

CAMBRIDGE CITY COUNCIL CITYWIDE TREE STRATEGY 2016 – 2026

PART 2 – Tree Management Policies



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1 **How the strategy works**

1.1 The strategy takes three approaches to the delivery of the Council's vision and aims, namely:

- a) **To Protect** – existing trees, where appropriate, through the Council's regulatory responsibilities and; through the provision of tree management advice.
- b) **To Enhance** – tree cover through the Council's regulatory responsibilities; through education; through public engagement; and through new tree planting.
- c) **To Manage** – sustainably the Council's tree stock and those we maintain by agreement, in accordance with current best practice and within the resource allocated.

1.2 The strategy is divided into three parts:

Part 1 – Tree protection and enhancement

This part sets out the Council's overall strategic vision and background to the strategy. It also set out policies that will inform how the Council will protect the City's tree population, as a whole, with specific reference to tree preservation orders, development control and tree canopy cover enhancement through public and partnership engagement.

Part 2 – Tree management policies.

This part sets out the background and policy as to how the Council's own trees are to be sustainably and responsibly managed. It also provides guidance to inform the public on tree-related matters and on their rights and responsibilities.

Part 3 – Action plan

This part sets out actions, timescales and responsibilities with regard to implementing the Council's tree policy.

1.3 This document is Part 2 of the strategy.

Acknowledgement

The City of Edinburgh, *Trees in the City, Trees & Woodlands Action Plan*, January 2014 has been important resource in developing this document.

2 How trees are currently managed in the City

- 2.1 In 2015 the Council sought the views of residents to help shape this strategy. Half of all respondents to our tree strategy consultation ¹ on tree issues and options believe the present balance of the Council's workload is correct. Of those who want to change the present balance, the majority (22%) want to see more time and resource allocated to asset management of the Council's own trees.
- 2.2 Trees contribute greatly to the City's character and are integral to providing cleaner air, filtered storm water and lower city temperatures. Trees create important habitat for birds and insects and make the City beautiful. Streets, parks and communal open spaces in our housing estates filled with trees can also have psychological benefits for residents, reducing stress and providing spaces for relaxation and contact with nature. For these reasons, the Council will continue to manage its tree assets sustainably and in accordance with best practice. The Council also recognises that, in some situations, trees can cause residents significant problems and that the wrong type of tree may be growing in the wrong place. In these situations, the Council will act reasonably and responsibly and work to seek an appropriate balance is reached between the interests of the individual, the interests of the community and the legal obligations of the Council.
- 2.3 The Council has a Tree Team of three full time qualified arboriculturalists to administer and advise on tree related matters. The team has an inter-disciplinary skill set with all Officers able to undertake both regulatory and management functions.

The tree team directly manage trees on:

- Parks and open spaces.

These are commonly the most significant trees in an area. There are currently ~14,300 parks trees. They are in the process of being moved into proactive management (see Appendix A for further details).

- Streets or Highways.

These trees are the responsibility of Cambridgeshire County Council. These are the trees growing in pavements or road verges along the City's roads and streets. They are currently managed by the City on behalf of the Cambridgeshire County Council. There are ~10,400 street trees.

- Housing estate communal open spaces.

These are the trees found in the open space areas in and around housing estates. They are the responsibility of City Homes. There are ~5,200 housing trees on communal open spaces.

The tree team advises on tree related issues on:

- Car parks land - for Specialist Services;
- Development sites - for Development Control;
- Housing tenanted land – for City Homes; and
- Other Council owned land - for Property Services.

¹ Trees in Cambridge – Issues and Options, July 2015 by Phil Back Associates

The tree team also administers the Tree Preservation Order and Conservation Area statutory regulations as they relate to trees. There are currently ~650 applications per annum.

The tree team currently considers and gives advice on ~300 resident enquiries on tree related matters per annum.

- 2.4 Since 1996, street/ highway and housing estate trees have undergone cyclical inspection and maintenance every three years. The cycle is based on the City being split into three geographic ward-based areas. Each area is given priority, in turn, and brought up to a pre-defined standard once every three years, with only urgent or annual works being carried out in the two non-priority areas. This approach was approved in the last Citywide Tree Strategy and has enabled an efficient and sustainable use of resources ensuring all trees that need it; receive appropriate maintenance within a three year cycle. Appendix A sets out this approach in more detail.
- 2.5 The Council is in the process of moving Parks trees to a similar cyclical inspection and maintenance programme. It is anticipated that a large amount of tree work will be required during the first cycle. This will stabilise when the backlog of essential work has been cleared.
- 2.6 Since 2007, all tree locations, species details and works history have been recorded on proprietary tree management software.
- 2.7 Tree works are undertaken by external contractors. Since 2004, contractors have been vetted for their quality and value for money under a framework agreement procedure. There are currently seven contractors on the Council's Arboricultural Maintenance Services Framework. Under the framework most parcels of planned works are let via a series of mini-competitions to ensure value for money.
- 2.8 Longer term collaborative opportunities across the whole County are to be explored, with an aspiration for a County wide framework agreement, for the period 2017 onwards.

3 **Tree Management Policies**

- i. Responses to our consultation on tree issues and options, indicated that there is strong support for promoting tree coverage, particularly for stricter requirements in new housing areas and for more trees to be planted on Council land. There is also encouragement for the Council to look at potential partnerships with key voluntary bodies, and with community groups, to achieve more in this area.
- ii. There is strong support for a policy of 'the right tree in the right place', rather than looking specifically at mature replacement trees or like-for-like replacement.
- iii. There is also strong support for planting appropriate trees on streets, recognising the need for drought and pollution resistance and the need to ensure growth does not compromise other street users.
- iv. Although there are people who believe trees should always be given precedence when they conflict with people/buildings, they are a minority. Most respondents (79%) said that options for retention should be given full consideration before trees are removed.
- v. Trees have an important status in the city and are seen as an essential ingredient of the city's character; they are widely viewed as important, for a variety of reasons, and to be prioritised accordingly in resource allocation. It is therefore vitally important that the Council has tree management policies.

3.1 **Risk management and plant health care policies**

3.1.1 Work priorities

The Council tree management services include:

- Day to day management of the Council's own tree stock;
- Day to day management of the County Council's street trees;
- Regulatory responsibilities regarding trees established in conservation areas and/or trees subject to tree preservation orders;
- Regulatory responsibilities in relation to trees and planning applications;
- Tree planting;
- Enquiry handling (both internal and external); and
- Community engagement and education.

The demand on any particular service area can vary from year to year partly in response to localised environmental changes. For example storm damage; both good and poor growing conditions; pests and disease can affect maintenance costs and staff time. Other external factors, such as localised rises in tree work or planning related applications can affect staff time. Increases in demand in one area of the service may affect the ability to deliver in other areas of the service. The Council's legal obligations include a duty of care to maintain its trees in a safe condition and to

administer its statutory regulatory responsibilities. The Council will prioritise its legal obligations first over all other aspects of the service.

POLICY WP1: The Council will prioritise its legal obligations over all other aspects of the service.

3.1.2 Tree inspections

Good risk management practice is not set out in any one text, but the Council will be guided in its approach to achieving the right balance between public safety and amenity by the National Tree Safety Group's guidance (2012) entitled "Common sense risk management of trees" by endorsing its five principles for tree risk management:

- Trees provide a wide variety of benefits to society;
- Trees are living organisms and naturally lose branches or fall;
- The risk to human safety is extremely low;
- Tree owners have a legal duty of care; and
- Tree owners should take a balanced and proportionate approach to tree safety management.

POLICY WP2: In balancing tree risks and benefits the Council will:

- **manage the risk of significant injury or property damage to levels that are as low as reasonably practicable;**
- **operate a system of proactive and reactive tree inspections;**
- **maintain a record of trees and inspections;**
- **ensure individuals who carry out inspections are competent to do so;**
- **ensure work identified through the inspection programme is undertaken by suitably qualified staff or contractors.**

Tree inspections will be undertaken by a competent person trained to observe obvious potential hazards so as to inform, where appropriate, a risk control decision/action. A competent person shall be either suitably qualified staff or contractor who has the relevant training and experience to undertake the required level of inspection.

Four levels of inspection will be employed:

- Walkabout/ drive-by – A rapid visual assessment of a site looking for significant visually prominent tree related hazards;
- Basic - A visual assessment of individual trees which shall evaluate tree related hazards including the structural integrity of a tree, relying on primarily on observations from ground level (possibly using binoculars, mallet and probe);

- Detailed – A systematic and diagnostic process of visual inspection in order to gain sufficient understanding of a tree's structural condition, so as to inform, where appropriate, re-inspection interval and management recommendations; and
- Advanced - A specialised examination identified as being necessary during a basic or detailed inspection involving the use of specialised (e.g. decay mapping) equipment.

Inspection data will be recorded. Basic inspections and walkabout inspections will be recorded on the Council's proprietary tree management software (Ezytreev®²) and will not be as exhaustive as detailed and advanced inspections. Detailed and advanced inspections will be referenced on Ezytreev® with a full report saved on the shared network in an appropriate format for example word, pdf or excel. The detail recorded will vary with the level of inspection. Any observations giving rise to concern over tree safety will be recorded.

Basic inspections will be the default level of inspection. Occasionally there are trees of high amenity value with potentially serious defects that we may wish to retain because of their high value. Where a serious defect is suspected and failure may cause potentially serious risk of risk or damage, for example, its proximity to an area of high public use, a detailed and / or advanced inspection will be undertaken to more fully assess the extent the defect and risk so as to make a more informed and specific management recommendation. Those undertaking basic inspections will retain a record of:

- date of inspection;
- name of person undertaking the inspection;
- trees inspected / site inspected*;
- any significant hazards observed;
- any limitations preventing inspection to the required level;
- tree species; and
- action recommended (where relevant).

