



# Derby City Council

## Tree Management Policy

March 2019

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## 1. Introduction

This document outlines the policies and processes of Derby City Council (DCC) in relation to the Cities tree stock. We are committed to using modern arboricultural management methods including tree selection, tree planting, tree establishment, and tree aftercare within our urban environment.

## 2. Tree Benefits and Importance

The most noticeable benefit of trees are the impact they have on our Cities landscape bringing character, diversity and focal impact to our streets, recreational areas and road sides. The main benefits are generally broken down into Social, Economic and Environmental benefits.

- **Social Benefits-** Research shows good tree cover helps reduce the stress of living in the built environment, increases childhood development potentials, increases physical activity, increases community cohesion/ interaction. Crime levels have been shown to be lower in tree covered areas. It is recognised that a general increase in the wellbeing of residents occurs in areas with tree cover. Residents suffering from illness including mental illness have been shown to improve when treated in an area with good tree coverage.
- **Economic Benefits-** Tree covered areas have been shown to attract a far greater amount of business investment and growth. This in turn increases job opportunities, area premiums and retail spending. Trees offer economic savings to individual homes through a heat effect which can decrease home energy use. Due to their ability to reduce stress and assist with illness recovery the economic pressure on our health and wellbeing services could greatly be reduced. Property values have been shown to be increased when located on a tree lined street.
- **Environmental Benefits-** Tree cover in the urban environment can help reduce the effects of climate change by regulating the temperature, reducing storm water run off thus reducing the potential for flooding, increasing wildlife diversity, reducing ambient noise, reducing the carbon dioxide in our air, diesel particulate matter and increasing air quality.

All of these factors are systemically linked and with each increase in the type of benefit the others will also be improved thus creating a safer, happier and developed community to live in. For more information on the commitments DCC have made to increasing health and wellbeing please see *DCC Health and Wellbeing “everyone’s business” 2014-2019 Strategy*.

### 3. Derby City Councils (DCC) Responsibility

Derby City Council is committed to maintaining and promoting its tree stock, as a landowner we have a 'common law' duty of care and corporate commitment to:

- Take reasonable care to avoid acts or omissions which are reasonably foreseeable to injure their neighbour.
- A Duty of care under the Occupiers Liability Acts to take reasonable steps to ensure visitors or trespassers on their land are safe.
- "We will have regard to the important role which green and blue infrastructure plays in the mitigation of greenhouse gases and adapting to the effects of climate change including carbon sinks, air quality, cooling, biodiversity and flood prevention" Derby City Local Plan part1- Core Strategy"CP2 Responding to Climate Change"

### 4. DCC Tree Stock Maintenance and Inspections

Considering Derby City Council's responsibilities outlined above (section 3) we are committed to abiding by standards based on industry best practise and guidance (**National Tree Safety Group**) regarding tree inspections and management. DCC tree stock is managed by qualified, trained, experienced Arboriculturists.

Council owned trees are inspected on a cyclical bases between 1-5 years dependant on the risk associated with the tree. Risk is gauged on the likelihood of a dangerous occurrence and the potential damage that would occur.

e.g.

Tree Location	Tree Condition.	Risk.	Inspection rate.
Large Tree within High pedestrian/ vehicle trafficked area. High public access.	Fair	Mod	2 Years
Medium Tree within field in parkland. Low public access.	Good	Low	5 years
Small Tree on street of residential area. High public access.	Poor	Mod	3 Years
Large tree within memorial arboretum. Undergoing pruning to reduce risk. High public access	Poor	High	6 months-1 year

- We are committed to undertake identified and necessary tree works within appropriate timescales subject to available resources.
- If a tree is in a poor condition and is an immediate risk appropriate action will be taken as a matter of urgency. We are committed to not removing trees

where viable management options are available. We will retain trees in situ whilst reducing the risk attributed to them to a level that is considered acceptable.

