to mitigate the potential for future claims against the Council resulting from tree failure, alleged negligence, or subsidence
- to support planning policy and development
- to increase tree canopy-cover according to UK and National Forest targets
- to protect and enhance biodiversity in relation to trees, woodlands, and hedgerows
- to ensure that the important role of trees in mitigating climate change and providing ecosystem services is fully developed, well understood, and appreciated

This document has been created with due consideration to current international, national legislation and national, regional, and sub-regional policy, relevant UK legal case law, and applicable non-governmental organisations' policy and guidance dedicated to protecting trees and related biodiversity. It includes policy statements which build on, but will supersede, the existing Tree Management Policy 2011. This Policy is a companion document to the Tree Woodland and Hedgerow Management Plan. Where appropriate, it should be assumed that the use of the term 'tree' will also include woodland, hedgerows, and tree-based habitats.

This document sets out policies to underpin how the Council will:

- Manage and maintain the Council's tree stock on the highways\*, housing estates, cemeteries and closed churchyards, parks, open spaces, woodlands, and hedgerows via a proactive cyclical work-delivery regime to ensure that trees are maintained in a safe and healthy condition. (*\*Not including trees owned and maintained by Derbyshire County Council*)
- Limit the felling and pruning of trees to those circumstances where it is essential or advisable.
- Establish specifications and service level agreements for tree work based on professionally accepted standards of practice
- Establish best practice to ensure adequate biosecurity in the District to prevent, control and manage the effects of tree pests and diseases
- Undertake pruning works following best arboricultural practice and where possible for this to be scheduled so as not to be detrimental to the tree species affected.
- Increase the role of street and open space trees, woodland, and hedgerows in providing connected, biodiverse habitats and healthy ecosystem services, minimising the impacts of and adapting to climate change.
- Provide public information, where possible, in advance of planned tree works and in advance of planting schemes.
- Develop Woodland Management Plans for all Council woodlands.
- Survey and prescribe improvement and connectivity plans for Council hedgerows

- Use current planning legislation to protect those trees it considers to be threatened or that it values. Applications to carry out work to protected trees will be evaluated carefully before permission is given.

Although the Council will deliver this wide range of services in its management of the tree stock, like most other Council's, it will not usually provide services relating to several common issues related to tree "litter" and other annoyances (identified in Section 4) though Health and Safety shall always be paramount.

The Council will seek compensation from any external organisation or individual responsible for significant damage to, or removal of, any Council owned tree(s) to the value as calculated by Capital Asset Valuation for Amenity Trees (CAVAT).

Considerable emphasis has been placed on a more integrated approach to managing the District's trees.

## Introduction

As tree owners with regulatory and duty of care obligations, the Council has direct responsibility to ensure that its trees do not pose an unacceptable hazard or level of risk to the public or property. Tree safety management requires limiting the risk of harm from tree failure while maintaining and protecting the benefits conferred by trees. To manage and address these risks and discharge the Council's statutory duties associated with trees it has to:

- Establish best practice in surveying, mapping and regularly inspecting trees as part of a robust risk management procedure
- enable consistency in the quantity and quality of tree works being carried out and predictability in outputs/ outcomes.
- provide a basis for supporting robust planning policy in relation to trees.
- offer effective mechanisms to manage public expectations.
- handle ad-hoc requests efficiently and effectively.
- contribute to ensuring positive environmental outcomes from new developments.
- protect and enhance biodiversity related to trees, woodlands, and hedgerows.

Those involved in the care for the Council's trees are in the front line of a challenging national struggle to manage a range of potentially very damaging and harmful pests and diseases, many of which have arrived from, or are an imminent threat from, abroad.

In addition to its statutory biodiversity duty and general duty of care, district councils have a regulatory role in ensuring the preservation of trees and woodlands that offer high public amenity value, regardless of their public or private ownership and the provision and protection of adequate green infrastructure in new developments.

