

Report to: **Economy, Transport and Environment Scrutiny Committee**  
Date: **14 March 2012**  
By: **Chairman of the Review Board**  
Title of report: **Scrutiny review of trees and woodlands policy in East Sussex**  
Purpose of report: **To present the outcomes of the scrutiny review.**

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**RECOMMENDATION: that the Committee considers the report of the Review Board and endorses the recommendations.**

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**1. Financial Appraisal**

1.1 There are no direct financial implications resulting from this report at this stage.

**2. Summary**

2.1 The Review Board comprised Councillors Richard Stogdon (Chairman), Godfrey Daniel and Pat Rodohan.

2.2 The report attached at Appendix 1 contains a summary of work of the review, together with the findings and recommendations of the Review Board. An evidence pack of supporting documentation is available on request from the contact officer.

**3. Recommendation**

3.1 The Committee is requested to consider and endorse the report of the Review Board.

COUNCILLOR RICHARD STOGDON  
Chairman of Review Board

Contact Officer: Harvey Winder      Tel No. 01273 481796

Local Members:      All

Background Documents

None

# Scrutiny Review of Trees and Woodlands Policy in East Sussex

## Report by the Project Board

Councillor Richard Stogdon (Chairman)

Councillor Godfrey Daniel

Councillor Pat Rodohan

March 2012

Economy, Transport and Environment Scrutiny Committee – 14 March 2012



*Elm tree, County Hall, Lewes*

# The report of the Scrutiny Review of Trees and Woodlands Policy in East Sussex

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*Row of elm trees, Preston Park, Brighton*

## Recommendations

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|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>The Highways Team should incorporate the following elements and amendments into the County Council’s highway policies to create a single policy for the management of trees on highways:</p> <ul style="list-style-type: none"> <li>➤ Adopt a flexible and pragmatic approach to the replacement of trees felled as part of road improvement schemes to replace the over simplistic ‘two for one’ policy.</li> <li>➤ Ensure the policy clearly reflects the different circumstances and factors governing where trees may be planted in urban and rural settings.</li> <li>➤ Use plain English terms such as “road” and “kerb side” instead of “carriageway”.</li> <li>➤ Include clearer guidance on the different circumstances in which trees will be cut back or maintained.</li> <li>➤ Explain the full range of options for public engagement whether through direct planting in certain locations, or funding the planting of new trees etc, to enable individuals and organisations to decide how best to get involved.</li> <li>➤ Update the policy with the correct terminology e.g. “Arboricultural Officer” instead of “County Engineer”</li> <li>➤ Adopt a flexible approach to choosing suitable tree species for highways that relies on advice from Arboricultural officers, rather than trying to create an exhaustive list of suitable or unsuitable species.</li> </ul> |
| 2 | <p>a) Ensure that the methods of reporting obscured road signs are made as clear and easy as possible for the public, with the web based reporting system receiving greater prominence.</p> <p>b) Ensure that the detailed responsibilities of landowners towards maintaining their hedges and trees on roadsides are easily accessible on the Council’s website, and that parish councils continue to be encouraged to become involved as active partners in this process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3 | <p>All schools, especially academies, should be made aware of the critical importance of ensuring that tree inspections are carried out and the consequences of failing to undertake this duty.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 4 | <p>That the Economy, Transport and Environment Department carry out its proposed strategic review of the Dutch elm disease management programme and report its findings to the Economy, Transport and Environment Scrutiny Committee in due course.</p> <p>The review should seek to ensure that all partners are involved in developing a strategy that will be effective, sustainable and ensure value for money.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## Overview

1. The current County Council policies for planting and managing trees on highways are unclear and unsatisfactory in several respects. Residents are uncertain, for example, as to how to donate trees and there is uncertainty as to which species of tree are allowed on the County's highways. This review sets out to clarify these policies and to address some wider questions of management of trees on school grounds and the effectiveness of the strategy for tackling Dutch elm disease.

## Management of trees on highways

2. Highway trees play an essential role in enhancing both the rural and urban areas of East Sussex. Amongst the many benefits, trees are proven to calm traffic, offer shade to pedestrians and motorists, filter pollutants and sequester carbon dioxide. Trees make streets more desirable places to live and help to maintain the tranquillity of the countryside by obscuring traffic.

3. There are some 200,000 trees lining the roads of East Sussex. The planting, re-planting, maintenance and felling tasks are the responsibility of East Sussex County Council Highways Team, and in particular the Reactive Maintenance team. Arboricultural teams in Eastbourne Borough Council and Hastings Borough Council also manage highways trees on behalf of the County Council through an agency agreement. Maintenance largely centres on dealing with trip hazards by modifying the paving around bothersome tree roots, and dealing with obscured road signs by pruning offending trees and vegetation.

4. The County Council's current highway tree policies date from 1992. They provide separate guidance firstly on planting and felling of trees for new highway projects, such as road and junction widening, and secondly on the management of trees on existing highways. Since the early 1990s the number of new highways schemes has declined making the need for two separate policies unnecessary. Combining the two policies into a single tree management policy for East Sussex highways now makes good sense.