*Trees not found to have significant defects, and/or not directly threatening an identified target, need not be individually recorded during a site inspection providing that the date of inspection and the site inspected are recorded. It will be assumed by implication that all trees present within the site have been inspected. This method of recording may be employed during proactive inspections where large numbers of trees are involved and the practicalities of identifying each tree are unrealistic.

For a detailed and advanced inspections, the minimum data recorded should be:

- date of inspection;
- name of person undertaking the inspection;

² <http://www.ezytreev.com/> (web page last accessed 23/9/2015)

- tree inspected;
- species name;
- age class;
- significant defects present assessed as being potentially hazardous;
- any limitations preventing systematic inspection;
- recommended actions (if required).

Walkabout/ drive by inspections will only be undertaken in special circumstances, e.g. after a storm event, where there are resource issues or prior to some events. For walkabout/ drive by inspections, the minimum data recorded should be:

- date of inspection;
- name of person undertaking the inspection;
- site inspected;
- significant defects present assessed as being potentially hazardous; and
- recommended actions (if required).

Basic tree inspections will be employed both reactively and proactively. Detailed and advanced inspections will be employed in response to basic inspection findings.

Reactive inspections will not be systematic but in response to an enquiry or event.

Proactive basic inspections will be systematic and happen on a 3 year cyclical basis for City Council trees growing in;

- public parks,
- recreation grounds,
- play areas,
- closed churchyards,
- cemeteries,
- crematorium;
- nature reserves;
- communal housing spaces.

The tree inspection and maintenance cycles coincide, details of the cycles can be found in Appendix A.

Inspection regimes for City Council trees that fall outside of the above land uses, e.g. land managed by Property services, Car Parks, and tenanted Housing lands, will be considered in negotiation with these departments.

The City currently manages the County Council's street trees on their behalf. They have historically been inspected in conjunction with the City's trees on housing estate open spaces since 1996.

POLICY WP3: The Council will review the management of its trees that are not directly managed by the tree team.

3.1.3 Street (Highway) trees

There is a technical boundary described as ‘back-of-footpath’ where the Highway Authority has responsibility between the outer edge of the footpath across the footpath, verge, carriageway, verge and back to the outer edge of the footpath opposite. Trees growing in this area are street or Highway trees that are owned by the County Council. Trees growing on adjacent communal Housing land are not visually discernible from street trees and the two ownerships form an entity.

Previous arboricultural strategies set out the justifications both; to maintain County street trees in conjunction with City communal housing estate trees; and to maintain them on a three year maintenance cycle.

This partnership approach in 1996 and has which served the interests of both Authorities. When allocating resources to street tree management, the County Council gave priority to ‘safety’ and ‘structure’ while the City Council considered street trees an integral part of the urban landscape with benefits to residents and environment as a whole; and, as such, management costs and planting provision where shared.

This approach was, and still is, deemed effective. The arrangement was facilitated by a Reverse Agency Agreement which has now ended and was to be renegotiated from 2011/12. These negotiations have not been concluded. Thus, the future arrangement for street tree maintenance remains uncertain. The City continues to subsidise the management, maintenance and planting of street trees in recognition of the benefits street trees bring to the city, however it understands the necessity of re-establishing a formal agreement which clearly sets out levels of funding, determines responsibilities and clarifies liabilities.

POLICY WP4: The Council will work to negotiate a Reverse Agency Agreement with County Highways and associated levels of funding for street tree management, maintenance and planting.

3.1.4 Planned Tree maintenance cycles

On land we own, the Council has a legal duty to ensure that the public can go about their daily business with a reasonable expectation of safety in relation to trees. The Council has a limited amount of resources to carry out tree works, so these works have to be prioritised in a rational and defensible way. The Council manages risk from low hanging branches; sight line, traffic sign and signal obstructions; direct damage from branches touching structures/ vehicles on a three year maintenance cycle. The cycle also addresses risks from dead, dying and diseased trees; and future risk through formative pruning. These are considered safety works, but they

also have plant health care benefits, and are considered a reasonably practicable way of managing the many trees in the Council's ownership within our limited resources. (See Appendix A for details of the management cycles.)

POLICY WP5: Trees in Parks and communal Housing areas will be maintained on a three year cycle. This information will be recorded on the Council's tree maintenance data base.

3.1.5 Reactive maintenance

Trees are living organisms whose growth and failure rates cannot be predicted with the same accuracy as engineering structures. Suitably qualified and experienced staff will make judgements on the necessity and timescales for the completion of reactive works where we become aware of a risk to trees outside of their specific management cycle.

POLICY WP6: Taking into account available resources, safety works to Council owned trees that fall outside of their specific management cycle will normally be completed in safety priority order, unless it is deemed an emergency (see WP7 below).

3.1.6 Emergencies

The Council has emergency procedures for dealing with dangerous City Council owned trees. During office hours all emergency calls are directed to the Tree Team, who assess and prioritise work and instruct a contractor where appropriate. Out of hours calls go through to an Emergency Duty Officer and will be passed direct to the Council's emergency contractor and Arboricultural Officers if necessary.

POLICY WP7: If a Council owned tree is in such a condition that it poses a very high risk to people or property and is considered to be an emergency situation, instruction will be given to a tree contractor to make the tree safe within 90 minutes.

If a Council owned tree is identified as dangerous, but the risk to the public is not immediate then the tree will be made safe depending on the degree of risk identified at the time of inspection.

If a tree in private ownership is shown to be a danger to the highway the issue will be passed to County Highways to implement any actions necessary under their powers under the Highways Act 1980.

A danger posed by trees between private parties is principally a matter for such parties to resolve. The Council has powers to require a private individual to make safe a tree via Local Government Miscellaneous Provisions Act 1976. It is expected that private parties will take care of their own responsibilities and hence the Council should not be considered as the first point of contact in attempting to resolve concerns about the danger posed by trees in private ownership. However, the Council will intervene according to the powers given in the Act if an owner of such trees fails to act in a reasonable timescale.

POLICY WP8: The Council will only intervene to make a private tree safe where the danger of it causing damage to persons or property is imminent and in accordance with the provisions set out in via Local Government Miscellaneous Provisions Act 1976 Section 23.

Where a private tree poses a danger to an adopted Highway the issue will be passed to the County Council Highways Section to take any necessary action.

3.1.7 Commercial events

There are many events that take place in Council owned parks and open spaces throughout the year. The Council will at the request of the event organiser only, undertake a 'walkabout' inspection prior to the event. This type of inspection consists of a rapid visual assessment of a site looking for significant visually prominent tree related hazards. The Council will expect organisers of commercial events to arrange for their own specific tree risk assessments as they are best placed to understand the usage of the site specific to their needs and expected attendance numbers. This must be undertaken prior to the event. These assessments must be carried out by a competent arboriculturalist, to be agreed in writing beforehand by the Council. Works falling from these risk assessments will also need to be agreed and implemented by the Council. Any event facilitation works that the Council would not normally implement itself for the normal use of the space will be charged back to the event organisers. All work proposals should take in account the Councils consultation arrangements (See Section 3.2.3 'Communicating our work schedules and consultation procedures').

POLICY WP9: The Council will expect organisers of commercial events to undertake their own tree risk assessment. The Council will help the organiser of a commercial event find a suitable arboricultural consultant where requested. Any event facilitation works that the Council would not normally implement itself for the normal use of the space will be charged back to the event organisers.

3.2 General management policies

3.2.1 Enquiries

The Council's Customer Service Centre (CSC) is responsible for taking enquiries and complaints from the public, including those relating to trees. CSC staff are therefore likely to be the first experience that customers have of the Council's arboricultural service. Policies in this strategy will enable the CSC to directly advise and respond to enquiries in the first instance. Once a caller has contacted the CSC, the caller will be taken through the following procedure:

- The customer's name and contact details are taken;
- The exact location of the tree(s) they are calling about is confirmed. The nature of their request will be clarified, i.e. dangerous tree, fallen limb, overgrown, pruning required, trip hazard, tree related insurance claim, tree planting, nuisance etc.

The customer will be advised of the relevant Council's tree strategy and associated policies including details about the maintenance cycles where appropriate.

If the customer's query does not relate to a tree under the direct management of the Tree Team it will be sent to the appropriate Department (e.g. Car Parks, City Homes, Property Services). If the enquiry relates to a technical issue outside of the Tree Team's remit e.g. footpath deformation, dropped kerb installations, trees in tenants' gardens it will be sent to the appropriate Department (e.g. Estates and facilities, County Highways, City Homes). If the enquiry has still not been resolved it will be forwarded to the Tree Team.

Where the enquiry has been passed to the Tree Team the customer will be contacted within 7 working days.

Emergency enquiries will be transferred directly to the Tree Team or Emergency Contractor and managed in accordance with policies WP6 and WP7.

As soon as the enquiry is received by the Tree Team it will be allocated to the relevant Arboricultural Officer. The Officer will then investigate the enquiry and make an inspection if necessary to determine whether action is to be taken. The Tree Team will contact the customer within 7 working days with the outcome of the investigation.

POLICY GM1: For non-emergency tree-related safety issues, an Arboricultural Officer will aim to carry out a tree inspection and notify the customer notified within 7 working days of receipt of the enquiry. Where enquiries are considered more complex a holding response will be sent to the customer to confirm a response will be made within an extended timescale and why.

3.2.2 Tree removal

Tree felling takes place when a tree is dead, dying or dangerous and where public safety is at risk.

Tree removal is regrettable, but in a number of circumstances necessary. The decision to remove a tree is not taken lightly and, apart from when a dangerous tree needs urgent attention, we will endeavour to inform local residents through our notification and consultation procedures.