The Council's Corporate Plan sets out its ambition *"to improve the environment of the District, to tackle climate change, to enhance the attractiveness of South Derbyshire and deliver excellent services"*

This document brings together all these themes to ensure that the Council can properly manage its trees into the long-term future and provides a framework which details the Council's approach to the management and enhancement of its tree stock. It outlines the mechanism by which the Council will achieve its strategic vision for trees:

## **Vision**

*“South Derbyshire will be a District where the natural capital of its trees, woodlands and hedgerows are fully valued, properly managed and well-maintained so that they can make their optimum contribution to ecosystem services and the health and well-being of the community, whilst providing aesthetic and seasonal pleasure to today’s residents, visitors and to future generations.”*

## **Mission**

*“To protect, improve, increase and sustain the tree population and canopy cover of the Council and the National Forest for the benefit and enjoyment of current and future generations.”*

## **Core Aims and Objectives**

The aims of this Management Plan are ultimately to:

1. To ensure the Council complies with its duties to protect members of the public, Council employees and property from tree hazards;
2. To value, protect and improve the quality and safety of the District’s tree stock through the legal and physical protection and management of trees;
3. Ensure that trees, woodlands, and hedgerows contribute fully to a healthier and more attractive local environment;
4. Develop and improve the District’s natural capital, tree canopy, ecological network and biodiversity where trees are included or impacted;
5. Effectively manage the impact of trees on residents, businesses and organisations;
6. Raise the profile, value and understanding of trees, woodland and hedgerows (and their issues) for the benefit of the District;
7. To ensure that sufficient resources are available to deliver the agreed objectives and action plan

## **Objectives**

To achieve the vision, mission and aims the Council has the following objectives:

1. To ensure that there is an efficient, effective, and economically sound programme of management to keep the Council’s trees safe and healthy and in good order;
2. To ensure that there is an efficient, effective, and economically sound programme of delivering maintenance to keep the Council’s trees safe and healthy;
3. To continue to protect the District’s trees, woodlands, and hedgerows by improving and strengthening partnerships and legal and physical processes and procedures;
4. To ensure the proper protection, management and augmentation of the District’s ecological network, tree canopy, tree-based habitats, and biodiversity which relates to trees;

5. To deal effectively with tree-related community issues and customer enquiries

## 1.0 The Policy

### 1.1 Purpose of this Tree, Woodland and Hedgerow Management Policy

1.1.1 This Policy defines the Council's agreed approach to managing its trees, woodlands and hedgerows and will be the document which may be used when any legal or policy tree matters are considered. It is intended to act as a point of reference for the public, Councillors, officers and professionally interested people to enable informed discussion. It establishes a clear, consistent, and structured approach to managing tree-related issues. This is a companion document to the Tree Woodland and Hedgerow Management Plan and includes policy statements which build on, but will supersede, the existing Tree Management Policy 2010. Where appropriate, it should be assumed that the use of the term 'tree' will also include woodland and hedgerows

1.1.1 The Council will respond to tree enquiries, complaints, and service requests, within the parameters set out in this document and Council procedures

Policies are set out as **overarching policies** or **management policies**, and some are dealt with in additional **specific policy points**

Together with the Tree, Woodland and Hedgerow Plan, these policies should provide clear guidance for the management and maintenance of the District's trees for the future

#### 1.1.2 Natural Capital and Ecosystem Services

This Policy is framed using the concepts of "natural capital" and "ecosystem services" to link in with the Council's aim to improve its environmental and sustainability performance through its commitment to maintaining success in achieving ISO 14001 and improving biodiversity and nature recovery. The emergence of the concept of 'natural capital' in recent decades reflects a recognition that environmental systems (in particular, trees, woodland, and hedgerows) play a fundamental role in determining a council's economic output and social well-being — providing resources and services, and, preventing flooding, absorbing emissions and toxins.

The many environmental, social, and economic benefits of trees and woodlands are well-recognised and are identified in the Management plan, but factors such as the pressures on existing trees, opportunities for new tree planting and the impact of development etc. should not be dealt with in isolation, or in a reactive manner, but as part of an integrated approach to tree management.

### 1.3 Tree Challenges

1.3.1 Road surfaces and Infrastructure - Trees can have negative effects on the surface of footways, carriageways and built structures such as walls, fences etc. through annual stem growth and/or direct root damage which can cause subsidence, disturb or block drains and ditches etc.

