

**Decision Session – Executive Member for Culture, Leisure and Tourism, 24 June 2016**

Report of the Assistant Director (Communities, Culture & Public Realm)

**Review of Arboricultural Management of Council Trees**

**Summary**

1. This report sets out a proposed policy for the management of the Council's own "public" tree stock. Much of the information contained within the policy has previously been published on the Council's web site but it has never been brought together into one report before for Member consideration and approval.
2. The report also responds to the recommendations made by the Learning & Culture Policy and Scrutiny Committee (pre Decision Calling in) on 15<sup>th</sup> June 2016. The Committee supported the policy but did ask for a number of points to be taken into account by the Executive Member. These include:
  - a) The need for more wide ranging city wide approach to tree management.
  - b) Local Plan to include explicit targets for tree cover.
  - c) The need for additional supplementary planning documents relating to trees
  - d) Recognition that trees contribute to mitigating climate change and air pollution
  - e) The need to work with partner organisations to develop a healthy and diverse tree stock and to plan for long term tree care as part of new developments.
  - f) Specific comments on the draft policy statements
3. The statements made by Councillors L Kramm and A D'Agorne to the Committee are provided as Annexes 2 and 3.

## **Recommendations**

4. The Executive Member is asked to agree the attached policy for the management of the Council's public trees.

Reasons:

- To ensure that the Council's duty of care toward tree management and protection remains consistent and transparent and that resources are used to the best effect
- To give a better understanding of tree management practices in York
- To protect valuable trees from unnecessary damage, inappropriate work or removal

## **Background**

5. The Council has responsibility for an estimated 30,000 public trees within the city. We manage trees adjacent to the highway, in housing estates and open spaces, including parks, gardens, amenity spaces, sports grounds, nature reserves, closed churchyards and woodlands. We also assist schools in the management of their trees.
6. Responsibility for the management of the Council's trees sits with the Arboricultural Manager who is based in the Public Realm Service.
7. A healthy and sustainable tree population plays a major role in creating an attractive and vibrant landscape where people want to live. In addition, trees provide a range of social, economic and environmental benefits including:
  - a) Combating climate change by absorbing carbon dioxide from the atmosphere
  - b) Mitigating the effects of climate change by reducing floodwater run off through interception and absorption and providing shade
  - c) Offsetting air pollution by removing particulate matter
  - d) Providing a habitat for wildlife
  - e) Contributing to a quality of environment that promotes physical, social and psychological wellbeing
8. In financial terms Council owned trees have an estimated replacement value £200 million based on the Capital Asset Values

for Amenity Trees (CAVAT) methodology. York's highway or street trees are valued at approximately £89 million alone.

9. The public can currently look up basic information on the Council website on those Council trees which have been mapped; this includes location, species and "owning" service department. In addition, there is information on private trees with Tree Preservation Orders. Following the adoption of the policy these pages will be refreshed to give a clearer path to the information available.
10. Trees are not always valued by all residents. For example, there is a perception amongst a minority of residents that trees can be dangerous just because they are large. Requests for work and complaints are received daily; the adoption and publication of the proposed policy will help to explain and defend the authority's position.
11. Day to day care of trees is only one aspect of the authority's work. Officers in the Design and Conservation service advice on trees in relation to the planning process, including privately owned trees through some 515 Tree Preservation Orders and 30 conservation areas. Officers also support the work of:
  - a) *Treemendous* and other communities groups to develop new planting schemes.
  - b) York Tree Warden volunteers who act as the eyes and ears for the community and carry out limited tree maintenance, tree planting and educational activities at summer events and fairs.
12. The management of trees also needs to be seen within a national, regional and local context. At a national level central government, through Trees in Towns II (2008), requested that local authorities adopt tree policies and strategies that link with their council plan. At the regional level, York signed up to the Yorkshire and Humberside regional forestry strategy in 2006 which highlighted the region's low tree density and stressed the health benefits of promoting a tree-rich local environment.
13. As part of the Local Plan preparations the value of trees to the local environment will be addressed in a variety of policies and strategies which underpin the Local Plan. Public Realm officers will be supporting the Local Plan team in this work which is expected to be available in the autumn.

## **Proposed Policy**

14. Under health and safety legislation the Council has a duty to keep its trees as safe as reasonably possible. This is established by:
  - a) Having a recognised risk assessment process
  - b) Having a suitable recording system
  - c) Taking appropriate management action to address safety issues
  
15. The proposed policy is provided as Annex 1. Key sections to highlight are:
  - Policy Statement 3: Risk Management - this policy provides details on the frequency and methodology used to meet the statutory obligations
  - Policy Statement 4: Recording - this policy provides details with regard to what information is recorded and on what system
  - Policy Statement 5: Tree removal and pruning - this policy sets out the arboricultural reasons for undertaking work to a tree
  - Policy Statement 6: Pruning - this policy sets out the circumstances in which no work to a tree will be carried out
  - Policy Statements 10 to 12: Work near public trees - these policies reaffirm the national and local standards for work by staff and contractors in close proximity to public trees
  - Policy Statement 14: Tree Replacement – this policy sets out the Council’s approach to replacing trees which have had to be removed.
  - Policy Statement 15: Community involvement – this policy confirms the Council’s commitment to working with both voluntary groups and individual volunteers in caring for the city’s tree stock.