The Council will not normally fell a healthy tree, however occasionally healthy trees do need to be removed for the following reasons:

- To allow certain works to be carried out, such as Highway improvement works or construction projects. Often these latter types of work are subject to planning legislation or other Council consultation procedures, and there is an opportunity for public debate about proposals before they are approved.
- When the tree has caused damage to property, roads or buildings and remedial pruning is not a viable option e.g. cases of severe and prolonged subsidence.
- Where an approved planning application or essential development works requires tree removal.
- To follow best management practice and promote tree health e.g. to allow other trees nearby to develop. It may be necessary to remove trees that are suppressing or excessively shading other trees.
- Where the inconvenience and detrimental impacts of the tree outweigh its benefits.
- To protect or enhance biodiversity.

Where healthy trees are to be removed, and are not being included in a consultation as part of another scheme of works, the Council's notification and consultation policies for tree works will apply. (See Section 3.2.3 'Communicating our work schedules and consultation procedures' for details.)

All trees to be removed, outside of those undertaken on an urgent basis, will be identified on site, by a site notice or with informative barrier tape.

Where trees have been felled the Council will endeavour to provide a replacement tree as close to the location of the felled tree as practicable.

POLICY GM2 -: The Council will not remove trees without good reason. When felling work is carried out, the reasons for the work will be documented and recorded.

3.2.3 Communicating our work schedules and consultation procedures

There are three ways the Council will communicate its planned tree works, depending on the types of works involved:

1. Through a notification process;
2. Through a process of public scrutiny; and /or;
3. Through open consultation.

Reactive works which cannot wait for a planned response will be dealt with separately.

3.2.3.1 Notifications

The majority of the Council's work consists of minor pruning to address health and safety issues, or more significant remedial works to trees that are obviously dead, dying or diseased, or replacement planting for trees that have been removed. These types of works can generally be dealt with in a planned manner.

Planned tree work schedules can be viewed online on our 'Planned tree works' page at:

<https://www.cambridge.gov.uk/tree-works-schedules>

Where relevant to their area, notifications of pending tree works will be sent to the relevant Council departments (eg. Parks, City Homes, County Highway) to communicate to relevant stakeholder groups and Ward Councillors, in order to provide them with an understanding of works being undertaken in their area.

The decision for instructing these types of works is delegated to arboricultural officer level and the Council will not invite objections or representations to these types of planned works however explanations for tree works will be given on request.

POLICY GM3: All planned tree works will be published on the Council website and through site notices for the community to access at least 20 working days before implementation. The Council sees this as an important tool for communicating to the local community about tree work planned for their area and the reasons why the works are necessary.

3.2.3.2 Reactive works

Minor pruning to address health and safety issues, or more significant remedial works to trees that are obviously dangerous, dead, dying or diseased that cannot be undertaken with a planned response, but require more urgent attention, will not be the subject of either a notification or consultation procedure. The decision for instructing these types of works is delegated to arboricultural officer level and the Council will not invite objections or representations however explanations for these types of reactive tree works will be given on request.

POLICY GM4: Reactive tree works will not be published on the Council website however explanations for these types of reactive tree works will be given on request.

3.2.3.3 Public scrutiny

Public scrutiny procedures will apply to major tree works and where no alternative options are being proposed and the tree works are not being consulted upon as part of another separate process. Major works will be defined as:

- Removing healthy trees over 75mm in diameter as measured at 1.5m above ground level; and /or
- Any tree work or batch of works that will have a significant impact on the landscape character of an area as assessed by an Arboricultural Officer. This will include crown reductions of over 30% in branch length on trees that have not previously been reduced.

POLICY GM5: When considering tree works on City Council land, the Council will invite resident and stakeholder comment regarding the following kinds of work:

Any tree work which that will have a significant impact on the character of an area.

Felling healthy trees over 75 mm diameter.

Time scales for the public scrutiny process will vary according to the type and urgency of work, significance of the tree and local context.

- Ward councillors will be asked to comment first and given 10 days to respond;
- Public scrutiny will happen thereafter;
- The proposal will be posted on the Council's 'Planned tree works' web page and on site notices and clearly identified for public scrutiny, as opposed to a notification or consultation;
- The consultation will be sent to the appropriate Housing, Highway and Parks managers to communicate to relevant stakeholder groups;
- Stakeholders will be given at least 10 working days to make written representations or objections and must supply their names and address.

Where objections cannot be resolved by the Arboricultural Officer they will be taken to the relevant Executive Councillor for a final decision.

In reaching a final decision the following factors will be considered:

- The amenity value of the tree and the likely impact of the proposal on the amenity of the area;

- Whether or not the proposal is justified, having regard to the reasons put forward in support/ against of it.

POLICY GM6: All unresolved objections to tree work subject to public scrutiny will be determined by the relevant Executive Councillor.

3.2.3.4 Open consultation

Consultation procedures will apply to replacement plantings that will impact on the character of an area, new tree planting locations and the development of tree management plans, where there are genuine options to be considered. Examples of the types works open to the consultation process would include new plantings; avenue management plans; and tree management plans for defined open spaces.

POLICY GM7: The Council will consult residents and stakeholders regarding the following kinds of work on Council owned land:

Tree management plans

New tree planting locations.

Replacement plantings that will impact on the character of an area.

Time scales for consultations will vary according to the type and urgency of work, significance of the tree and local context.

- Ward councillors will be consulted upon first and given ten days to respond.
- Public consultation will happen thereafter:
- The consultation will be posted on the Council's 'Planned tree works' web page and clearly identified as a consultation as opposed to a notification.
- The consultation will be sent to the appropriate Housing, Highway and Parks managers to communicate to relevant stakeholder groups.
- Stakeholders will be given at least 10 working days to make written representations or objections and must supply their names and address.

Where objections cannot be resolved by the Arboricultural Officer or there are no clear preferences to options proposed the decision will be taken to the relevant Executive Councillor for a final decision.

In reaching a final decision the following factors will be considered:

- The likely impact of the proposal on the amenity of the area;
- Whether or not the proposal is justified, having regard to the reasons forward in support of it.

POLICY GM8: All unresolved tree work consultations will be determined by the relevant Executive Councillor

3.2.4 Tree related damage

The Council's Insurance Section supported by the Tree Team currently manages all claims relating to Council owned trees.

The County Council's Insurance Section supported by the Tree Team currently manage all claims relating to street trees and other trees growing in areas adopted as Highway.

Where a Council tree is implicated as having caused damage to a property, the onus is on the claimant to provide evidence that the tree is the cause.

A claimant must contact the Council to report the claim and to check the tree concerned is owned by the Council.

The claimant or their building insurers must then provide the relevant Council's Insurance Section with sufficient information to demonstrate that on balance of probability the tree is an effective cause of the damage.

**POLICY GM6:
The Council will manage all claims directed at Council owned trees.**

The Council will challenge unwarranted claims based on poorly investigated or inaccurate evidence.

Subsidence occurs on clay soils, which naturally shrink or swell with changes in soil moisture. Tree related subsidence is a specific, and sometimes controversial, type of tree related damage. The water demand from trees and other vegetation growing on clay soils can affect the shrink/swell effect and, where close to buildings, a tree's effect on clay shrinkage can cause damage. The Council is committed to the retention of important trees wherever possible and will set in place a process of critical analysis of the investigative evidence presented by the insurance sector in these types of cases. The Joint Mitigation Protocol³ is an agreed method of subsidence claims management where trees are implicated as being the cause of building movement. It seeks to establish best practice in the processing and investigation of tree root induced building damage, benchmarking time scales for responses and standards of evidence.

The Council will explore adopting the principles, guidelines and standards as laid out in the Joint Mitigation Protocol agreement and any subsequent amendments.

³ The Joint Mitigation Protocol is an agreed method of subsidence claims management where trees are implicated as being the cause of building movement.

In the interim, and where trees are not of low amenity value, the Council will require the level of information to be provided in support of a claim, to be in line with that required by applications for subsidence mitigation tree works to protected trees.

POLICY GM7: In cases of alleged tree related subsidence the claimant/property owner or their building insurers must provide the Council with the following:

- 1. A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map**
- 2. Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building**
- 3. Measurement of the extent and distribution of vertical movement using level monitoring Where level monitoring is not possible, state why and provide crack-monitoring data**
- 4. A profile of a trial/bore hole dug to identify foundation type and depth and soil characteristics**
- 5. The sub-soil characteristics including soil type -liquid limit, plastic limit and plasticity index**
- 6. The location and identification of roots found.**
- 7. Proposals and estimated costs of options to repair the damage**

Tree related subsidence insurance claims are dealt with on a case-by-case basis treating each case on its own merits. A tree will not necessarily be felled as a result of a claim. Options include remedial action such as heavy and repeated crown reductions, which can reduce a tree's demand for water. This may in turn reduce the clay soil shrinkage and prevent further structural damage to the property. Where the decision is taken to fell a tree, the Council will assess whether it is appropriate to plant a replacement tree.

In exceptional circumstances, for example, where trees are of special or outstanding amenity value, the Council may consider tree retention. Similarly the tree use of root barriers or similar tree growth restriction methods may also be considered.

POLICY GM8: To manage risk and reduce liability with regarding to tree related subsidence, the Council may choose to remove trees. Where the amenity value of the tree is high the Council may choose to instigate repeated crown reductions or other such mitigation treatments.