1.3.2 Leaf litter - Trees can shed bud cases, blossom, seeds, fruit, leaves, needles etc. depending on the season. These can be problematic for street-cleansing, disposal, gutter and drain clearance etc

1.3.4 Trees, like many plants, are a source of pollen which can be allergens for certain people.

- 1.3.5 There has been a significant increase in the number of non-native tree pests and diseases being introduced to the United Kingdom since the early 2000s. Many of these are having a serious impact on human health such as Oak Processionary Moth and Brown-tail Moth, and tree health, for example, Ash Die-Back, Acute Oak Decline and Bleeding Canker of Horse Chestnut. There is a need for the Council to take action to provide our trees, woods, and forests with greater protection. Implementing appropriate biosecurity measures, can significantly reduce the risk of introducing and spreading tree pests and diseases, and having to deal with the consequent financial impact. The Council should also plan to provide a coordinating role in ensuring the safety of the public in the District as a result the future impact of any of these diseases, especially where other landowners' trees pose a hazard to the public.
- 1.3.6 As part of the Council's Climate Emergency declaration it recognises the importance of the role of trees, woodlands, and hedgerows in sequestering carbon dioxide. The Council will need to make provision to adjust its planting programmes and tree selection according to changing conditions.

## 2.2 Key Passages from Key Documents

### 2.3.1 Local Plan Policies

- 2.3.2 Key Local Plan policies included in the South Derbyshire Part 1 Local Plan includes Policy BNE1 (Design Excellence); BNE3 (Biodiversity); LBNE4 Landscape Character and Local Distinctiveness and INF8 (The National Forest). In addition, the Council's Part 2 Local Plan includes a specific policy to manage the likely effects of development on trees and hedgerows. This is Policy BNE7 (Trees, Woodland and Hedgerows). Corporate Plan Statements

### 2.4.1 Corporate Priorities and Key aims

#### 2.4.2 Our Future

- a. Support economic growth and infrastructure
  - i. Enable the delivery of housing across all tenures to meet Local Plan targets
  - ii. Influence the improvement of infrastructure to meet the demands of growth
- b. Transforming the Council
  - i. Provide modern ways of working that support the Council to deliver services to meet changing needs

#### 2.4.3 Our People

- c. Supporting and safeguarding the most vulnerable
  - i. Promote health and wellbeing across the district
- d. Deliver excellent services
  - i. Ensure consistency in the way the Council deals with its service users
  - ii. Have in place methods of communication that enables customers to provide and receive information
  - iii. Ensure technology enables us to effectively connect with our communities
  - iv. Invest in our workforce

#### 2.4.4 Our Environment

- e. Improve the environment of the district
  - i. Enhance biodiversity across the District

- f. Tackle Climate Change
  - i. Strive to make South Derbyshire District Council carbon neutral by 2030
- g. Enhance the attractiveness of South Derbyshire
  - i. Enhance the appeal of Swadlincote town centre as a place to visit
  - ii. Improve public spaces to create an environment for people to enjoy.

## Tree Policy Statements

### 3.1 Over-arching Policy Statements

3.1.1	The Council shall adopt a proactive approach to protecting and managing the District's trees. These policies will apply to all the Council's trees. The Council's Tree officer will be the primary point of contact for all District tree issues in the first instance.
3.1.2	The Council shall undertake the recording, surveying and mapping of individual trees, groups and woodlands on Council-managed land within the boundaries of the District and will arrange their regular and routine inspection as required for each type and situation
3.1.3	The Council shall undertake the regular and routine risk assessment of its sites and trees and carry out re-inspection as required by its agreed procedures and programmes
3.1.4	The Council shall identify the work required on its trees in a regularly updated programme and shall ensure that the Council's tree stock is maintained in a cost-effective manner, which maximises natural capital, visual amenity, and associated benefits whilst minimising risks to public safety. The Council will work to create a balance between the needs of the residents, whilst still preserving the amenity of the area. The Council will provide public information, where appropriate, in advance of planned tree works and in advance of planting schemes.
3.1.5	The Council shall use current planning legislation to protect those trees it considers to be threatened and/or that it values. Applications to carry out work on protected trees will be evaluated carefully before permission is given. The Council shall also develop adequate procedures to protect its trees from damage by residents, developers etc. and will seek compensation from any organisation or individual responsible for significant damage to, or removal of, any council owned tree(s). Damage value may be calculated using the UK Court validated Capital Asset Valuation for Amenity Trees (CAVAT) process.
3.1.6	The Council shall ensure that every Council-owned tree that is the subject of any enquiry or complaint will be inspected on an individual basis. An inspection will be undertaken for any such tree, and the Council will undertake any works identified in line with best practice and this policy. Where possible, appropriate advice will be given.
3.1.7	The Council shall establish best practice to ensure adequate biosecurity in the District to prevent, manage the effects, and control serious tree pests and diseases which cause harm to public health or the tree stock
3.1.8	The Council will develop Woodland Management Plans and/or management prescriptions for all Council woodlands and survey and prescribe improvement and connectivity plans for Council hedgerows
3.1.9	The Council shall always use professionally recognised methods and standards of arboricultural practice as recommended in the British Standard 3998: 2010 -

