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Green Spaces & Amenities Unit

Tree Management Policy

December 2007

1. Introduction

1.1. This policy identifies the Council's approach to the management of trees on land owned by the Council. It is intended to act as a point of reference for the public, Councilors, Council Officers and professionally interested people to ensure a clear, consistent and structured approach to the management of trees.

2. The Benefits of Trees in Towns

2.1. Trees are essential to the creation of an environmentally sustainable and economically successful town. Some of the benefits that trees provide are listed under the Council's Strategic Priorities, below:

Places

- Creating an attractive environment where people will choose to live
- Providing wildlife habitats
- Releasing oxygen, whilst absorbing carbon dioxide
- Reducing air pollution
- Noise reduction
- Providing shade from the sun
- Contributing to energy conservation by reducing wind speeds

People

- Helping to reduce everyday stress levels
- Contributing to the well being of the community
- Bringing beauty to the Borough all year round

Prosperity

- Positively affecting property values
- Creating an attractive physical environment that encourages investment
- Screening ugly views

3. Burnley's Trees

3.1. Photographs from the early 20th century show a tree-less industrial environment in Burnley and Padiham. A century of tree planting, by the Council, property

owners and voluntary groups has created a relatively green and leafy town. This rich legacy of urban trees will benefit future generations and contribute to the town's future prosperity.

- 3.2. The Council is directly responsible for the management of an estimated 35,000 trees within the town's parks, cemeteries, and amenity green spaces. There are a further 250,000 trees (estimated) growing on the 110 hectares of woodland that are owned and managed by the Council.
- 3.3. The Council has planted 1.2 million trees in the past 10 years to create 430 ha of new mostly native woodland on council, private and United Utilities land. This has increased woodland cover from 3.5 % of land area (one of the lowest in Europe) to nearly 8% (the England average). In total there will be 870 hectares of woodland in the borough, of which 630 are in management under the Forest of Burnley project. They range in size from 150 hectares (Dunnockshaw) down through 50 hectares (Thieveley), 26 hectares (Towneley) and 9 hectares (Rowley) to small woods and copses such as Fiery Wood (1ha.). 40 kilometres of new footpath, bridleway and cycleway have added to access for the public. Landscape, wildlife and the economy have benefited also, with £15 million woodland related investment coming into East Lancashire over the past 10 years. These woodlands provide further economic and environmental through, for example, use as a renewable wood fuel for the Schools for the Future programme etc.

Highway Trees

- 3.4. Burnley Borough Council is not directly responsible for inspecting and managing highway trees (trees growing in grass verges between the highway and pavement). These trees are the responsibility of Lancashire County Council which is currently devising its' own system of tree risk management. The Council acts as a contractor to LCC to undertake tree work, only on instruction from LCC Highway Engineers. All enquiries about highway trees are forwarded to LCC.
- 3.5. However, it was the Borough Council that planted most of the highway trees in Burnley, which now make such an important contribution to the environment of Burnley.

Policy

Burnley Borough Council will encourage the County Council to conserve highway trees and to provide replacement trees where felling is necessary.

The Council will develop a Tree and Woodland Strategy to provide guidance on the long term planting and management of trees and woodland within the Borough,

4. The Council's Responsibilities as Land Owner

- 4.1. If a tree fails and causes injury or damage, its owner could be held negligent if they had omitted to take sufficient care of the tree. As landowner, the Council

has a duty of care to ensure that all of the trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk.

Statutory Duties

- 4.2. The Occupiers Liability Acts (1957&1984) requires occupiers of land to have a common, duty of care to all visitors. This Act requires the occupiers to take reasonable care to maintain their land in such a condition that it does not harm any person or damage any property. The duty of care is extended where the landowner invites the public onto land for recreation.
- 4.3. The Health and Safety at Work, etc. Act (1974) and the Management of Health and Safety at Work Regulations (1999) require the Council to manage trees and undertake work on trees with regard to the health and safety of the public and employees. Failure to do so could lead to criminal action against the Council by the Health and safety Executive.

Government Guidance

- 4.4. Government guidance contained in Circular 52/75 requires local authorities to regularly inspect trees adjacent to highways. Whilst this Council does not own trees growing within the highway, it does own trees that are adjacent to highways.
- 4.5. The department of Environment's report 'Trees in Towns' recommended that each local authority should inspect the tree stock that it is responsible for in a systematic way and to store this information on a data base so that it is accessible.