**Recommendations made by the Learning & Culture Policy and Scrutiny Committee (pre Decision Calling in) 15<sup>th</sup> June 2016.**

16. The table below provides a response to the specific comments made at the Learning & Culture Policy and Scrutiny Committee (pre Decision Calling in) 15<sup>th</sup> June 2016. Where officers are in agreement with the comments these have been incorporated into the draft policy.

Policy statement (PS)	Comment	Response
1 and 2 (Overall aims)	A city wide strategic approach is taken to tree planting which includes private land, where the council has influence or control through the planning process. The development of further supplementary planning guidance and need to working with other land owners to increase tree cover.	Not accepted as these ambitions are outside the scope of this policy. To progress these issues Officers meet with Cllr D'Agorne to further explore what is sought and then follow this up with the Local Plan team
	Seek to increase tree cover as part of City of York Council work	Accepted - additional text added to PS1.
6 (when pruning and similar work will not be undertaken)	Clarification over when work near buildings will take place (e.g. encroachment)	Accepted - additional text added to PS6
	Clarification sought to include a statement that responds to requests to retain natural light	Accepted - additional text added to PS6

10 and 11 (ground works near trees)	Closer collaboration with utility operators and provision of training	The request for closer collaboration has been passed to the Council's Highways team who manage this area of work
14 (Tree replacement)	Replacement trees to be planted in same or the immediate area	Part accept / part reject  PS14 text revised so that it in the first instance planting will take place in the same area. This may not always be possible or desirable – e.g. ground conditions may have contributed to the death of the original tree.
	Publish a list of species	Rejected – as this restricts choice. Species available varies from year to year and with increasing threat from pests and disease e.g. ash dieback, flexibility is required.
	Requirement to plant larger native / specimen trees where ground conditionals allow	Accepted - additional text added to PS14  As native trees are often not suited to urban locations, the reference to native trees has not been included.

	Requirement to plant more than 1 replacement tree	Rejected as a fixed condition.  Site based conditions and the value of the lost tree(s) will dictate the replacement planting. The CAVAT methodology in PS12 is a guide for working out the number of replacement trees required.
16 (Funding by third parties)	Request for assistance to be provided in situations of financial hardship	Accepted - additional text added to PS16

### **Options and Analysis**

17. For the reason set out in preceding paragraphs careful management is required if the Council's tree stock is to be maintained in a safe and sustained manner for future generations. The options open to the Executive Member are :

Option a) to accept the draft policy as proposed.

Option b) to add to or amend the policy to include issues raised by the Scrutiny Committee that have not been incorporated into the draft policy.

Option c) to suggest other amendments.

18. If the Council does not agree a policy it will weaken the Council's position in dealing with unjustified requests for work and its health and safety obligations including defending potential insurance claims.
19. Subject to agreement the policy will be made available on the Council's web site.

## **Council Plan**

20. The Arboricultural management policy contributes to the following Council Plan priorities:

- Delivering frontline services for residents is the priority
- Residents are encouraged and supported to live healthily
- Focus on the delivery of frontline services for residents and the protection of community facilities.
- Focus on cost and efficiency to make the right decisions in a challenging financial environment.

## **Implications**

21. **Financial:** The management of the tree stock is funded through existing service budgets.
22. There are no **Equalities, Crime and Disorder, Human Resources, Legal, Information Technology, Property** or **Other** implications arising from this report.

## **Risk Management**

23. In compliance with the Council's risk management strategy the main risks that have been identified associated with the areas of work covered by the policy proposed in this report are those which relate to governance, i.e. stewardship of the Council's tree assets, and legal and regulatory, i.e. relating to health and safety. Measured in terms of impact and likelihood, the risk score has been assessed at 10 which equates to "Low". This is acceptable but means that regular monitoring is required of the operation of the new arrangements.

## **Annexes**

Annex 1 - Draft Arboricultural Policy for the management of City of York Council trees.

Annex 2 - Statement made by Councillor L. Kramm to the Learning & Culture Policy and Scrutiny Committee (pre Decision Calling in) 15<sup>th</sup> June 2016

Annex 3 - Statement made by Councillor A. D'Agorne to the Learning & Culture Policy and Scrutiny Committee (pre Decision Calling in) 15<sup>th</sup> June 2016.



## Contact Details

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Harvey Lowson Arboricultural Manager	<b>Report Approved</b>	✓	<b>Date</b> 16.6.16.
<b>Specialist Implications Officers:</b> None			
<b>Wards Affected:</b>			<b>All</b> ✓
<b>For further information please contact the author of the report</b>			