	Recommendations for Tree Work document in its tree management and maintenance work programmes and develop specifications, schedule of rates and service level agreements to ensure efficiency, effectiveness, and economy. Work shall be scheduled and timely so as not to be detrimental to the tree species affected.
3.1.10	The Council shall always use professionally recognised standards and/or arboricultural techniques to ensure environmental/ ecological best practice and will always identify and ensure appropriate management of trees in line with its plans for nature recovery, biodiversity, its Biodiversity Network, wildlife corridors or as landscape features, and using guidance from BS42020
3.1.11	The Council shall promote and communicate the positive contribution and benefits made by trees to the district
3.1.12	The Council shall replant at least one tree, preferably three, whenever one is removed, whether due to health and safety, planting loss or other reasons. The newly planted tree will be positioned as close as practicable to the removed one. BS 8545 will be used as guidance for best practice
3.1.13	The Council shall aim to increase tree canopy cover* to a minimum of National Forest (or other legally required) targets, improve habitat connectivity, and meet carbon offset/ climate emergency targets, by undertaking the planting of new trees, woodlands, community orchards, nutteries and hedgerows where suitable opportunities arise.  *Canopy cover is an emerging issue for inclusion within the Councils Climate and Environment Action Plan and this issue is likely to be the subject of objectives and targets in future versions of the Climate and Environment Action Plan”
3.1.14	The Council shall make adequate resources available to ensure that it complies with its duty of care in respect of tree safety and other legal obligations and will develop a claims process for infrastructure damage and/or personal injury claims
3.1.15	The Council shall ensure that this Policy is reviewed at least every five years or when there are major changes to legislation or best practice in respect of tree management.
3.1.16	The Council shall inspect, risk assess and prioritise tree work according to methodology defined in Section 4.
3.1.17	All tree work shall comply with, and will be quality assessed against, the Council’s Tree-Work Specification (Appendix 1) and the appropriate British Standards.
3.1.18	The delivery of tree management and maintenance work and customer enquiry and complaint management will be assessed and measured using a Quality Assurance and Performance Management System

### 3.2 Tree Work Management Policies

Decisions on tree work will be made according to the policies listed below:

3.2.1	Where a tree poses a safety risk	The Council will remove dangerous trees or parts of trees in its ownership. Safety considerations will always be given priority.  Where trees on private land represent an immediate threat to people or property the Council will use its powers/ duty to legally intervene, alert the owner and, when necessary, arrange for work to be carried out and, where possible, recharge the landowner
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		Where trees on unregistered land represent an immediate threat to people or property the Council will assess the severity of the risk and the site location and conditions and take appropriate action, at its own expense, if necessary, pro bono publico, to meet its duty of care responsibilities
3.2.2	Council trees touching buildings and structures	The Council will cut back its trees from properties where they touch windows, walls, roofs or gutters and to avoid light structures such as aerials, tiles or gutters being damaged by its trees moving in the wind and prevent property being engulfed. Preventative measures will be undertaken to avoid future damage where necessary.
3.2.3	Where Council trees are interfering with pedestrian or vehicular movement on footpaths or highways.	The Council will maintain clearance for pedestrians and vehicles over footways and roads respectively. Guidance recommends that a minimum clearance of 2.1m over footpaths and 5.2m above the carriageway of adopted highways be maintained. Trees on open spaces, which are not blocking the highway or sightline, will be left with a more natural shape where the branches may extend down to the ground
3.2.4	Council tree blocking sightlines or road signage, streetlights and any other street furniture.	The Council will clear any sightline where it is being blocked by low branches. To maintain vehicular and pedestrian safety.  The Council will cut branches that are impeding streetlights, road signs and other street furniture, etc. To maintain vehicular and pedestrian safety.
3.2.5	Roots/growth affecting hard surfaces, infrastructure or property	Where it has been identified that roots or stems of Council trees growing under footpaths or close to property are the cause of problematic surface lift or subsidence, blocked or disturbed drains/ ditches etc. the Council will, or encourage the owner to, find an engineering solution. Felling will only be considered where the repair is essential and all other solutions have been considered and dismissed, usually when a satisfactory result cannot be achieved without damage to the root system that will undermine the future health and stability of the tree
3.2.6	Previously inappropriately planted Council trees on Public Open Spaces.	Where it has been clearly identified by the Tree Officer and/or external professional expertise, that trees have been planted too close to structures and are outgrowing their surroundings, pruning will be undertaken. Where trees are growing close to fences and/or boundary walls, engineered solutions will always be considered before felling. If future growth potential means that damage is foreseeable and unavoidable as the tree grows, pre-emptive felling may be the only long-term solution. There may also be an occasion where, because of essential works, situation or species, the tree is considered inappropriate to the site and may be removed. This may include thinning out tree plantings to allow other species to develop. Retained trees pre-dating a development site, due to poor planning/ inappropriate development, will not normally be considered for removal.

3.2.7	New planting schemes and the impacts on biodiversity.	The Council will give due consideration to the retention, recovery, connectivity, and creation of habitats when planning new tree planting schemes, to increase the biodiversity and amenity value of the District.
3.2.8	Council trees affecting solar panels.	Works will only be carried out on trees which are restricting the efficiency of solar panels where the solar panel pre-dates the presence of the tree.
3.2.9	Liveability issues regarding natural phenomena.	Tree work and clearance work <b>will not</b> be carried out solely to alleviate problems caused by natural and/ or seasonal tree litter phenomena such as follows: <ul style="list-style-type: none"> <li>• fallen leaves, pine needles, twigs etc.</li> <li>• sap exudation (e.g., honeydew)</li> <li>• falling fruits, nuts, blossom, bud cases etc</li> <li>• bird droppings</li> <li>• reduction or increase moisture to gardens</li> <li>• sucker growth</li> <li>• germinating seeds from trees</li> <li>• blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves; presence of algae, moss build up</li> </ul>
3.2.10	The Council <b>will not</b> carry out tree-pruning or tree removal directly attributable to:	<ul style="list-style-type: none"> <li>• TV or satellite/Wi-Fi signal reception.</li> <li>• blocking of sunlight or man-made lighting during any part of the day.</li> <li>• blocking or obstruction of a view from a residence.</li> <li>• Interference with telephone or electricity cables (this is the responsibility of utility providers)</li> </ul>
3.2.11	Pruning to prevent/alleviate crime, youth nuisance and anti-social behaviour	The Council will not fell or prune Council-owned trees solely to alleviate problems caused by crime, youth nuisance or anti-social behaviour, unless there is clear evidence that all other approaches have been tried and have not been successful. These measures would include, surveillance, Public Spaces Protection Orders (PSPOs), attempts to arrest/ prosecute offenders, youth street-worker interventions, SARA model (Scanning, Analysis, Response, Assessment) etc. The preservation of the tree will take precedence over such considerations.  Unauthorised tree swings, structures etc. will be removed where necessary for safety reasons.
3.2.12	Third party sponsorship	The Council will consider accepting third party sponsorship for tree work only where there are good arboricultural reasons but are not priority work for the Council. Such work shall be carried out using sound arboricultural practice by approved professional contractors with Tree Officer supervision if required.
3.2.13	Overhanging branches	The Council has the same responsibility as a private landowner or neighbour in respect of overhanging branches and is only obliged to cut them back in circumstances where damage is being caused to adjacent structures or where the tree has been identified as being hazardous. Notwithstanding neighbours can cut back branches to their property boundary, this should be completed using