5. How the Council Will Manage Trees in Parks and Green Spaces

- 5.1. The aim of this Policy is to establish a reasonable, defensible and proactive tree management system that conserves and enhances the tree population on the land for which the Council is responsible.
- 5.2. Best practice now strongly favours a risk-based system of tree management relying on a programme of regular inspection prioritised by potential hazard. In the event of a tree failure causing loss, such a system is recognised as a reasonable method of management. It should also provide the basis of a robust defence in the event of litigation.
- 5.3. The basis for repeat inspections will be graded; so a high-risk tree may be inspected annually and a tree with negligible risk inspected five or more years after the initial survey.
- 5.4. All trees and groups of trees for which the Council is responsible will be categorised in relation to the risk they represent. This is in conformity with industry best practice and is a significant step in ensuring a defensible system of tree management is implemented. For example; trees growing along the edge of Queen's Park, overhanging the highway represent a higher risk than trees

growing in the middle of Bank Hall Park and would therefore be prioritized for inspection.

- 5.5. A prioritised programme of tree work will be maintained based on the inspections and with an emphasis on planned rather than reactive tree maintenance.

Policy

Burnley Borough Council will develop and implement a risk-based system of tree management relying on a programme of regular inspection prioritized by potential hazard.

6. Nature Conservation

- 6.1. Before undertaking any pruning, the nature conservation value of individual trees will be assessed.
- 6.2. All trees are checked, as a matter of course, for signs of the presence of bats. Where the presence of bats is suspected, advice will be sought from the 'Keeper of Nature' at Towneley Hall before any work takes place. Bats are protected by law and it is a criminal offence to recklessly or intentionally disturb bats or to damage or destroy a roost, whether in a roost or not. If a tree is obviously dangerous, yet providing a statutorily protected wildlife habitat, mitigation measures will be agreed before work proceeds.
- 6.3. Consideration is also given to the presence of nesting birds, especially during the period March to August and it is an offence to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. Pruning or felling work will not normally be scheduled to take place in woodlands and around hedgerows during this period. If a nest is discovered during cutting work, work will be suspended around the area of the nest, as soon as it is safe to do so.
- 6.4. The trunks of dead trees provide important wildlife habitats. Where possible dead trunks are left standing or lying on the ground, especially in woodland and branches are formed into habitat piles.

Policy

Consideration will always be given to the impact of any tree pruning or felling on local wildlife.

Tree work will be scheduled to take place in periods where the impact on local wildlife is minimised.

Dead wood will be left standing or on the ground in habitat piles wherever possible.

7. Tree Management Resources

7.1. The Council employs 'in-house' staff to manage its tree stock:

- **A Tree Officer:** Responsible for implementing a proactive tree inspection and tree risk management programme, which includes prioritising and scheduling any necessary tree work on council owned trees, and maintaining and supervising a tree work programme for the council's tree team or contractors.
- **The Tree Team:** Consisting of three staff, including a team leader and two arborists. The team are trained and experienced in felling or dismantling hazardous trees of all sizes in any location, in accordance with appropriate safety standards. The tree team carry out tree pruning to a high quality standard and in line with BS 3998 British Standard Recommendations for Tree Work (1989).
- **Additional Emergency Cover:** To provide additional resources for emergency tree work, for example following heavy gales, the Council can call upon a number of other gardening staff that are qualified to use chainsaws; this allows the Council to operate two tree teams of three staff if required.

Policy

The Council will allocate sufficient resources to ensure that it is able to manage the trees that it owns.

The Council will endeavour to maintain high standards of tree work, by ensuring all tree works are carried out to BS 3998 British Standards for Tree Work 1989 (and any subsequent revisions). When pruning is undertaken every effort will be made to ensure the general shape and character of each tree is retained.

Work Undertaken by Utility Companies

7.2. The utilities (Water, Electricity, Gas, etc have rights to undertake work to their services and frequently this involves working in close proximity to trees, with the potential to cause damage to the tree root system.

Policy

The Council will endeavour to ensure that where utility services are installed and maintained in close proximity to Council owned trees, the National Joint Utilities Group Guidelines for Planning, Installation and Maintenance of Utility Services in Proximity to Trees (NJUG10) are adhered to.

8. Requests from Residents

8.1. Although trees provide substantial amenity benefits, where people live in close proximity to trees there are a number of common sources of complaint.

- 8.2. The Tree Officer receives many requests and complaints about trees growing on Council land, all of which take time to investigate and respond to. Introduction of the following policies on felling and pruning will assist the Tree Officer to deal with customer request in a consistent manner and provide a point of reference for the public and Councilors.

