

Arboricultural Policy for the management of the City of York Council's Public Trees

This document contains information on tree risk management, tree protection, tree replacement, tree maintenance and tree related insurance claims.

The following policy statements constitute the City of York Council's Arboricultural Policy for public trees and aims to give clear statements to aid the Council in meeting its duty of care, legal and health and safety obligations whilst not exposing itself to any undue liability.

Overall Policy

Policy Statement 1 (as amended following Scrutiny)

The Council will sustain, protect and manage its public trees responsibly to ensure that it meets its statutory responsibilities without posing unreasonable risk to people or property. In so doing the Council will aim to increase the number and diversity of the trees it cares for.

(Original draft Policy Statement 1 for comparison

The Council will sustain, protect and manage its public trees responsibly to ensure that it meets its statutory responsibilities without posing unreasonable risk to people or property.)

Policy Statement 2

The Council will protect York's public trees from damage and unjustified removal with the aid of arboricultural protection guidelines and relevant legislation including The Town and Country Planning Act. The Council will enforce protection and seek to prosecute where tree protection related contraventions have occurred.

Risk Management

Policy Statement 3

The Council will carry out Public Tree Risk Assessments under the Management of Health and Safety Regulations 1999 including the inspection of trees in or near public places to assess whether they represent a foreseeable risk to persons or property, and to take remedial action as appropriate.

The Council currently uses the Quantified Tree Risk Assessment (QTRA) method to assess tree risks.

QTRA quantifies the risk of significant harm from tree failure in a way that balances safety with tree values. QTRA also helps determine lower risk sites may not require detailed tree inspections. For such sites, the city is divided into areas and inspections carried out on a 4 yearly rotation.

Policy Statement 4

The Council will maintain a computer based tree management and mapping system which that records position, species, and maintenance and inspection history. The current system is provided by Ezytree. York's public tree survey is an ongoing process as new trees are planted and other removed. Information such as location, species and service department of public trees will be made available via the Council's web site.

Tree removal and pruning

Policy Statement 5

The Council will only prune or remove trees for sound arboricultural reasons such as:

- Being identified by risk assessment as dangerous and in need of safety related work.
- Proven or likely to be cause damage which is not resolvable.
- Considered by the Arboricultural Manager to be inappropriate species for the location

Or:

- When removal is required as part of an agreed management or thinning programme with mitigation such as replacement agreements.

Policy Statement 6 (as amended following Scrutiny)

The Council will not prune, cut roots or remove trees (where no work has been identified under PS5) for the following reasons:

- Encroachment into or over a neighbouring property (since the property owner already has a common law right to prune back to their boundary)
- To prevent roots entering private drains that are already broken or damaged
- To retain or increase light levels or change the view into or out of a private property

- To reduce or remove the perceived nuisance issues caused by birds, insects, falling debris, leaves, blossom and fruit, or pollen
- To make way for new highway cross-overs (drives) or front garden parking
- To address interference with solar collection, satellite dishes, TV reception or telephone cables
- A tree being perceived to be too large or tall
- A perceived risk that a tree could cause damage in the future
- Disturbance to pavements, kerbs, garden paths and walls. (In these cases engineering solutions will be sought in the first instance ensuing that the tree can be maintained)
- Neighbour disputes due to perceived nuisance from a tree

(Original Draft Policy Statement 6 for comparison

The Council will not prune, cut roots or remove trees for the following reasons:

- *Encroachment into or over a neighbouring property (since the property owner already has a common law right to prune back to their boundary)*
- *To prevent roots entering private drains that are already broken or damaged*
- *To increase natural light or change the view into or out of a private property*
- *To reduce or remove the perceived nuisance issues caused by birds, insects, falling debris, leaves, blossom and fruit, or pollen*
- *To make way for new highway cross-overs (drives) or front garden parking*
- *To address interference with solar collection, satellite dishes, TV reception or telephone cables*
- *A tree being perceived to be too large or tall*
- *A perceived risk that a tree could cause damage in the future*
- *Disturbance to pavements, kerbs, garden paths and walls. (In these cases engineering solutions will be sought in the first instance ensuing that the tree can be maintained)*
- *Neighbour disputes due to perceived nuisance from a tree)*

Policy Statement 7

The Council's arboricultural staff and contractors' tree work will comply with the "British Standards for Tree Work 3998 2010" except where safety considerations may overrule them. When undertaking any maintenance works near to trees all internal and external contractors and operatives must adhere to the national tree protection guidelines as set out in this document.