		good arboricultural practice, must not damage/ unbalance the tree and only with prior consent from the Council
3.2.14	Tree planting – trees, woodlands, hedgerows, and small shelter belts	<p>The Council will plant specimen trees and new, species rich, native woodlands and hedgerows in appropriate locations to meet a variety of objectives, including habitat creation and connectivity, carbon capture, the screening of unsightly development, the provision of shelter and the enhancement of the landscape ensuring planting the right tree in the right place</p> <p>The Council will work closely with The National Forest Company in securing grants to help support the Council’s tree planting vision</p> <p>All specimen trees will be planted and cared for according to the Council’s Planting Specification and BS 8545: 2014 (<i>Trees: from nursery to independence in the landscape</i>)</p>
3.2.15	Veteran, aging, notable, trees and semi-natural ancient woodlands	The Council will manage veteran, aging and notable trees in a way that preserves their unique characteristics. When managing trees and woodlands, due consideration will be given to biodiversity issues in line with the Biodiversity Duty for Public Authorities enshrined in the Natural Environment and Rural Communities Act 2006 and other relevant legislation
3.2.16	Standards of tree work	All works to Council trees will be carried out to comply with British Standards 3998: 2010 ‘Recommendations for Tree Work’. Any tree work for the Council shall be carried out by operatives fully trained to undertake arboricultural tree work and should be Arboricultural Association approved, or able to demonstrate that they have achieved a similar standard of competency. All personnel engaged in undertaking tree works must be adequately trained and hold all the accepted minimum qualifications and be fully competent with relevant experience in undertaking such tasks.
3.2.17	Customer enquiries	Customer enquiries and complaints received will be considered sympathetically and the Council will deal with each case on an individual basis.
	Scope of Policy	This Policy applies to all Council-owned trees
<b>Additional Specific Policy Points</b>		
	Housing Trees*	<p>Tenants shall not undertake arboricultural works (pruning or felling etc.) without written approval from Tree Officer, in accordance with tenancy agreements. Tenancy agreements will make clear who is responsible for managing existing trees on each property, including those planted by current tenants and previous tenants.</p> <p>Tenants must obtain Council permission before planting any trees.</p> <p>Where housing land ownership is in dispute investigations will be made aiming to resolve tree ownership issues.</p>

		<p>The new planting of fast-growing conifers, for example, Leyland Cypress, will be actively discouraged on Housing Dept. land. Only in exceptional circumstances will such planting be allowed.</p> <p>Tenants that are less able to maintain their gardens may be given assistance by the in-house Operational Services team and /or Housing Officers who would be able to report any issues.</p> <p>Therefore, proactive inspections and tree work shall focus on properties with substantial trees where the risk is more significant. These properties will be identified, and the trees assessed, and re-inspections set accordingly.</p> <p>*All council-owned and managed estates throughout the District have open spaces and gardens which have been planted with trees. It is here that tenants and housing communities come into the closest contact with trees. This Policy applies to all the Council's Housing land.</p>
	Corporate Property	All Corporate Property owned trees will be managed in line with SDDC Tree Policy.
	Planning and Strategic Housing	<p>The Council shall manage its trees, hedgerows and tree-related habitats in line with the Council's Tree Policy to maximise their contribution to the development opportunities in the District.</p> <p>The Council will rationalise and review its TPO processes and systems and review regularly to meet changing demands and regulation.</p> <p>The Council will review conditions relating to newly planted trees in developments.</p> <p>The Council will review the protection status of trees on Public Open Space maintained by management entities/ companies.</p> <p>TPOs will be placed on all trees growing on public open space which is transferred to management companies for maintenance.</p>
	Environmental Health	<p><b>Dangerous Trees on Private Land</b></p> <p>The Council will use its discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976, Section 23, to deal with trees in private ownership that are dangerous. This legislation only allows the Council to become involved with trees that pose an imminent threat to people or property.</p> <p>(The Local Government (Miscellaneous Provisions) Act 1976 does not enable the Council to become involved with private trees causing a nuisance to a neighbouring property by causing shade, blocking views, or dropping leaves, flowers or fruit etc. unless the trees are imminently dangerous.)</p>