Policy

Service requests and complaints will be recorded and prioritised. Any that concern a dangerous or potentially dangerous tree will be treated with urgency and normally on the same or next day. Those of a non-urgent nature will be inspected within 20 working days. In all cases the resident will be informed of this policy when the call is first received and will be informed of what action the Council will take after the tree has been inspected.

9. When Will Trees be Felled?

Tree Felling Policy

Burnley Council will avoid felling trees unless it is necessary. Each case will be carefully judged on its merits. Replacement trees will normally be planted, though not necessarily in the same place as the felled tree.

The following are situations where felling may be essential or advisable:

- **A dead or dying tree that is a danger to the public**
- **A tree obstructing a public highway, right of way, access to property or footpath, where the obstruction can't be overcome by pruning or other reasonable measures.**
- **A tree causing a legal nuisance to an adjoining property, where the nuisance is proven and pruning would not address the problem.**
A 'legal nuisance' is one that is actionable in law. Examples might include soil subsidence, physical damage to another owner's property or loss of enjoyment of the adjoining dwelling or garden. Felling is acceptable only when the nuisance is severe and where pruning would not remedy the problem.
- **A tree that is proven to be a contributor to soil shrinkage and serious structural damage, where pruning alone would not provide a solution.**
Damage to light structures such as garden walls, paving, etc. is relatively minor and removal of the tree would not normally be acceptable. Structural problems must be carefully investigated. Private owners will be expected to provide proof that a particular tree is causing damage to the property.
- **Trees that, in the judgment of a qualified arborist, are clearly of a size and species inappropriate for their location.** Examples include large poplars,

willows or conifers close to properties or large forest trees that completely over-shade a small garden or which extend over a house.

- **Thinning of trees to prevent overcrowding or removal for habitat improvement and landscape restoration in accordance with a management plan.**
- **Removal to allow authorised development.** It may be sometimes be necessary to remove trees to permit a development to take place.

Note: Where proposed felling exceeds 5m³ of timber volume, the Council is required to apply for a felling license from the Forestry Commission unless the work is being undertaken as part of a FC approved Woodland Grant Scheme.

Tree Planting Policy

The Council will maintain records of tree removals and will maintain a planting programme to ensure that the Council's tree stock maintains a healthy age profile.

10. When Will Trees be Pruned?

- 10.1. Trees should not be pruned unless necessary, as any cutting can weaken a tree and allow decay organisms to enter exposed tissue. Pruning often causes a tree to respond by producing vigorous new growth, often undoing the purpose of the original pruning.
- 10.2. Older trees do not tolerate pruning as well as younger ones and substantial pruning can be damaging, particularly in species that are not naturally tolerant of cutting.

Policy

Tree pruning will only be undertaken where there is sound justification for the work. Where pruning is done it will be in accordance with good arboricultural practice to ensure minimum harm to the tree. Pruning will be resisted if the tree has been pruned within the last 5 years.

The following are situations where pruning will be considered:

- **A tree that is obstructing a public highway or public right of way.** Generally a min clearance of 2.4m will be maintained over pavements and 4 metres over highways.
- **A tree causing a legal nuisance to an adjoining property.**
- **A tree that is causing soil shrinkage and structural damage to adjoining property, where it is felt that it is appropriate to restrict the size and moisture demand of the tree.**

- **Trees restricting access to property for maintenance or in physical contact with buildings or roofs.**
- **Trees interfering with street lighting, highway signage or other services equipment**
- **Trees obstructing Council-monitored CCTV surveillance cameras.** Pruning will be the minimum necessary to maintain visibility without detriment to the health of the tree.
- **Trees needing formative pruning to shape or train them during the early years.**
- **Removal of dead and diseased branches**

General Nuisance

10.3. There are a variety of other potential nuisances associated with trees, most of which are minor or seasonal and considered to be social problems associated with living near trees. Examples of such problems are:

- Falling leaves, sap, fruit, nuts, bird droppings or blossom.
- Reduction or increase of moisture to gardens.
- Suckers or germinating seedlings in gardens.
- Leaves falling into gutters, drains or onto flat roofs.
- The build up of algae on fences, paths or other structure

Policy

The Council will not fell or prune Council owned trees solely to alleviate problems caused by natural and / or seasonal phenomena.

Lack of Light

10.4. One of the most common complaints received in respect of trees, situated within the built environment, is that they block light from properties and shade gardens. Whilst a right to light may exist, there is no reported decision of any case having been succeeded in respect of a loss of light caused by trees. Current legal advice is that, as the obstruction will only have occurred gradually; such a case would be very difficult to prove.