Policy Statement 8

Where possible advance notice will be given regarding important trees identified for removal. This will normally be an explanatory notice posted on the tree or near its location.

Trees within the Council's housing land

Policy Statement 9

Communal shared gardens

The Council will manage communal garden trees in accordance with the standard criteria set out in Policy Statements 5 to 8.

Non-communal tenant gardens

Tenants are responsible for maintaining trees within their gardens in accordance with the tenancy agreement. Tenants must not themselves, or arrange for anyone else, to damage, heavily prune or cut down trees and hedges within the boundaries of the property without first getting the approval of their estate manager. The estate manager will seek advice from the Arboricultural Manager before granting permission for such works.

If a Tenant or an estate manager thinks a tree may be dangerous, the Arboricultural Manager will inspect the tree. If the tree is judged to be nuisance or dangerous it will be removed or made safe. The Arboricultural Manager can also offer advice on suitable trees species for gardens. Trees that are very large, fast growing or conifer species will not recommended.

Protection for trees from adjacent works

Policy Statement 10

When undertaking any works near to trees all internal and external contractors and operatives must adhere to the national and local tree protection guidelines as set out in this document.

Policy Statement 11

The Council will ensure that all non Arboricultural work taking place near trees must be in accordance with national tree protection guidelines. Utility work must be in accordance NJUG Vol 4 Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees: <http://www.njug.org.uk/publications/>

Highway and development site work must be in accordance with "British Standard 5837 2012 Trees in relation to design, demolition and construction":
<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030213642>

Highway tree protection information can be found in the CYC Highway Design Guide:
http://www.york.gov.uk/info/200274/road_building/409/road_building/2

All agents, partners and contractors of the Council will be required to comply with these policy statements.

Policy Statement 12

The Council will seek compensation from anyone responsible for damage to or removal of any public tree to the tree's monetary value. This value will be calculated using the recognised valuation system called Capital Asset Value for Amenity Trees, [CAVAT](#). CAVAT provides a method for managing trees as public assets rather than liabilities.

Claims against the Council

Policy Statement 13

All tree related insurance claims made will be processed by our insurance section. No trees shall be removed or pruned for alleged or potential damage claims until documentary evidence has been presented for investigation by the Council's insurers. Action will be taken to resolve justified claims and retain any trees if deemed possible.

Tree replacement

Policy Statement 14 (as amended following Scrutiny)

The Council will seek to replace all trees lost. Where possible planting will take place in the same location. Species will be based on site specific conditions including available space, with more beneficial larger species preferred.

The council will seek to establish a diversity of species to mitigate against pests and diseases that can threaten a single species. Where development results in tree removal; mitigation planting will be requested.

(Original Draft Policy Statement 14 for comparison

The Council will seek to replace trees lost. Species will be based on site specific conditions and available space. It is not always possible or desirable to plant like for like replacement species in the same location. The council will seek to establish a diversity of species to mitigate against pests and disease that can threaten a single species. Where development results in tree removal; mitigation planting will be requested.)

Community Involvement

Policy Statement 15

The Council will encourage and support volunteers and community groups to care for existing trees and plant new trees. Support will be given through officer time and will include training and support for funding bids. Members of the public may request new trees outside their property. Such requests will be generally supported, subject to necessary safety checks.

Funding of tree work by third parties

Revised Policy Statement 16 (as amended following Scrutiny)

It is not possible for the City of York Council to fund all requests for tree work. In some cases those requesting work to public trees may wish to fund the work using their own appointed contractor. Work can be carried out by agreeing an approved arboricultural BS 3998 specification with the contractor and Arboricultural Manager. In cases of financial hardship advice will be provided on where assistance may be available.

(Original Draft Policy Statement 16 for comparison

It is not possible for the City of York Council to fund all requests for tree work. In some cases those requesting work to public trees may wish to fund the work using their own appointed contractor. Work can be carried out by agreeing an approved arboricultural BS 3998 specification with the contractor and Arboricultural Manager.)