3.2.5 Trees and biodiversity

In relation to biodiversity, trees in urban areas, whether on streets, in woodland or in parks, provide a wealth of benefits. They provide a green matrix that provides wildlife with shelter, food and movement corridors. They are unique in their ability to support a variety of wildlife in many of the most hostile environments within in an urban setting. Trees benefit wildlife by providing structural diversity and volume of living space. This generally equates to more insects, and the effect cascades up the food chain. For example, many garden bird species are able to utilise trees for nesting, within the canopy or within holes and cavities, and foraging opportunities, including insects, seed and fruit. Other features of trees such as bark supports specialist insects from foraging to shelter and breeding but also provides space for lower plants such as mosses and lichens. As such the Council recognises the value of all trees in the City as whole in their contribution to enhancing biodiversity.

Map showing the City's tree matrix with Council / other ownership indicated, open spaces, CWS and LNR

To follow, not available at drafting

More specifically, Cambridge has a network of natural green spaces and parks that supports a wealth of biodiversity. Some of these sites are designated for their ecological value including City Wildlife Sites, County Wildlife Sites and Local Nature Reserves. The management of the tree stock on these sites seeks to retain and enhance the habitat assemblages for which the sites were designated. Grassland and watercourse habitats can be significantly degraded if trees are not managed to reduce shading and silt input. In these situations tree regeneration may be managed through a variety of methods including coppicing, pollarding, removal, mechanical cutting or livestock grazing.

The Cambridge Nature Conservation Strategy (adopted in 2006) sets out in detail the Council's objectives in relation to biodiversity. The biodiversity policies in this strategy will be subservient to that document and any future revisions.

POLICY BD1: The Council:

- a) Will aim to preserve woodland trees that are native and endemic to the local area within tree belts, local nature reserves and woodland sites.**
- b) Will encourage natural regeneration of native and endemic tree species in our tree belts, local nature reserves and woodland sites.**
- c) Will maintain or establish appropriate coppicing and pollarding practices to conserve and enhance the associated woodland, grassland and riparian habitat value.**
- d) Where possible, and subject to public safety assessments, will retain standing dead trees in tree belts, local nature reserves and woodlands, preferring to prune rather than fell.**
- e) Where possible, and subject to public safety assessments, will retain exposed root balls in tree belts, local nature reserves and woodlands, recognising the significant habitat value they create.**
- f) Where possible, and subject to public safety assessments, leave dead timber and felled trees in situ to benefit habitat creation. These will either be left as whole trees or cut up into habitat piles, dependent upon individual circumstances.**
- g) Where possible, retain mature ivy on trees, recognising the significant habitat value it creates. Ivy will only be removed to aid tree safety inspections, reduce damage to the tree through wind throw or reduce shade to more valuable habitats beneath.**
- h) Will ensure that its woodlands are managed and maintained in accordance with the accepted and traditional methods of woodland management.**
- i) Will seek to expand and look for opportunities to create new woodlands in line with the landscape character of the area. Natural regeneration of new woodland will be favoured where practical.**
- j) Will adhere to the requirements of the Wildlife and Countryside Act 1981 in relation to the protection of Wildlife during all of its tree related activities.**

k) Will, adhere to best practice and government advice when sourcing tree stock to reduce the risk of introducing pests and diseases to the City and wider environment.

l) Will, where necessary, seek advice from Natural England when works are required on trees identified to be supporting European Protected Species.

m) Will seek, where possible and appropriate, to install habitat boxes in its own trees, and will endeavour to encourage the local community and community groups to become actively involved in that process.

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3.3 Tree maintenance standards

- i. These standards relate to City Council owned trees, also County Street trees managed by the City on their behalf, but not tenanted properties.
- ii. Policies in this section will enable the Arboricultural Officer to advise of the Council's tree pruning policies including details about the maintenance cycles where appropriate.
- iii. If the enquiry relates to a technical issue outside of the Tree Team remit e.g. footpath deformation, dropped kerb installations, trees in tenants' gardens it will be sent to the appropriate Department (e.g. Estates and facilities, County Highways, City Homes). If the enquiry has still not been resolved it will be forwarded to the Tree Team.
- iv. The Council also recognises that, in some situations, trees can cause residents significant problems and that the wrong type of tree may be growing in the wrong place. In these situations, the Council will act reasonably and responsibly and work to seek an appropriate balance is reached between the interests of the individual, the interests of the community and the legal obligations of the Council.

3.3.1 Roads – Sight-line obstruction

POLICY TM1: the Council will undertake work to a tree in its ownership to maintain clear sight lines where reasonably practicable at junctions and access points associated with a street, road or highway.

Standards for visibility vary according to the class of the road and the speed limit in force. Council trees are proactively managed on a three year cycle where sight line issues are resolved. If a Council becomes aware a tree is causing a significant obstruction to the visibility at a road junction (sight line) outside of the cycle, the obstruction will be removed.

The shoots that grow from the base of some street trees, such as limes, are removed annually where they affect sightlines or interfere with footpath, see Appendix A (Annual epicormic removal programme) for more details. There is no active programme to remove basal shoots from trees in parks and green spaces, unless these interfere with footpaths or the visibility at road junctions (sight lines). Otherwise, the removal of basal shoots for aesthetic reasons is done as and when funds allow or when it is necessary to inspect the base of a tree.

3.3.2 Traffic signal/street sign – obstruction by tree

POLICY TM2: The Council will undertake work to a tree in its ownership to ensure it does not unduly obstruct traffic signals or street signs.

Council trees are proactively managed on a three year cycle where streetlight obstructions by trees are resolved. If a Council becomes aware a tree is causing a

significant obstruction to a traffic signal or street sign outside of the cycle, the obstruction will be removed.

3.3.3 Trees obstructing an adopted road

POLICY TM3: The Council will undertake measures to make safe any unacceptable carriageway obstruction affecting streets, roads or the public highway caused by the growth of a Council owned tree.

Council trees are proactively managed on a three year cycle where low hanging branches are resolved. If a Council becomes aware a tree is causing a significant obstruction to an adopted road junction outside of the cycle, the obstruction will be removed.

3.3.4 Footpath and cycle path – obstruction by tree

POLICY TM4: The Council will undertake work to a Council owned tree where reasonably practicable to maintain a minimum 2.25 m height clearance over a footpath and 2.75m over a cycle path, associated with a street, road or highway.

Council trees are proactively managed on a three year cycle where low hanging branches are resolved. If a Council becomes aware a tree is causing a significant obstruction to a footpath or cycle path outside of the cycle, the obstruction will be removed.

3.3.5 Street light – obstruction by tree

POLICY TM5: The Council will undertake work to a tree in its ownership to ensure that it does not unduly obstruct a streetlight

Council trees are proactively managed on a three year cycle where streetlight obstructions by trees are resolved. If a Council becomes aware a tree is causing a significant obstruction to a street light outside of the cycle, the obstruction will be removed.

Where new trees are being planted, these will be placed so they do not cause problems to existing streetlights.

3.3.6 Tree touching building

POLICY TM6: In the event that a Council tree is touching a building, remedial works will be undertaken.

In many cases the solution will be for the Council to prune the tree and we will endeavour to undertake works to stop the problem re-occurring within three years.

3.4 Tree management issues

- i. These policies relate to City Council owned trees outside of tenanted gardens and also County street trees managed by the City on their behalf.
- ii. Policies in this section will enable the Arboricultural Officer to advise of the Council's tree pruning and management arrangements where appropriate.
- iii. The Council also recognises that, in some situations, trees can cause residents significant problems and that the wrong type of tree may be growing in the wrong place. In these situations, the Council will act reasonably and responsibly and work to seek an appropriate balance is reached between the interests of the individual, the interests of the community and the legal obligations of the Council.

3.4.1 Footpaths – Trip hazard

POLICY TM7: The Council will undertake measures to make safe an unacceptable trip hazard in streets, roads or the public highway caused by the growth of a Council owned tree.

In response to a reported tree related trip hazard on a public footpath, the issue will, in the first instance, be referred to relevant section responsible for the maintenance of the path namely:

- Cambridgeshire County Council Highways Department – for adopted footpaths or;
- Cambridge City Council's Estate and Facilities Department - for all City Council maintained footpaths

There are a number of ways the Council can repair a pavement damaged by tree roots. Simply, the pavement surface can be 'built-up' and the pavement surface repaired. An Arboricultural Officer will advise only where the repair of the pavement has implications for the tree. Isolated roots can be pruned if these do not affect the stability of the tree

Removal of the tree is usually the last resort accepting that in some circumstances where the tree is low value or can be replaced, removal may be the most appropriate solution.

3.4.2 Installation of a drop kerb

POLICY TM8: the Council is not legally required to agree the felling or pruning of the roots of a Council owned tree to allow the installation of a drop kerb.

Off road parking that requires the installation of a drop kerb off the highway will need the permission of the Highway Authority. If the installation of a drop kerb is likely to adversely affect a Council owned tree, this will be considered by an Arboricultural Officer before permission is granted or refused.

Removal of the tree will be accepted in some circumstances where the tree is low value or can be replaced. Removal of the tree and replacement elsewhere will be undertaken by the City Council with costs met by the applicant.

Applications for dropped kerb should be made to the Cambridge County Council Highways Department at:

http://www.cambridgeshire.gov.uk/info/20081/roads_and_pathways.

3.4.3 Trees next to a building site

POLICY TM9: The Council is not legally required to prune or fell a Council owned tree to allow your building works to proceed, whether planning consent was necessary or via permitted development.

Tree works to Council owned trees that are necessary to facilitate building works are best identified at the design stage of any proposed development.

3.4.4 Protection of trees during construction/ trenching on Council land

POLICY TM10: The Council will ensure that all construction and development on its own land, including temporary installations and placement of movable equipment, near to trees follows BS:5837 (2012) "Trees in relation to design, demolition and construction - Recommendations" and that the most recent National Joint Utilities Group "Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees" are followed where carrying out works in root protection areas cannot be avoided.

