

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

Approved by the Executive Member for Culture, Leisure and Tourism November 2017

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

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.

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 will use a combination of Active and Passive tree inspections to monitor the health of trees and to determine if any work is required. Any unacceptable risks are most likely in high usage public

areas subjected to active inspections. Low occupation and usage areas have a lower risk so they are subjected to passive inspections. Active scheduled inspections are carried by qualified Arboricultural inspectors on a 4 yearly rotation with one quarter of the city inspected each year.

If, during an inspection, safety work is identified it is allocated a risk rating which will then estimate how soon the work has to be carried out. If a tree defect has a high risk of harm then work will be carried out between 1 and 12 months depending on the risk rating. If a risk is determined as tolerable it may not be addressed until the next risk assessment.

When required to further quantify and measure a risk inspections may use a nationally recognised risk assessment such as Quantified Tree Risk Assessment (QTRA) or VALID. Such systems quantify the risk of harm or likelihood of failure in a way that balances safety with tree values and benefits.

Passive tree inspections and reports are those carried out daily by the public and council staff when travelling around the authority area. The Arboricultural Manager will assess any Passive reports and determine if an Active inspection is required and any resulting work.

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

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 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 ensuring 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 obtaining 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 be 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

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.

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 on council land outside their property. Such requests will be generally be supported, subject to necessary safety checks.

Funding of tree work by third parties

Policy Statement 16

It is not possible for the Arboriculture Service to fund all requests for work to public trees. If, however, the task is in line with this Policy, and is specifically approved by the Arboricultural Manager, those requesting the work may use their own qualified and insured tree surgeon. All tree work should be carried out to British Standards for Tree Work 3998 2010. In cases of financial hardship advice will be provided on where assistance may be available.

Policy Statement 17

To compliment the work of the Arboriculture Service Ward Committees and other similar organisations may fund work to trees. This work be generally be of a lower priority as defined by the Active inspection process and will be overseen and arranged by the Arboricultural Manager. Where request may not accord with the general policy the Assistant Director of Transport, Highways and Environment will be required to approve the works in accordance with Policy 20.

Woodland and landscape management

Policy Statement 18

For woodland management the Council will encourage natural regeneration and increase species diversity with the minimum of intervention. Where woods are low on species diversity some proactive thinning out may be carried out to allow for natural regeneration or re-stocking. Native plants suiting the site conditions would normally be used to re-stock areas where trees have been thinned or removed.

Site specific proactive intervention may also be possible to keep boundaries, paths and access points safe in accordance with the proceeding Policy Statements within this document.

Policy Statement 19

For formal Parks and Gardens and amenity space the Council will seek to maintain a diverse and healthy tree stock which compliments and maintains the design and layout of the site.

Site specific interventions are possible to keep boundaries, paths, historic features and views, and, adjoining sports facilities in a safe and well maintained condition.

Policy Statement 20

In certain circumstances e.g. road realignment, it may be necessary or desirable for the City Council to fell a tree which is contrary to this Policy. In such circumstances, the Assistant Director of Transport, Highways and Environment in consultation with the Ward Members and the Executive Member will be required to approve such as decision and to record the decision in accordance with the Councils decision making processes.

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