

Tree Conservation and Maintenance Policy

For trees owned or managed by Nottinghamshire County Council

Vision

A healthy, diverse, expanding population of trees that enhances the environment of the County.

Aims

The aims of the Policy are to:

- *Establish objectives and policy for County Council Members and officers for trees owned or managed by the Council,*
- *Conserve (protect, maintain and enhance) the tree resource of the County Council,*
- *Increase awareness within the Council of the value of trees and encourage best practice.*

This Policy covers individual trees or groups of trees. It does not apply to the pruning of trees especially grown for ornament or fruit production. Woodland is touched only briefly because of existing, national policy (see para 13).

Introduction

1. The County Council, owns or controls a large and varied population of trees. They are scattered across a range of landholdings from schools and offices to road verges and reclamation sites. These trees form a vital conservation and amenity resource.
2. This policy will guide the County Council in conserving and managing that resource and will help fulfil the relevant corporate aims set out in The Strategic Plan and the relevant performance plans.
3. The Environment Committee has as one of its responsibilities the setting of policy for the conservation and management of trees and woodlands across all Committees and Departments. This duty is delegated to the Director of Environment (The Director).
4. Policy relating to development planning issues as they affect trees is already contained within certain statutory planning documents: the Structure Plan, the Minerals Local Plan, the Waste Local Plan and the various Local Plans produced by District Councils. This Tree Policy adds to the relevant policies within the County Council's statutory plans but does not replace them. It is not a statutory planning document. See Policy FC5 for procedures when planning matters are, or could be, involved.
5. This Tree Policy in particular applies to County Council owned or controlled trees affected by development, but not subject to normal planning scrutiny

because the development is permitted by virtue of the General (Permitted) Development Order 1994 or other exceptions.

6. Trees on trunk roads and motorways are owned by the Department of Environment, Transport and the Regions (DETR). This Policy will be applied unless it conflicts with the policy of the Highways Agency which must take precedence. The districts of Mansfield, Ashfield, Broxtowe, Gedling, and Rushcliffe (the old UDC area of West Bridgford only) are the County Council's Agents for maintenance of county roads including trees. The Policy cannot be imposed on the Agents, but discussion will be held with them towards voluntary adoption of the Policy as it relates to highway trees. Policy relating to highway trees is also contained within the Highway Network Management Plan.
7. Trees on school sites are ultimately the responsibility of the County Council where it is landowner. However, Headteachers have sufficient autonomy to derogate from this policy, at their own budgetary expense, if they so wish.
8. The aims are given effect by the following objectives. Each objective has a number of attendant policies.

First Conservation Objective

9. *To perpetuate the tree stock for as long as practicable with the minimum of intervention consistent with the duties to:*
 - (i) *ensure public safety and meet legal obligations¹; which shall be as far as possible without prejudice to the duties to,*
 - (ii) *conserve wildlife and public amenity²; which take precedence over the desire to,*
 - (iii) *ameliorate nuisance³ to neighbours and users of County Council sites.*

Policy (of first conservation objective: FC1 - 13 below).

FC1 No tree, of whatever age or size (except as provided in Policies FC2 [safety and legal reasons] and FC3 [minor works]) shall be cut down, pruned or damaged without the consent of the Director. By agreement this responsibility may be delegated to another Chief Officer in respect of specific sites or a class of sites. The root zone⁴ is similarly protected.

¹ *Statutory, eg Tree Preservation Order under T & CP Act 1990 or at common law, eg actionable nuisance or trespass.*

² *May include positive action to enhance conservation value or health of a tree (thereby prolonging value as a public amenity).*

³ *In its ordinary sense as opposed to Footnote 1 and including technical nuisance at common law where any overhang may be cut to the boundary but there can be no action for damages.*

⁴ *Root zone = radius measured along the ground from the centre of the trunk to a distance (a) $1\frac{1}{2}$ x the height of the tree, or (b) equal to 4 x the circumference of the trunk measured at a height of 1.5m from the ground, whichever is*

FC2 Work that is authorised shall be the minimum needed to satisfy the First Conservation Objective, and shall be to the most recent arboricultural standards and BS 3998 and 5837. In particular:

- Trees shall be retained as long as practicable. Felling shall be a last resort except when it is necessary to meet the duties in 9(i) or it is for the benefit of the growth and health of other trees of greater value for amenity or conservation.
- Pollarding shall be carried out only if it would be appropriate and there is no alternative short of felling, except when it is to resume or continue previous practice or it is for conservation reasons.

FC3 Exceptions for minor pruning only to requirement for consent under FC1:

- Branches 5cm diameter or less may be pruned in order to (a) allow clearance, (b) let through more light or (c) to encourage development of the appropriate natural shape for the species (formative pruning).
- In cases (a) and (b), only lower branches or parts of side branches may be pruned; no more than 20% of the crown may be removed and the tree may not be reduced in height unless the top is damaged.
- All cuts shall be clean, without tearing and made to the closest available growing point.
- Self-set trees 5cm diameter or less measured 1m from the ground may be cut down or uprooted to allow clearance from the base of structures, fences, sight-lines, french drains and the like.

FC4 Before undertaking tree work the status of the tree(s) shall be considered to ensure the requirements of the various Planning, Forestry and Wildlife and Countryside Acts and Regulations are met. The appropriate District Council shall be provided with the required notice of works to trees within a Conservation Area⁵.