Trees in parks and streets and other areas may be in close proximity to sites for construction and development. Examples are the creation of footpaths, the installation of lighting in parks, or the erection of temporary structures. Trees may be affected by physical damage to branches and stems, the severing of structural or fine roots, or the compaction of soil, which reduces the amount of air and water available to the tree. It is of key importance that trees are protected. This guidance simply brings the protection afforded the Council's own trees into line with the expectation placed on private owners in relation to development.

3.4.5 Crime and anti-social behaviour

POLICY TM11: Where a Council owned tree is associated with criminal activity and/or anti-social behaviour, measures to alleviate the problem will be implemented in consultation with the Police and the community.

The Council may remove trees considered to be exacerbating crime and/or anti-social behaviour, but generally will remove only lower branches to allow sight lines through the trees so people cannot use them for cover. Where a tree is associated with criminal activity and/or anti-social behaviour, steps to reduce the problem will typically will involve the police.

Pruning or felling a tree is not always the answer to the problem. Neglected spaces with overgrown trees and untidy areas can encourage criminal activity and/or anti-social behaviour

3.4.6 Vandalism

POLICY TM12: The Council will investigate reports of vandalism to a Council owned tree and try to correct any damage where appropriate and within available resources.

Incidences of vandalism to Council owned trees in Cambridge are rare. Young trees are especially vulnerable and the Council generally plants large trees that are more difficult to vandalise. Where incidences of vandalism have occurred the Council will try to correct any damage as soon as possible.

Allowing dogs to damage trees can lead to death of the tree and the Council priority will work to curb this behaviour. The Council aims to deter and prosecute people who vandalise trees (either directly or through poor control of their dogs) taking specific action when evidence is available.

3.4.7 Nuisance Third Parties - private tree

POLICY TM13: The Council has no authority to intervene and as such will not in a dispute between neighbours.

If natural light is being blocked by the growth of a hedge then action may be taken to reduce the problem under the High Hedges Act, Part 8 of the Antisocial Behaviour Act, 2003 - See Appendix B

The Council does provide a mediation service so you should try to resolve a dispute between yourself and your neighbour amicably or seek advice from a solicitor or Citizens Advice.

3.5 Specific tree related issues

- i. These standards relate to City Council owned trees, also County Street trees managed by the City on their behalf, but not tenanted properties.

3.5.1 Tree related problems

Trees provide many benefits to the general population and the environment as a whole, including, helping trap carbon-dioxide, filtering dust from the air, providing shade from harmful ultra-violet radiation, supporting wildlife, as well as being pleasing to look at and reflecting the changes in the seasons. Being living, growing organisms, they do have certain characteristics that are not always compatible with the expectations of some residents.

As a landowner, the Council has a duty of care to maintain trees on its land in a safe condition, and to reduce the nuisance that its trees may cause to others. Nuisance is generally defined as including dangerous trees (or parts of trees) and actual damage to property. Nuisance in Law does not generally include loss of light, disturbance to TV reception, obstruction of view or minor seasonal issues such as leaf fall, bird droppings or honeydew (dripping sap).

Minor issues are generally those that may cause inconvenience to people, but rarely cause significant discomfort or financial loss. Most trees in areas where people live have the capacity to cause problems, and it is common to hear that trees are generally appreciated, but not wanted in a particular position because of this.

Action in response to all minor issues would lead to the removal or unnecessary surgery (eg. pruning/ crown reduction) of many trees, to the detriment of both public amenity and wildlife. The recognition of the value of trees across Cambridge requires that trees be retained for the benefit of wider society, even where they cause minor inconvenience to immediate residents.

As well as having an environmental cost, action by the Council in response to all the minor issues it receives reports on would place an unsustainable burden on resources. Specific policies on how the Council will respond to such issues are listed below.

The Council will consider agreeing to pruning works to be carried out at the householder's expense, although each enquiry will have to be dealt with on its individual merits. If the works are agreed, an experienced arboricultural contractor will have to be appointed and a copy of their insurance certificate and qualifications provided to the Council before any work can be carried out. All tree works will have to be carried out to approved industry standards in accordance with BS 3998: 2010 'Tree work – Recommendations'. Advice regarding choosing an appropriate arborist can be found in Appendix D.

POLICY SP1: The Council will consider applications from householders to alleviate problems on the basis that they will fund the works, that the works will be agreed with the Council beforehand, that a suitable arboricultural contractor is appointed, and that each case will be considered on its individual merits.

The Council also recognises that in some exceptional circumstances the problems caused by a tree are so great that it will consider undertaking remedial works. Where these problems and likely future maintenance costs are excessive the tree may be removed and replaced with a more suitable species. Where multiple tree removals from an area are involved this may be done in a phased manner. Thoughtful planned removal of unsuitable trees and replanting with appropriate replacements will help produce a more sustainable tree population that is diverse in age and species. Exceptional circumstances will be assessed individually on their merits and tree works will only be undertaken if there are sufficient funds available after all safety works have been concluded.

POLICY SP2:

a) The Council recognises that in some exceptional circumstances the problems of a tree are so great that it will consider undertaking remedial works. Each situation will be assessed individually on its merits. Tree works will only be undertaken if there are sufficient funds available after all safety works have been concluded.

b) The Council will provide additional guidance on what it considers to be an exceptional circumstance.

Householders also have certain common law right to abate nuisances themselves, unless the tree is protected by a Tree Preservation Order or is within a Conservation Area. Rights include the right to prune overhanging branches back to their boundary. More detail of householder rights and responsibilities can be found in Appendix B. Advice regarding choosing an appropriate arborist can be found in Appendix D

3.5.2 Blossom / Leaves

POLICY SP3: The Council will not prune or fell a Council owned tree to remove or reduce leaf fall and/ or blossom or remove fallen leaves and/ or blossom from private property.

The loss of blossom or leaves from trees is part of the natural cycle and cannot be avoided by pruning. The maintenance of gardens and / or gutters is the responsibility of the landowner and the Council is not obliged to remove leaves that may have fallen from Council owned trees.

Where gutters are regularly blocked by fallen leaves gutter guards may be fitted to provide a low maintenance solution at the property owner's expense.

For roads, streets and parks the Council's Operations Service carries out a leaf collection in the autumn to clear fallen leaves from certain sites. Paths and/or areas of hard standing are regularly cleared of fallen leaves, but leaves on grass/shrub beds are generally left until the majority of leaves have fallen before they are removed (unless leaving them would damage the grass or present a public health and safety risk, in which case the accumulated leaves would be removed sooner).

3.5.3 Fruit / berries / nuts

POLICY SP4: The Council will not prune or fell a Council owned tree to remove or reduce the nuisance of fruit /berries or nuts, or remove such fallen fruit from private property. However, where fallen fruit is leading to significant anti-social behaviour problems it will consider measures to reduce the problem, including whether a phased removal and replacement with alternative species is reasonable.

Fruit trees such as apple, cherry and pear have the double benefit of spring blossom and autumn fruit. This makes fruit trees good for wildlife and a source of free food. But, there are some locations where fruit trees are less desirable, for example where soft fruit would make the pavement slippery or where anti-social behaviour could encourage fruit being thrown at houses or cars. When considering what tree to plant the Council takes account of the likelihood of such problems. Equally, where fruit trees are established but where there is a significant anti-social behaviour or public health and safety problem the Council will consider phased removal and replacement. To help manage any public health and safety risk associated with fallen fruit/ berries/ nuts, the Council's Operations Service carries out regular cleansing in the autumn to clear fallen leaves and associated fruits/ berries/ nuts. Paths and areas of hard standing are regularly cleared, but leaves on grass/shrub beds are generally left until the majority of leaves/ fruits have fallen before they are removed (unless leaving them would damage the grass or present public health and safety risk in which case the accumulated debris would be removed sooner)..

3.5.4 Tree too big / too tall

POLICY SP5: The Council will not prune or fell a Council owned tree simply because it is considered to be 'too big' or 'too tall'

A tree is not dangerous just because it may be considered too big for its surroundings. Other problems would need to be identified for the Council to consider it to be dangerous or to take remedial action with the tree.

3.5.5 Light

POLICY SP6: The Council will not prune or remove trees in cases where they cause a reduced amount of light to fall on a property, other than in exceptional circumstances.

In law there is no general right to light, and there is no right to light in connection with open land, such as a garden. Exceptional circumstances would be where the lack of lights can be evidence has having a negative health impact.

If natural light is being blocked by the growth of a hedge then action may be taken to reduce the problem under the High Hedges Act, Part 8 of the Antisocial Behaviour Act, 2003 – See Appendix B.

3.5.6 Bird droppings

POLICY SP7: The Council will not prune or fell a Council tree to remove or reduce bird droppings from trees, or remove bird droppings from private property.

Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law).

Warm soapy water will usually be sufficient to remove the bird droppings.

3.5.7 Sap/Honeydew

POLICY SP8: The Council will not prune or fell a Council owned tree to remove or reduce honeydew or other sticky residue from trees.

Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black.

Unfortunately, there is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief.

Any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by greenfly and in some years greenfly are more common, especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted we try to choose trees that are less likely to cause this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if you wash the car as soon as possible.

3.5.8 Pollen

POLICY SP9: The Council will not prune or fell a Council owned tree to remove or reduce the release of pollen.

Whilst some kinds of tree pollen are known to bring on in sufferers the symptoms of hay fever this is not considered justification for either the pruning of Council trees, or their removal.

3.5.9 Telephone wires

POLICY SP10: The Council will generally not prune or fell a Council owned tree to remove or reduce interference with telephone wires.

It is the telephone service providers' responsibility to maintain your service. Several options are available to the utility company that do not require pruning of a tree to maintain the service. Often pruning is a temporary solution and the problem may reoccur when branches grow back.