Policy

The Council will not fell or prune trees for reasons of light, unless they are blocking daylight from habitable rooms to a severe and unreasonable degree.

Television and satellite reception:

- 10.5. Interference appears to increase when trees are in leaf and in windy weather. This is especially the case with regards to satellite reception, as it appears to be more sensitive to interference than television reception. Experience has shown that pruning trees often fails to improve reception and once pruned re-grow quite quickly.
- 10.6. In the vast majority of cases, interference can be reduced by the relocation of the aerial or by the use of 'booster boxes', which often improve the reception significantly or by use of cable services. These options are far cheaper and less destructive than pruning or felling the tree. Such alternative solutions should be encouraged and advice will be provided to residents.

Policy

The Council will not fell or prune trees solely for the reason that they are causing interference with television and satellite reception, unless complainants have taken other measures to improve reception without success and it can be proven that pruning will improve reception. In considering any action the Council will take account of the amenity value of the trees concerned.

11. Appeals Against Decisions not to Prune or Fell Trees

- 11.1. In circumstances where a request to prune or fell a Council owned tree is turned down, adjoining owners may appeal under the Council's complaints procedure.

12. Tree Inspections

- 12.1. When a tree has been inspected and action recommended, the proposed works shall be recorded into the 'Tree Wise' database. The precise location and species of the tree will be recorded along with other details such as the height and canopy spread. Any complaints or requests for work, or previously completed work can also be recorded. A link to Front Office is being investigated.
- 12.2. There is also scope within the Tree Wise system to record details of groups of trees or areas of woodland, where it is not practical to record details of individual trees.
- 12.3. The Tree Officer and Woodland Officer are qualified practitioners in the use of the Quantified Tree Risk Assessment (QTRA) system.
- 12.4. QTRA quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with tree values and operate to a predetermined limit of reasonable or acceptable risk.
- 12.5. QTRA establishes and quantifies the targets on to which trees can fail thus enabling tree managers to determine whether or not and to what degree of rigour a survey or inspection of the trees is required. Where necessary, the tree or branch is then considered in terms of both impact potential (size) and probability

of failure. Values derived from the assessment of these three components are used to calculate the probability of significant harm occurring.

Policy

The Council will inspect and record details of all significant council owned trees within the borough within 5 years. The inspection programme will be based on a risk-based assessment.

13. Implementing Tree Work

- 13.1. When a tree has been inspected and action recommended, a 'tree work order' will be added to the database containing a scheduled programme of arboricultural works.
- 13.2. Each particular job will be categorised, which will reflect on the urgency of the situation, the degree of inconvenience being caused and the best time of year for the work to be undertaken.

Policy

The following categories of priority will be used when categorising tree works:

- **Emergency:** Dangerous trees requiring immediate attention,
- **Priority A:** are to be classified as ESSENTIAL works, associated with mitigation of danger. The Council will endeavour to ensure that priority A work is completed within 12 weeks of the works order being created.
- **Priority B:** are to be classified as DESIRABLE and will include any work that results from request by local residents. The Council will endeavour to ensure that priority B work is undertaken within 6 months of the works order being created.
- **Priority C:** are to be classified as NON ESSENTIAL or work of a general routine management such as formative pruning or thinning out poor specimens to favour growth of better specimens. Priority C work will be completed within 12 months.

The Council will endeavour to increase the proportion of pre-planned or cyclical tree work and reduce the amount of reactive tree work.

14. Monitoring and Evaluation

- 14.1. The implementation of the 5-year programme of risk-based assessment will be regularly monitored to ensure that it is achieved and progress will be reported annually to the Environment Scrutiny Committee.

15. Advice to Private Tree Owners

- 13.1. The Council regularly receives request for advice regarding trees on private land. Although the council has only the resources to offer initial basic advice, the council maintains a list of approved arboricultural contractors and consultants, who may be able to offer private tree owners a more comprehensive service. This list can be made available on request. Production of a leaflet offering basic tree management advice and a list of frequently asked questions is being investigated.

Planning and Environment Services are responsible for dealing with items relating to tree preservation orders and high hedge enquiries.

Policy

The Council will not normally offer arboricultural advice to private landowners. Advice and information to private owners will be provided on the Council's website together with a list of arboricultural contractors and consultants.

Acknowledgements

This tree policy contains extracts from policies adopted by East Dorset District Council and Newcastle City Council.