FC5 Before negotiations are started for the disposal of County Council land, the Director should be consulted to see if a full tree survey is needed so that appropriate measures to protect trees can be considered.

the greater. National Joint Utilities Group 10 (1995) and BS5837 (1991) Trees in Relation of Construction offer useful guidance.

⁵ *Strictly as a Local Planning Authority the County Council does not have to notify a District Council of impending work to trees in a Conservation Area, but it is standard practice.*

- FC6 A full tree survey shall be undertaken on County Council land that is to be developed (including consideration of neighbouring trees) to ensure sympathetic development and so that the amenity provided by the trees is preserved⁶.
- FC7 In order that mature trees may be successfully retained to their safe limits they shall be inspected by a qualified⁷ person at intervals dependent on the risk posed to people and property. Subject to resource limitations the inspection standard will be once per year for mature trees in high risk areas or more frequently if necessary. Records of inspection shall be kept in a form specified by the Director and a database developed of the extent and condition of the tree stock.
- FC8 Where possible, conflict between 9(i), 9(ii) and 9(iii) of the First Conservation Objective shall be resolved by employing an alternative approach⁸.
- FC9 Where the best technical solution for a tree incurs significant additional expenditure, the cost of the work shall be balanced against the tree's value assessed using the procedure in "Amenity Valuation of Trees and Woodlands" (Arboricultural Association 2000). If the best solution is beyond available resources the Director shall be consulted.
- FC10 As far as is practicable, *and consistent with preserving wildlife and public amenity*, the County Council shall ameliorate nuisance to neighbouring property.
- FC11 Cases of significant damage or nuisance occurring within County Council property shall be treated similarly⁹ to Policy FC10. If the value of a tree (as assessed as per FC9) outweighs the damage or nuisance being caused to County Council property, then Policy FC2 shall apply.
- FC12 Work may be carried out in excess of that laid down in the Policy if that is the only way to ensure the interests of the tree and to safeguard the public amenity.
- FC13 The County Council shall, wherever practicable, vigorously pursue any perpetrators of serious acts of wilful damage or destruction to its trees.

Second Conservation Objective

9. *Create a diverse, uneven-aged and healthy tree population.*

⁶ *This is usually a requirement of planning permission in situations where that is needed.*

⁷ *As approved by the Director.*

⁸ *For example it may be possible to fence off a dangerous tree of conservation importance rather than felling it.*

⁹ *In this situation there is greater flexibility of action as the County Council cannot cause a legal nuisance to itself.*

Increase the number of trees¹⁰.

Policy (of second conservation objective: SC1 - 8 below).

- SC1 All major improvement schemes shall identify any opportunities for additional tree planting. Every effort should be made to secure sufficient resources for implementation.
- SC2 Replacement planting for felled trees shall be where practicable at a minimum of one for one. If it is not possible or desirable to replant near the felled tree then another suitable site may be found.
- SC3 Planting shall only be carried out if adequate resources for maintenance beyond satisfactory establishment can be guaranteed, notwithstanding Policy SC1. This includes replacing and maintaining any plants that fail.
- SC4 Species appropriate for the location shall be chosen, taking as a guide those trees growing successfully in the neighbourhood. Native species (preferably of local provenance) should be used as a general principle, but varieties and exotics may, depending on the situation, also be suitable.
- SC5 In areas of nature conservation importance, natural regeneration of appropriate species should be encouraged wherever possible.
- SC6 The size of planting stock shall be as small as practicable. In certain vulnerable locations or areas of poor visual amenity advanced nursery stock may be appropriate.
- SC7 Replacement planting shall where practicable be in advance of the remaining life of the tree(s) present to perpetuate features, either individual or grouped.
- SC8 As resources permit management plans in a form specified by the Director will be drawn up for sites with trees detailing numbers, species and condition, objectives of management, and a work programme, including new planting, to create a diverse, uneven-aged tree population.

Awareness and Best Practice Objective

- 10. *Ensure that all Departments have access to timely, up to date advice.*

Promote the value of trees to the County Council.

Policy (of awareness objective: ABP1 - 2 below).

¹⁰ *It will not be possible to measure the success of this objective without baseline data on numbers, ages and condition of trees. The principles are, however, still relevant, but the policies less prescriptive than those of the first objective.*

ABP1 The Director will provide professional advice on trees (and woodland management) on request and collate data on inspections and management plans.

ABP2 As resources permit the Director will use special events such as National Tree Week and media such as newsletters and electronic mail to increase awareness of trees.

Supplementary

11. The Director shall review this Policy on a regular basis and recommend necessary changes. This may include data on infringements, referrals, problems of interpretation or operation and gaps in coverage.
12. The Director shall issue from time to time an annex giving details of to whom he has delegated powers under this Policy.
13. Policy on the management of woodland will follow that laid down in national guidelines issued by the Forestry Commission. New woodland planting also enjoys comprehensive national guidance, but in addition should follow the management guidelines provided in the County Council's Countryside Appraisal and the Biodiversity Action Plan. The Director should be consulted to ensure that all available grants are claimed and statutory licences under the Forestry Acts obtained.

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5 February 1999

23 June 2000

6 July 2000