For example the cable can be sheathed at points of high friction; the line can also be redirected through the tree canopy. It may be that the telephone service provider is able to suggest an alternative solution to the problem of trees affecting telephone wires.

3.5.10 TV/Satellite reception

POLICY SP11: The Council will not prune or fell a Council owned tree to prevent perceived interference with TV/satellite installation/ reception.

A television license allows the operation of any equipment to receive a transmission. It is not a guarantee of a television reception. There are no legal requirements for the Council to remove trees or even prune them for the benefit of a television reception. The responsibility for receiving a satellite television signal is with the company that erects the satellite dish or aerial. The company should erect their equipment in a location that receives a clear signal. It may be that a satellite or TV provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or means to boost the signal.

3.5.11 Tree and solar panel

POLICY: SP12 The Council will not prune or fell a council owned/managed tree to improve natural light to a solar panel.

Whilst the Council appreciates that there is a need to provide renewable energy resources. Trees have an important role in maintaining and improving local amenity, in addition to contributing to local and national targets in tackling climate change. The presence of trees must be fully appreciated when considering a suitable location for the placement of solar panels.

3.5.12 Wild animal/Insect pests

POLICY SP13: The Council will not prune or fell a Council owned tree to remove or reduce incidence of perceived pests such as bees, wasps, or wild animals.

Bees, some animals, and many birds are protected species and advice should be taken before considering their removal.

3.5.13 Drains and invasive roots

POLICY SP14: The Council will not prune, fell or cut the roots of a Council owned tree to prevent roots entering a drain that is already broken or damaged other than in exceptional circumstances.

Tree roots typically invade drains that are already broken or damaged. Trees themselves very rarely break or damage the drain in the first place. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe.

Tree roots can cause damage to paving, lawns and the foundations of buildings or walls. Where a neighbour's tree is causing problems, an owner is within their rights to cut back roots to the boundary of their property, unless it is protected by a TPO or is within a Conservation Area. See Appendix B.

3.5.14 Tree overhanging property

POLICY SP15: The Council will not prune or fell a tree in Council ownership to alleviate the nuisance of overhanging branches other than in exceptional circumstances.

Householders have the right to prune overhanging branches back to their boundary unless it is protected by a Tree Preservation Order or is within a Conservation Area. See Appendix B.

Advice regarding choosing an appropriate arborist can be found in Appendix D.

3.5.15 Tree obstructing view

POLICY SP16: The Council will not prune or fell a Council owned tree to improve the view from a private property.

There is no legal right to a 'view'.

3.5.16 Personal medical complaint

Policy SP17: The Council will not prune or fell a council owned tree where a request has been made to do so because of a personal medical condition other than in exceptional circumstances.

The Council will normally not prune or fell a tree where a request has been made to do so because of a personal medical complaint unless it can be established that the presence of a tree is causing a detriment to the health of a resident. Further consideration will be given to the management approach of trees especially where elderly, infirm or disabled persons who spend a significant amount of time within their home are affected. This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.

3.6 Tree planting

- i. In order to maintain and, where possible, increase the number of trees in the city, it is necessary to plant trees in parks, streets, open spaces and cemeteries.

3.6.1 Right tree, Right place

The Council will endeavour to follow a Right Tree, Right Place approach set out in 'The Tree and Woodland Framework for London' (Appendix C). The principle of this approach is to consider the constraints and opportunities of any proposed planting site and the desired features of proposed trees.

It is generally recognised that large trees in a city bring considerably more benefits than smaller trees. Finding room for large trees is a problem in many locations, especially streets. The Right Tree, Right Place approach is intended to allow any trees planted to reach full height and maturity and remove the requirement for regular pruning programmes, which are very resource intensive, and also to minimise any later nuisance impact.

As climate change increasingly becomes a reality, planting and caring for trees in cities will become even more important. Having a mix of native and non-native tree varieties within Cambridge is an important measure in order to safeguard against the increased risk of a devastating loss of one or more tree species due to pest or disease or changes in the environment.

POLICY TP1: When planting trees, the Council will select species based on the principles of Right tree, Right place. Where space permits, there will be a presumption in favour of large shade-producing forest-scale trees with maximum opportunities for mitigating the effects of climate change.

3.6.2 Planting programmes

Tree planting will follow a programme of works that will begin in the management area, in the year following cyclical tree maintenance works and inspections (note, for management purpose the City has been divided into three management areas by ward, see Appendix A)

When the decision is taken to remove a Council owned tree, the Council will prioritise replacement planting after consideration whether it is appropriate or not to replant. Wherever possible the site will be considered as a whole, reflecting its history, character, available space, use and local interests. In some situations planting opportunities after a tree has been removed are significantly more expensive and difficult as a new tree pit may have to be engineered and also may have to contend with the underground pipes and cables, aerial competition from street lamps, traffic signs, and vehicle sightlines. Replacement plantings in these types of situations may take longer to happen and be the subject of specific funding bids.

Priorities for choosing planting locations in any single planting year will be in the following order:

- Replacement planting - within the current planting management area.
- Public and member replacement planting requests.
- New planting locations - within the current planting management area.
- Replacement planting - in other management areas.

POLICY TP2: The Council will endeavour to maintain its tree stock and increase current tree numbers by planting. The Council will look to increase and improve its tree cover and species diversity within available resources as part of an annual tree planting programme, paying particular attention to street tree and park planting.

Newly planted trees require monitoring and usually a maintenance input to ensure that they successfully establish. On occasion, additional maintenance may be required which could include weeding (either by herbicide or by the use of mulches), watering and adjustment or removal of tree ties or guards.

POLICY TP3: The Council will endeavour to maintain newly planted trees appropriately to ensure they have the best chance of establishing

3.6.3 Community sponsorship scheme.

The Council will explore setting up community sponsorship for planting trees in the public realm. One approach could be to develop an 'Adopt a tree' programme, another a commemorative tree planting service. Businesses, community groups or individuals could sponsor a new planting. Interested groups or individuals could identify locations for new tree planting, select an appropriate species in consultation with the Tree Team and sponsor the cost of the planting and maintenance works as it establishes.

POLICY TP4: The Council will explore setting up community planting schemes

3.7 Management plans

- i. When considering the need for long term tree management plans, the Council will be guided by 'The Cambridge Landscape Character assessment' adopted in January 2003 and prioritise those areas categorised as 'defining character'.
- ii. 'Areas of defining character' were assessed as key resources that contribute to the distinctive character of a place, such that their removal or development would completely change the character of Cambridge.
- iii. The assessment recognised that Cambridge is essentially a well-treed City with many tree belts and avenues that are important part of the City's character, but that trees, in themselves, only define character when combined with other social or cultural characteristics.
- iv. 'Areas of defining character' include:
 - Stourbridge Common
 - Midsummer Common
 - Jesus Green
 - Lammas Land and Sheep's Green
 - Paradise
 - College Backs (Queens Green and Queens Road)
 - Hobson's Brook/ Vicars Brook (Empty Common, Nine Wells)
 - Cherry Hinton Hall
 - Coldham's Common
 - Stourbridge Common
 - Historic core (Parker's Piece, Christ's Pieces, Donkey Common, New Square, Donkey Common and Petersfield)
 - Churchyards & cemeteries (St Andrew's, Round Church, Holy Trinity and St Mary the Great, St Bene't and Little St Mary's, Mill Road Cemetery, Cherry Hinton Churchyard, Histon Road Cemetery, St Clements, St Giles, St Peter's).
- vi. Tree features such as historic avenue or rows of trees within these areas may need specific management plans. Where it is felt there is insufficient expertise within the Council, specialist third party opinion will be sought.

POLICY MP1: The Council will prioritise long term tree management plans for those areas categorised as 'defining character' by 'The Cambridge Landscape Character assessment' adopted in January 2003

3.8 Tenanted lands

The Council consider trees growing in tenanted gardens as an important resource and that should be maintained and enhanced. New planting opportunities may also exist in the tenanted gardens.

Currently trees growing on tenanted land are the responsibility of the tenant to manage with tree removals only requiring the prior consent of City Homes.

The Council will work to provide more information regarding tree management and planting to its tenants to help protect and enhance this important resource.

POLICY TL1:

a) The Council will work to provide more information regarding tree management and planting to its tenants.

b) Where tenanted properties are being refurbished the Council will look at planting suitable trees in the garden areas.

The existing system for dealing with tenant enquiries is as follows. The tenant contacts the Housing Officer regarding a tree issue, the Housing Officer contacts the Arboricultural Officer for advice. The Arboricultural Officer makes a recommendation to the Housing Officer who then contacts the tenant regarding any action to be taken or advice given. City Homes, who holds the working budgets, may then agree to help the tenant in undertaking the works, depending on the merits of each individual circumstance.

The administrative system between tenant, City Homes and the Tree Team deals adequately with complaints. The Council still considers that Housing Officer should deal with tenants and Arboricultural Officers with trees as both are skilled tasks which require background and knowledge.

All tree works on tenanted lands are excluded from the Council's consultation protocols as set out in Section 3.2.3 Communicating our work schedules and consultation procedures.

POLICY TL2: The Council will continue to provide on request tree management advice to its tenants.

Under the current 'Right To Buy' legislation, a clause in the conveyance requires the Council to be notified of any tree removal. In principle the practice cannot be monitored or reasonably enforced. The Council will review this system of tree protection and consider moving to protection of significant trees by Tree Preservation Order as properties move to private ownership.

POLICY TL3: The Council will review the system of protection for significant trees when properties move from public to private ownership

GLOSSARY

To be completed after approval of draft

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To be completed after approval of draft

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The Joint Mitigation Protocol. <http://www.ltoa.org.uk/resources/joint-mitigation-protocol> (web page last accessed 23/9/2015).