- We are committed to continually bring all publically owned trees into our programme of inspection and maintenance.
- We will not remove any healthy trees unless removal is in line with good management practices, dictated by the Highways Act or as part of a development. If trees are removed for development purposes replacement trees should be conditioned for planting or the monetary value of the asset should be reclaimed for replanting purposes. The [Derby City Local Plan Part 1 - 2017](#) includes provision for landscaping within development sites.
- The provision of asset compensation is included [Planning Obligations SPD 2018](#)
- For more information regarding tree risk to the public and property please go to <http://ntsgroup.org.uk/guidance-publications/>

## 5. Types of Maintenance Pruning

- All DCC tree works are carried out in line with BS3998 "Recommendations For Tree Work" and are only carried out in justifiable circumstance. Please note poor pruning/ unnecessary pruning can lead to tree decline and potentially failure/ death of trees.
- We abide by the Health and Safety at Work Act 1974 regarding all tree works operations.
- We are committed to ensure all Arboricultural staff receive adequate and appropriate training to enable delivery of a high quality service.

Maintenance works may include:

**Crown Lifting:** removing lower branches to comply with legal clearances over roads (5.2 metres) and pathways (2.5 metres).

**Crown Reductions:** a reduction of branches in direct contact with buildings, third party property items, obstructing road signs, obstructing street lamps, obstructing CCTV sightlines, obstructing legal access. Occasionally used to mitigate structural weakness within the tree.

**Crown Cleaning:** Removal of dead branches (deemed to be of significance to potentially cause damage or injury). Removal of diseased branches, crossing, snapped or damaged branches.

**Tree Felling:** We will only consider removal of trees creating an unacceptable risk to public or persons.

Occasionally trees are removed for the following reasons

- To allow adjacent trees to develop.
- If a tree is considered to be unreasonably restrictive to an area.
- Required to be removed and replaced as part of development/ redevelopment of an area.

**Pollarding:** Removal of branch regrowth on a 3 year cycle back to previous pruning points. This is only conducted on trees that have been historically pollarded and is not suitable for older established trees. ([List of streets with Pollards Appendix 1](#)).

**Basal Growth (Epicormic removal):** Removal of growth at the base and the trunk up to 2.5 metres above ground level. This is usually undertaken annually however is considered on a year by year basis dependant on restrictions to the surrounding area and growth rates.

**Root Pruning:** Occasionally roots may be pruned to prevent or mitigate damage to pavements, highways or third party property. Reasonable consideration is given to the long term health and stability of the tree post pruning.

## 6. Common Tree Enquiries/ Nuisances

Although Trees offer a variety of benefits they can also be considered a nuisance by many residents. It is essential to remember that although some negatives arise we are committed to consider the effect of the trees upon the wellbeing of all residents of The City of Derby and not individual residents. Requests for tree works are considered based on the management policy and not individual resident's goals.

- **Loss of Light:** We will only undertake works to mitigate light loss in extreme circumstance. Generally light loss is not considered a nuisance under law.
- **Overhanging Tree Branches-** We will not undertake pruning of branches overhanging properties unless there is evidence of direct contact between trees and adjacent structures.

Residents have a right under British Common Law to:

- Prune overhanging branches back to the property boundary line.
- Please note if a tree is covered by a tree preservation order (TPO) or is located within a Conservation Area (CA) permission is required from WE Planning Authority. For more information follow this link <https://www.derby.gov.uk/environment-and-planning/conservation/tree-preservation-orders/>
- Pruning can only take place from within residents own property unless permission is granted by the tree owner to access their land.
- Where branches are removed back to the boundary we ask that branches are disposed of in a sustainable way. This could include:

home composting, wildlife habitat creation, putting in the brown bin or taken for recycling at Raynesway.