		Problems associated with High Hedges and covered by the Anti-Social Behaviour Act 2003 and will be dealt with by the Environmental Health Department as advised by the Tree Officer.
	Closed Churchyards* and Ecclesiastical Law	<p>Regard must be given to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards as required by the Faculty Jurisdiction (Amendment) Rules 2019</p> <p>*The Council maintains a number of closed churchyards throughout the District. These churches are receiving no further burials. In addition, the Council manages the large tree collections at Newhall and York Road Cemeteries as well as the trees at its smaller cemeteries i.e., Etwall, Marston on Dove.</p> <p>The closed churchyards contain some of the oldest and finest specimen trees in the District and contain typical long-lived species such as Yew. The Cemeteries and majority of churchyards are fully accessible to the public during the daytime.</p>
	Biosecurity	The Council shall ensure best practice biosecurity practice in managing its trees, woodlands, hedgerows, and tree-related habitats in to minimise the effects of harmful invasive pests and diseases
	Biodiversity	The Council shall ensure best practice biosecurity practice in managing its trees, woodlands, hedgerows, and tree-related habitats in to aid nature recovery and improve ecosystem services

## 4.0 Inspections, Risk Assessment and Records

### Classification of Risk

- 1 The Council owns and controls three large parks and numerous recreation grounds, allotments, cemeteries and closed churchyards, woodlands, common land, sheltered housing estates, council houses and industrial sites. Most of these green spaces contain a tree population of varied age, species, and condition. Each area is given a classification code and then sub-divided into category 1, 2 or 3 in descending order of risk, depending on the potential risk to the public and property that the tree stock poses.

### A.2 Council tree work priorities

- A.2.1 Risk scoring is used to prioritise work by identifying the trees likely to cause the greatest harm. Those trees with a higher score will generally be dealt with first but this may be modified by species, age and location. For example, practical management goals and replanting requirements may mean some lower scoring trees may become a higher priority for work.

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

This classification then determines the frequency of future inspection.

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

## Risk Zones

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

### 4 e) Inspection Records

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

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

The Council will use its Risk Management and the Tolerability of Risk Framework for tree risk-benefit assessment and management. It will manage the risk from trees and branches falling and other tree problems using four easy to understand 'traffic light signal' coloured risk ratings.

- **Red - High / intolerable** risks will be reduced to an **Acceptable** level as soon as possible
- **Amber - Medium / action required** risks will be reduced to an **Acceptable** level, within a scheduled work programme
- **Yellow - Tolerable / incipient risks** will not be reduced but will require an increased frequency of assessment than green - **Acceptable** risks
- **Green - Acceptable** risks will not be reduced unless the identified work is in line with policy conditions and is within council budgets and resources

The Council has limited resources for carrying out identified tree work, and there are many factors which influence how quickly required work can be realistically achieved, including available workforce and/or contractors, weather/ ground conditions, access issues, bird/ bat protection etc. High risk work will be carried out as soon as practically possible. All other work will be classed as non-high risk.

The Council will make risk reduction work the priority. However, this will be done pragmatically, for example, where it makes economic sense, it will avoid sending a tree crew from one side of the operating area to another to carry out two different jobs where more time is spent travelling than doing the work. The Council also must deal with a variety of tree tasks and range of risks from trees, such as low branches, obscured road signs and sightlines, formative pruning, reversion removal, tree staking etc. If it means more can be done with its tree budget, the Council will synchronise this kind of work with other important tree work in the neighbourhood.

Outside of emergencies, the Council will carry out risk reduction work in accordance with the results from the planned tree inspections. Required identified work will be scheduled on a regular basis. The Council will assess how much risk reduction work there is, where it is, and how much of its tree management budget is needed to spend on it. This will help prioritise the work, and coordinate it with other tree maintenance so that work can be planned in a practical and cost-effective way

Where tree work completion is not possible within the planned schedule it will be recorded as outstanding and will be carried forward and completed as soon as achievable/ practicable.

These policies have been designed and created in line with government and august body guidance and have been benchmarked against other local authority policies and best practice. They are based on the previously agreed South Derbyshire District Council Tree Management Policy (2010).