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High Hedges Act, Part 8 of the Antisocial Behaviour Act, 2003

Highways Act 1980

Local Government Miscellaneous Provisions Act 1976 Section 23

Town and Country Planning Act (1990)

Wildlife and Countryside Act 1981

APPENDIX A – Maintenance cycles

PARKS MAINTENANCE PROGRAMME

This procedural guidance sets out the cyclical ‘tree inspection & maintenance’ and ‘planting’ regime to be carried out in ‘Parks’ lands.

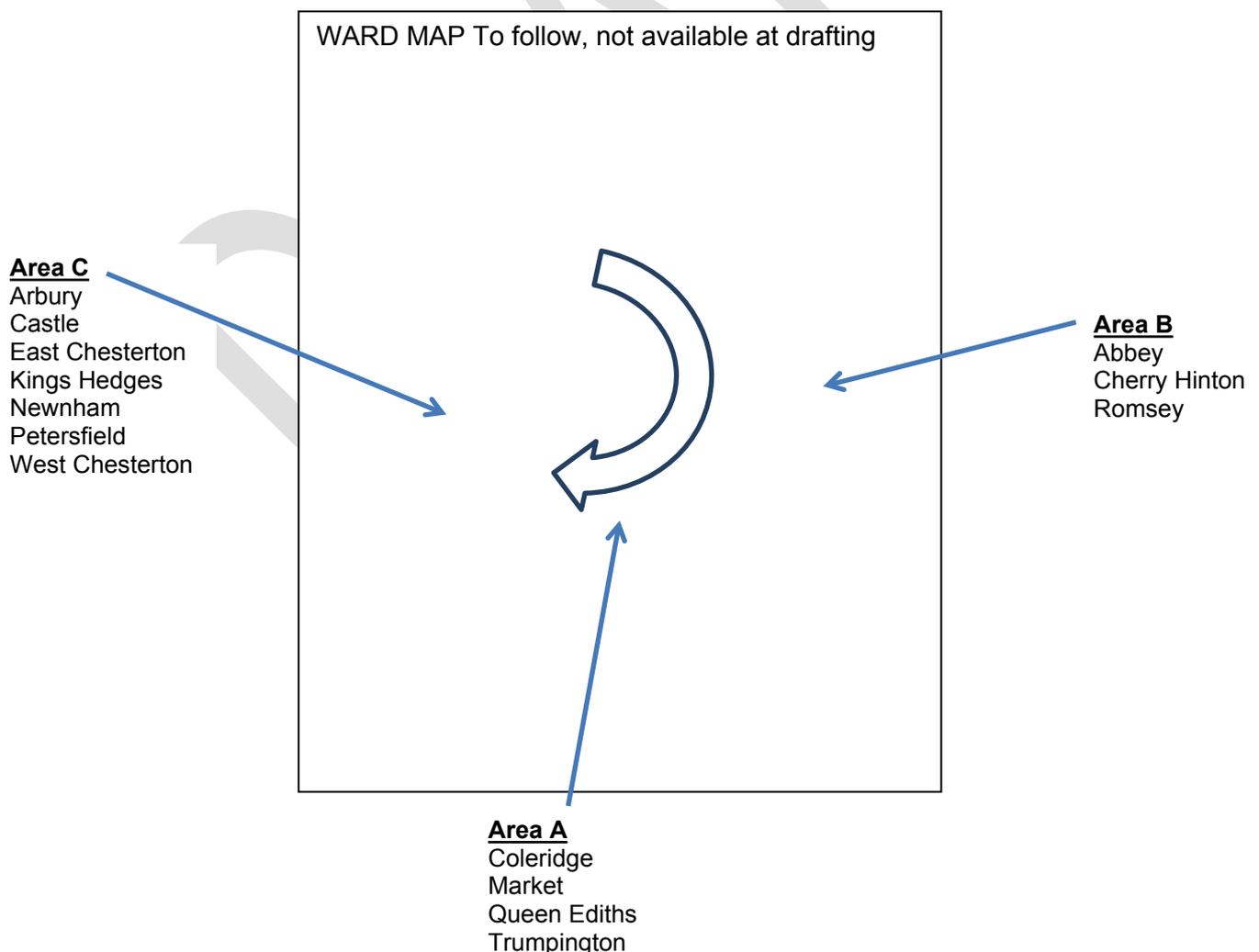
Parks lands shall include:

- public parks,
- recreation grounds,
- play areas,
- closed churchyards,
- cemeteries,
- the crematorium,
- nature reserves.

This guidance should be read in conjunction with the Council’s ‘Tree inspection’ Policy WP2 which sets out type and level of inspection and details to be recorded; and the Council’s ‘Tree planting’ Policies TP1,2 ,3 & 4.

Tree Inspection and maintenance regime

Proactive inspections and maintenance will be undertaken on a three year cycle. The City has been divided into three management areas by ward. This division has been designed to normalise officer time and maintenance costs across the three areas.



Management Area	Inspection & Maintenance Cycle Years			
A	2015/16	2018/19	2021/22	2025/26....
B	2016/17	2019/20	2022/23	2026/27....
C	2017/18	2020/21	2023/24	2027/28....

Areas managed by the City in South Cambridgeshire District

Trees in the Crematorium, Byrons Pool, Nine Wells, St Albans Recreation Ground fall outside the City boundary and will be managed in the following management areas.

Management Area	
A	Byrons Pool, Nine Wells
B	The Crematorium
C	St Albans Recreation Ground

Tree planting and establishment programme

The tree planting and establishment programme will include planting, watering and young tree maintenance. It will begin in the management area in the year following the tree maintenance and inspection.

Management Area	Inspection & Maintenance Cycle Years			
B	2015/16	2018/19	2021/22	2025/26....
C	2016/17	2019/20	2022/23	2026/27....
A	2017/18	2020/21	2023/24	2027/28....

Consideration of locations for planting for any single planting year will be prioritised in the following order:

- Replacement planting - within the current planting management area.
- Public and member replacement planting requests.
- New planting locations - within the current planting management area.
- Replacement planting - in other management areas.

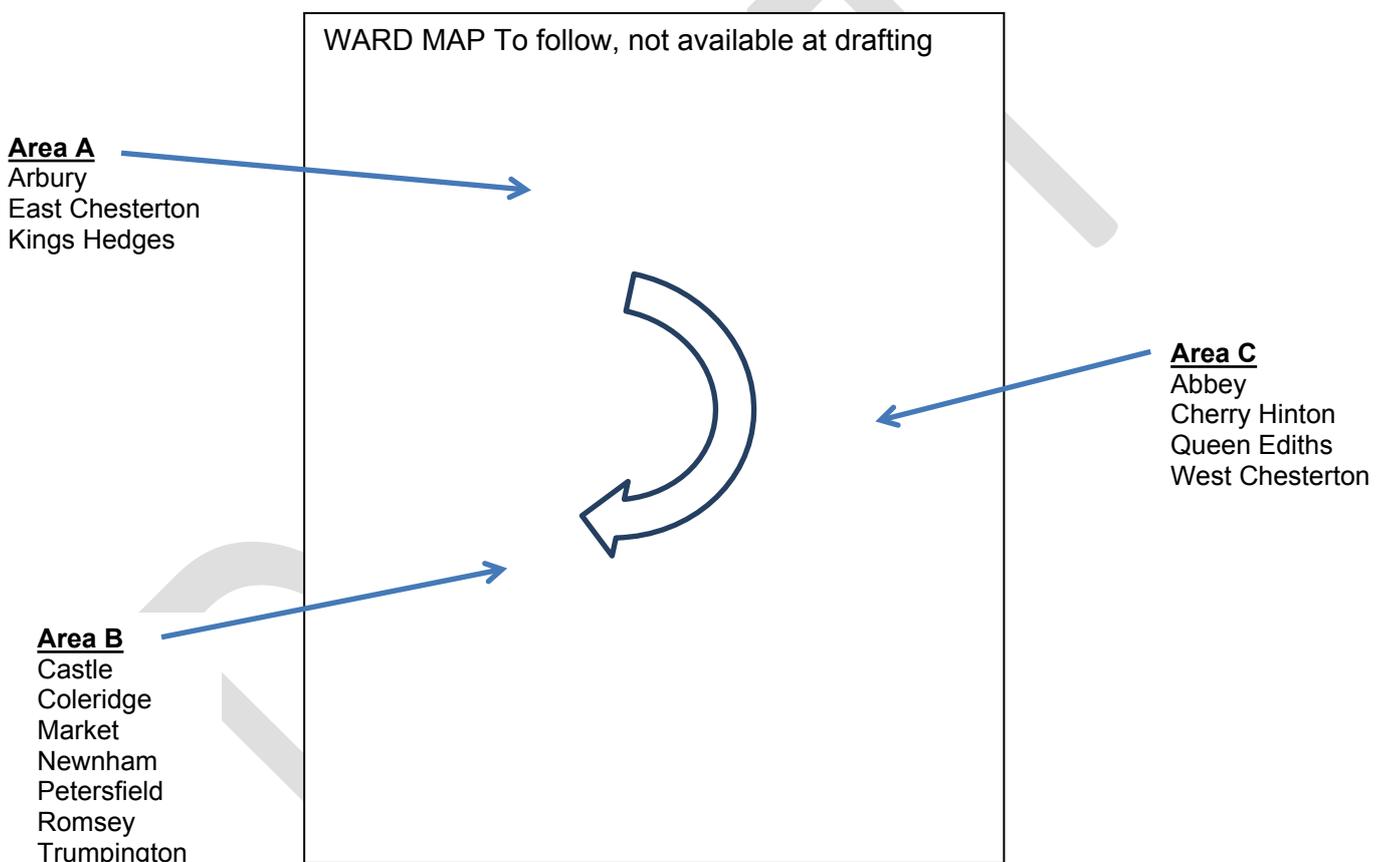
STREET TREE MAINTENANCE PROGRAMME (TMP)

This procedural guidance sets out the cyclical ‘tree inspection & maintenance’ and ‘planting’ regime to be carried out in ‘Highway and communal Housings’ lands.