[Raynesway Household Waste and Recycling Centre](#)

- **Trees Dropping Leaves, Berries, Seeds, Fruit, and Flower Blossom-** We will not prune/ remove a council owned tree to mitigate the nuisance of falling debris/ detritus resulting from trees. this includes leaves blocking third party gutters
- **Large Size of Tree-** DCC owned trees are inspected for safety on a 1-5 year cyclical management regime. Mature trees may be deemed by many as being too large for a location however this does not mean that the tree should be considered dangerous. Maintenance pruning will be undertaken by DCC when deemed suitable and within our inspection and works programme. Please note large trees in our built environment offer far greater benefits than small trees. (see section 2 for a list of benefits)
- **Dripping Sticky Substances (Honey Dew, Sap) -** This is considered a natural occurrence and is not deemed a nuisance under law. As such we would not carry out pruning of trees to mitigate this.
- **Insects/ Wild Animals-** We do not prune or remove trees to mitigate the occurrence of perceived pests such as bees (protected species), wasps or wild animals (including birds and their resulting droppings).
- **Crime & Anti-Social Behaviour-** We are in contact with the local constabulary. As such any antisocial behaviour should be reported to the police. [Dial 101](#)
- **High Hedges-** For information relating to The High Hedges Act please follow the link below:
  - <https://www.derby.gov.uk/environment-and-planning/planning/planning-high-hedges/>
- **Blocked TV/ Satellite Signal-** We do not prune or remove trees to improve TV/ Satellite reception. If you are having difficulties please contact your supplier.
- **Trees Touching Telephone Wires-** We do not prune trees to mitigate against contact with telephone wires. Please contact your supplier and they may be able to offer an alternative solution.

- **Solar Panels-** We do not prune or remove trees to mitigate shading, improve the benefits of, or allow the installation of solar panels. The many benefits of trees outweigh those provided by the installation of solar panels.

We will adopt a common sense approach to requests for justifiable and necessary tree works.

## 7. Tree Works Arising's

We are committed to recycling and reusing all green waste arising's (woodchip and timber) as a result of our tree works. We will always try to ensure that this is done locally and in benefit of the local authority.

## 8. Tree Planting

Although DCC does not currently have a planting budget to replace trees that have been removed. We are committed wherever possible to ensuring additional trees are being planted. These trees are usually as a result of grants for park development or redevelopment of areas as part of highway improvements.

The cost to donate a specimen tree to DCC is £350.00.

If you are interested in making a tree donation please contact [Trees@derby.gov.uk](mailto:Trees@derby.gov.uk)

## 9. Tree Preservation Orders (TPO) & Trees In Conservation Areas (CA)

A Tree Preservation Order (TPO) is a legal, written order made by Derby City Council that generally makes it illegal to...



- Cut down
- Prune the branches or roots
- Uproot
- Damage in any other way

It is illegal to carry out works on a tree covered by a TPO, without DCC formal, written permission.

TPOs can cover anything from single trees to woodlands, but don't cover bushes or shrubs. Other laws cover the cutting down of hedgerows. Separate laws cover trees in Conservation Areas. Trees within a Conservation Area also require permission from Derby City Council.

Information pertaining to TPO's/ Conservation Area Trees and applying to carry out works can be found at.

<https://www.derby.gov.uk/environment-and-planning/conservation/tree-preservation-orders/>

- We are committed to ensuring that it exercises its powers under the Town and Country Planning Act 1990 (amended), The Town and Country Planning (Tree Preservation) (England) Regulations 2012 to protect and manage important trees within Derby City.
- We will keep accurate records of protected trees
- All applications will be accessed by an experienced and qualified Arboriculturist
- We will ensure, as resources allow all trees that meet with TPO criteria and/or are under threat are afforded relevant protection.
- Where expedient to do so we will make trees that are under threat and have accrued sufficient amenity value subject to a TPO.
- We will pursue and enforce action on unauthorised work to protected trees considering all appropriate evidence as long as this is within the public interest.

## 10. Root Damage & Subsidence

DCC has a care of duty to mitigate direct damage to third party properties and this includes ingress by roots into third party properties. The insurance team works closely with the Arboricultural department to ensure that policies are appropriate. If

there has been damage to third party properties due to a breach of the policy then the third party is correctly compensated for any loss.

We are committed to managing our trees to lessen the risk of subsidence-related damage and direct damage to properties. This can include root pruning, pruning regimes such as pollarding and in some cases removal of the influencing factor (the tree)

Cases of alleged root damage will be considered on an individual basis. A balance will be struck between the nuisance experienced by individuals and the benefits offered by the tree to the wider community.

### **Subsidence**

Every year we deal with a small number of claims for alleged subsidence damage resulting from tree root encroachment.

Where it is alleged that building movement due to the shrinkage of clay soils has occurred then the Council will require that a professional assessment, including cyclical monitoring, is undertaken to demonstrate that a Council-managed tree is an influence in the alleged damage. Such evidence must be submitted in support of any request for action to the DCC insurance department

Requests for action based on an unquantified possibility of damage occurring at an unspecified point in the future **will not be considered.**

Tree related subsidence damage is a complex issue and each case will need to be considered on an individual basis, in accordance with the relevant protocols.

### **Drain blockage**

Reports are often made of tree/ shrub roots making an ingress into drains causing blockages. Tree roots will only grow in a conducive environment. This can include the soil surrounding underground utilities.

Providing that the underground utility is in good condition roots will not be able to break into it, but they may exploit an existing fault provided that the conditions are suitable; they may not tolerate certain pollutants or levels of pollution for example.

The removal of one particular tree will not prevent the roots of other vegetation from exploiting the same opportunity. The appropriate way to deal with root blockage of drains is to ensure that the drains are watertight. Residents should contact a drains specialist who will be able to advise in regards to the influence any roots may be having.

Action **will not** be considered in response to complaints that Council-managed trees are blocking drains.

We are committed to:

- Instigate a regime of cyclical pruning of council tree stock in areas predisposed to building movement where this is appropriate.
- Instigate a regime of selective removal and replacement of street tree stock in areas predisposed to building movement where this is appropriate.
- Challenge unwarranted claims based on poorly investigated or inaccurate evidence.
- A consistent approach to handling claims and explains what evidence is needed and what can be done to resolve the claim.

It should be emphasised that many trees and buildings co-exist without occurrence of nuisance. We realise insurance claims can be disruptive to the claimant if their home is damaged. We are committed to dealing with claims in a timely fashion, making every effort to handle claims in accordance with pre action protocols and keeping claimants regularly updated in respect of the claim progress.

All claims should be sent to [Insurance@derby.gov.uk](mailto:Insurance@derby.gov.uk)

Please note it is the claimant's responsibility to substantiate their claim, providing the evidence, the Council will consult with appropriate colleagues and professionals in consideration of the claim.

Cases of alleged root damage to property or injury to persons will be considered on an individual basis.

## 11. Tree Asset Value and Wilful Damage to Trees

Capital Asset Valuation of Amenity Trees (CAVAT) is a system adopted by DCC to place a monetary value on the trees under its ownership/ management.

CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed to be a strategic tool and an aid to decision-making in relation to the

tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms.

There are many reasons for wanting and needing to value trees: for example, setting and justifying budgets, calculating loss of amenity and replacement value following willful or negligent damage of trees and urban forest management planning and decision-making. Other reasons may include determining tree value and amenity status required for insurance claims (such as in subsidence cases), tax deductions, or real estate value contributions.

As responsible tree owners, we cannot allow people or firms to damage our trees without any repercussions, and CAVAT is an effective way to claim back some value of the damage done to a public asset.

As such we will follow up on any reports or observations of damage to Council owned assets (Trees) and seek compensation appropriate to the damage.

Occasionally trees are removed for development reasons. In this instance CAVAT is used to apply a monetary value to the tree. This is a good decision making tool when working out whether there is value in removing or retaining the tree. The value can also be applied when trees are damaged during construction works.

## 12. Trees and the Community

The Parks Team is committed to maintaining and improving the natural environment on Parks and Open Spaces within Derby. Trees within a parks landscape play a vital role within the natural environment and create a sense of wellbeing, improve air quality and provide the character within the landscape for all to enjoy.

Derby City's Parks and Open Spaces provide a wealth and mix of tree species within both new and historic landscapes. Working with community groups and local residents, the Parks Team is committed to protecting, restoring and reinvesting in the tree stock on parks including Derby Arboretum (Grade II\* Park and Garden accredited by English Heritage for the landscape including tree stock), Markeaton Park (recently received Heritage Lottery Funding to restore historic tree provision), Darley Park and Osmaston Park, to name but a few. The Parks Team is committed to ensuring wherever possible, with the resources available, that there is a good age succession within the trees present on parks to ensure that the quality and value of the landscape is maintained and where possible improved, for future generations to enjoy.