This guidance should be read in conjunction with the Council’s ‘Tree inspection’ Policy WP2 which sets out type and level of inspection and details to be recorded; and the Council’s ‘Tree planting’ Policies TP1,2 ,3 & 4.

Tree Inspection and maintenance regime

Proactive inspections and maintenance will be undertaken on a three year cycle. The City has been divided into three management areas by ward. This division has been designed to normalise officer time and maintenance costs across the three areas.



Management Area	Inspection & Maintenance Cycle Years			
A	2015/16	2018/19	2021/22	2025/26....
B	2016/17	2019/20	2022/23	2026/27....
C	2017/18	2020/21	2023/24	2027/28....

Street tree planting and establishment programme

The tree planting and establishment programme will include planting, watering and young tree maintenance. It will begin in the management area in the year following the tree maintenance and inspection.

Management Area	Inspection & Maintenance Cycle Years			
B	2015/16	2018/19	2021/22	2025/26....
C	2016/17	2019/20	2022/23	2026/27....
A	2017/18	2020/21	2023/24	2027/28....

Consideration of locations for planting for any single planting year will be prioritised in the following order:

- Replacement planting - within the current planting management area.
- Public and member replacement planting requests.
- New planting locations - within the current planting management area.
- Replacement planting - in other management areas.

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ANNUAL EPICORMIC REMOVAL PROGRAMME

Epicormic growth from the base of mature lime trees will be removed on an annual basis in the following streets:

Bentley Road

Belvior Road

Blinco Grove

Chesterton Road

Hamilton Road

Humberstone Road

Kendal Way

Magrath Avenue

Mill Road

Mortimer Road

Queens Road

St Andrews Road

St Paul's Road

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APPENDIX B – SUMMARY OF HOUSEHOLDERS RIGHTS AND RESPONSIBILITIES

1 COMMON LAW RIGHTS

You have a Common Law right to remove (abate) the nuisance associated with trees encroaching onto your property. The following advice is given if you wish to exercise your Common Law right with respect to encroaching trees:

- a) You can only consider removing those parts of the tree from the point where they cross the boundary of your property. You have no legal right to cut or remove any part of a tree that does not overhang your property;
- b) You are strongly advised to consult a professional tree surgeon for guidance on how best to prune back encroaching trees, unless the works are such that you could do the works with hand secateurs or similar;
- c) Before you consider doing any works to a tree / trees you should find out who owns them and if they are protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, you will need to gain consent by making an application / give notice to the council. To find out if the trees are protected and guidance on how to apply for works if they are protected contact the following number for your area:

Telephone: 01223 457000

Web: www.cambridge.gov.uk/tree-works-and-preservation-orders

You are advised to discuss with your neighbour your intention to prune encroaching branches. Legally you do not own the encroaching branches and you should first offer them to your neighbour and if your neighbour does not want the cuttings you should make appropriate arrangements to dispose of them yourself. If the encroachment relates to a council owned tree, any cuttings must be disposed of appropriately; the council does not require nor expect to have these returned.

2 TREE PRESERVATION ORDERS AND CONSERVATION AREAS

Tree Preservation Orders and protection of trees in a Conservation Area are enforced by the Council's Tree Team. Before you consider undertaking any works to a Council owned or maintained tree / trees you should find out if they are protected by a Tree Preservation Order or are within a Conservation Area.

If the trees are protected, you will need to gain consent by making an application / give notice to the Council. To find out if the trees are protected and guidance on how to apply for works if they are protected:

Telephone: 01223 457000

A tree preservation order (TPO) is an order made by a local planning authority (LPA) in respect of trees or woodlands. The principal effect of a TPO is to prohibit the:

- (1) Cutting down,
- (2) Uprooting,
- (3) Topping,

- (4) Lopping,
- (5) Wilful damage, or
- (6) Wilful destruction of trees without the LPA's consent. The cutting of roots, although not expressly covered in (1)(4) above, is potentially damaging and so, in the Secretary of State's view, requires the LPA's consent.

2.1 Penalties for undertaking works to a Protected Tree without consent

Anyone who, in contravention of a TPO:

- 1) Cuts down, uproots or wilfully destroys a tree, or
- 2) Tops, lops or wilfully damages a tree in a way that is likely to destroy it is guilty of an offence. Anyone found guilty of this offence is liable, if convicted in the Magistrates' Court, to a fine of up to £20,000. In serious cases a person may be committed for trial in the Crown Court and, if convicted, be liable to an unlimited fine.

It is also an offence for anyone to contravene the provisions of a TPO otherwise than as mentioned above. For example, anyone who lops a tree in contravention of a TPO, but in a way that the tree is not likely to be destroyed would be guilty of this offence. In this case, the Magistrates' Court can impose a fine in the Magistrates' Court of up to £2,500.

2.2 Tree Protection - Trees in Conservation Areas

Under section 211 of the Town and Country Planning Act 1990, anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the LPA six weeks' prior notice (a 'section 211 notice').

2.3 Penalties for undertaking works to a Tree within a Conservation Area without consent

Anyone who cuts down, uproots, tops, lops, wilfully destroys or wilfully damages a tree in a conservation area without giving a section 211 notice (or otherwise in contravention of section 211) is guilty of an offence. The same penalties as those for contravening a TPO apply.

3 HIGH HEDGES

A high hedge is defined in the Anti-social Behaviour Act 2003 as a barrier to light or access and is formed wholly or predominantly by a line of two or more evergreen or semi-evergreen trees growing to a height of more than 2 metres above ground level. Individual trees and shrubs are not covered by this legislation.

A complaint can be brought under the Act by the owner or occupier of the property affected by the hedge. The property must be residential and the hedge must detract from the reasonable enjoyment of your home and garden.

There is a fee of £450 for the Council to undertake an investigation. This fee is non-refundable and no investigation will take place without receipt of cleared funds.

Investigations are undertaken by the Tree Team, for more information refer to <http://www.planningportal.gov.uk/permission/commonprojects/highhedges/>

APPENDIX C – RIGHT TREE, RIGHT PLACE

Source: *Connecting Londoners with Trees and Woodlands A Tree and Woodland Framework for London*. Mayor of London 2005.

right place - right tree checklist	
appropriate locations	<ul style="list-style-type: none"> • What is the existing value of the space, and would the impact of trees be positive?
	<ul style="list-style-type: none"> • Existing habitat and landscape value: establish the habitat and landscape type of the site - shade cast by trees, and their demands on soil, water and nutrients, mean that they can kill or damage valuable wildlife habitats such as wetlands, heathlands, flower rich grasslands and brownfields so check for existing value before committing to planting.
	<ul style="list-style-type: none"> • Tree cover history: check historical records to see if the site is in an area where there have been trees in the past, to establish whether the creation of new woodland or tree cover would be appropriate.
appropriate species and design	<ul style="list-style-type: none"> • Development design: trees should not be located where they will experience inappropriate growing conditions e.g. in the shadow of tall buildings.
	<ul style="list-style-type: none"> • Local character: check if there is a history in the area for the use of particular species that could be a reflected in the planned planting.
	<ul style="list-style-type: none"> • Work with nature: in natural areas, employ stock of locally native origin. Best of all, work with natural colonisation.
	<ul style="list-style-type: none"> • Great trees of the future: where the setting allows, take opportunities to plant large species of trees with a long lifespan.
	<ul style="list-style-type: none"> • Accessibility: new trees and woodlands are most needed where they can provide people with access to nature and natural landscape in areas presently lacking in such access.
	<ul style="list-style-type: none"> • Infrastructure: consider existing and future infrastructure requirements – do not plant too close to over/underground infrastructure. Replace removed trees in the same pit if appropriate.
	<ul style="list-style-type: none"> • Highways: meet the statutory safety requirements to maintain a clear route along roads (consider heights of buses, HGVs, cars, cycles and horses).
	<ul style="list-style-type: none"> • Space: check available space against the final height and spread of the proposed species with a view to minimising frequency and amount of pruning required.
	<ul style="list-style-type: none"> • Soil condition: the soil in hard landscaped areas is often poor. Soil compaction needs to be limited in the tree pit and adequate nutrients supplied. Use species known to be robust to these limitations.

APPENDIX D Caring for your own trees

Picking a good tree surgeon can be a difficult task and getting it wrong can be disastrous. Cambridge City Council is not able to recommend tree surgeons, but the Arboricultural Association has produced a leaflet to provide some advice on how to find a suitable arborist entitled 'Choosing an arborist'.

The Arboricultural Association is the largest professional institution in the UK for the amenity tree care promoting the sustainable management of trees in areas where people live, work and play for the benefit of society.

The leaflet is aimed at those not familiar with tree work (e.g. an average homeowner) and guides them through some of the basic checks they should make before choosing an arborist or tree work contractor. It guides them through:

- What can happen if tree work goes wrong
- What questions customers should ask an arborist and
- How to choose the quote that best suits.

It is a simple and effective tool to help ask the right questions and choose between professional, competent and reliable arborists and those that are not.

The leaflet can be downloaded from the Arboricultural Association's webpage free of charge:

http://www.trees.org.uk/publications/General-tree-care-guides/Tree-Work-Choosing-your-Arborist_2