Derby Parks are home to some iconic trees, which include the tallest Caucasian Lime (*Tilia euchlora*) of its type in Britain at Derby Arboretum, as well as the veteran Black Mulberry at Darley Park.

The Parks Team works closely with our many Friends and community groups to undertake a programme of tree management, maintenance and planting as part of an agreed programme of works each year.

Tree planting events are held between November and March with Friends groups, school groups and clubs to educate, engage, get people active and instil a sense of pride and care of the trees as they grow within their local parks. Trees are chosen based on their suitability for the location concerned; for example, native trees are planted within Local Nature Reserves based on the planting schemes prescribed in Management Plans. This includes a programme of planting disease-resistant elms, important for key insect species highlighted in the Biodiversity Action Plan. Trees are also chosen based on; species that may have been historically significant to the site concerned, their visual appearance and what they will aesthetically add to the landscape, their biodiversity value and also the ability of the species concerned to adapt to climate change.

The Parks Team, working alongside various Friends groups, is also keen to support the provision of 'free' food production, through the creation of a number of community orchards at Millennium Wood, Darley Playing Fields and other appropriate sites. These promote healthy eating, have the benefit of reduced food miles and are an attractive feature, with spring blossom followed by the autumn fruit.

Funding for the purchase of trees come from a number of sources including through gifted tree schemes run by the Woodland Trust and Trust for Conservation Volunteers, as well as through mitigation through loss of trees and Planning Development funding.

Through community engagement, the Parks Team with Friends group produces a series of tree trails around Derby Parks as well as guided walks. For more information please see <https://www.inderby.org.uk/parks/>

## **13. Trees in the Highway**

Derby City Council are committed to abide by and uphold the following sections of the highways act

### **Section 64**

The Highway Authority may plant trees, shrubs and other vegetation either for ornament or in the interests of safety. A Highway authority may alter or remove any works constructed by them.

### **Section 79**

The Highway Authority may direct a landowner to alter any tree, shrub or other vegetation that obstructs the view at a corner.

The Highway Authority may restrain or restrict a landowner from planting a tree, shrub or other vegetation at a corner.

### **Section 96**

The Highway Authority may plant trees and shrubs and undertake works as necessary to maintain, protect or remove them.

Such planting should not hinder the reasonable use of the highway or be a nuisance to the owner of an adjacent property.

If damage is caused to an adjacent property by the planted trees and shrubs, the owner may be entitled to compensation.

### **Section 132**

It is an offence to inscribe or affix any picture, letter, sign or other marks upon a Highway tree without the consent of the Authority.

### **Section 136**

The Highway Authority may seek a court order requiring an owner to cut, prune or slash (layer) a hedge or prune a tree, if the highway is being damaged by the exclusion of the sun and the wind by a hedge or tree.

### **Section 138**

It is an offence to plant a hedge in a Highway without written authority.

### **Section 141**

It is an offence to plant a tree or shrub within 15ft of the centre of the carriageway subject to sections 64, 96 and 142.

### **Section 142**

The Highway Authority may grant a license to the owner of an adjoining property to plant and maintain or to keep and maintain trees and shrubs in the highway.

### **Section 154**

The Highway Authority may serve notice requiring the cutting or felling of a hedge, tree or shrub which endangers, obstructs or interferes with the passage of vehicles or pedestrians, including the view of drivers or the light from a street lamp.

The work is required be carried out within 14 days.

Note: A 'hedge, tree or shrub' includes vegetation of any description.

The Highway Authority may also serve notice requiring the cutting or felling of a hedge, tree or shrub which by reason of its condition is likely to cause danger by falling on the highway.

DRAFT



We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 Minicom: 01332 640666

## Polish

64XXXX

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt:

Tel. tekstowy: 01332 640666

## Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

## Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: Minicom 01332 640666

## Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم 01332 64XXXX منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council