## Two for one replacement of felled trees

5. The current policy states, "at least two new trees shall be planted for any highway tree felled in the course of highway improvements." This is because many young saplings fail to establish themselves. Since 2003, Eastbourne Borough Council has planted 21 trees under the provision but there are no details for the extent of the practice in the rest of the county.

6. In practice, and primarily due to budget constraints, 'two for one' replacements only appear to occur in some circumstances such as when trees are felled to make way for road improvement schemes. They do not, for example, seem to occur when individual trees are felled on safety grounds. In addition, replacement trees are often planted some distance away from the felled trees they replace and in some cases more than two trees are planted.

7. The reality on the ground is thus not reflected in the current policy that fails to account for the wide range of possibilities available, such as planting replacement trees off location and planting more or less than two trees depending on the circumstances. As a result, this policy should be replaced with a simple, flexible approach that encourages the proactive replacement of felled highway trees wherever practicable.

## Trees on verges and highways footpaths

8. The current policy states that all "new trees must be planted at least two metres from the kerb side (carriageway)". This is designed to provide clearance for high-sided vehicles and to minimise the amount of pruning required; this provision is primarily aimed at rural roads. Tree planting in built up areas is allowed "within two metres of the carriageway, providing that the siting does not ...affect the structure of the highway."

9. There are constraints to tree planting on highway footpaths. These include underground cables, pipes and the need to ensure a minimum gap of 1.2m between a tree and any adjoining walls to allow the passage of wheelchairs for example. The species and mature size also governs where a tree may be planted in relation to the kerb side. It is also important that trees do not impede sightlines for motorists.

10. The policy needs to differentiate more clearly between requirements for planting in rural and urban areas. The term “carriageway” should be replaced with the more commonly understood terms of, “road” or “street” and “kerb side.”

### **Cutting back trees**

11. The current policy states that highway trees should be allowed to “grow to their full natural shape in good health.” Trees should only receive maintenance if they pose “a threat to life or property”. However in practice, pruning back, or pollarding, in urban areas is undertaken not just on safety grounds but also to prevent trees from becoming a nuisance to residents and to keep them at a predetermined height.

12. The County Council’s Transport Asset Management Plan (TAMP) recommends that all highway trees within and adjoining the highway should be inspected every two years to assess whether they pose any threat. It specifically requires officers to address instances of overhanging branches less than 2.4m in height over the footway, less than 5.3m over the carriageway, or where they obscure road signs.

13. Whilst the policy currently recommends that trees are left to grow to their natural shape, in practice the County Council and the District and Borough Councils undertake a wide range of interventions. Therefore the current policy should be replaced with guidance reflecting the different circumstances in which trees need to be cut back or maintained.

### **How to ‘donate a tree’**

14. The current policy states that, “trees may be donated by individuals for planting in the highway”. However, whilst the County Council and District/Borough Councils encourage residents to participate in the planting of highway trees in their communities, they generally prefer monetary donations towards nursery grown trees, which are then planted on highways by Arboricultural Officers. The full range of options for public engagement whether through direct planting in certain locations, or funding the planting of new trees needs to be made clear in the policy to enable individual members of the public to decide how best to get involved.

15. Furthermore, there is out of date terminology within the current policy. There is no longer a *County Engineer*; this should be changed to “Arboricultural Officer.” The term “a suitable sum” is also unnecessary and should be replaced with “a sum.”

### **Suitable tree species**

16. The current policy lists four tree species that are ‘discouraged’ because of their undesirable traits: poplar, horse chestnut, elm and sycamore. However, just about all trees have undesirable traits to a greater or lesser extent. Undesirable traits include: fruit trees, species with slow-decaying leaves, root suckers and those with high seeding rates. A comprehensive list of undesirable tree species would be unhelpful and difficult to produce, and a list of four is of no practical value.

*‘Undesirable trees’ currently include elm trees. There are over 1,700 mature elms on highways in Eastbourne and there were only three complaints attributable to them in the past year, all for wall damage.*



17. In practice many possible species might be suitable and advice from an Arboricultural Officer is likely to provide the best way to identify suitable options. They would judge each situation on its merits and be best placed to take account of, say, nearby existing trees, pavement width, the location (coastal or inland) and the soil structure. This flexible approach towards selecting tree species is far more preferable to trying to create a list of suitable or indeed unsuitable species for streets.

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### **Recommendation 1.**

**The Highways Team should incorporate the following elements and amendments into the County Council's highway policies to create a single policy for the management of trees on highways:**

- **Adopt a flexible and pragmatic approach to the replacement of trees felled as part of road improvement schemes to replace the over simplistic 'two for one' policy.**
- **Ensure the policy clearly reflects the different circumstances and factors governing where trees may be planted in urban and rural settings.**
- **Use plain English terms such as "road" and "kerb side" instead of "carriageway".**
- **Include clearer guidance on the different circumstances in which trees will be cut back or maintained.**
- **Explain the full range of options for public engagement whether through direct planting in certain locations, or funding the planting of new trees etc, to enable individuals and organisations to decide how best to get involved.**
- **Update the policy with the correct terminology eg. "Arboricultural Officer" instead of "County Engineer"**
- **Adopt a flexible approach to choosing suitable tree species for highways that relies on advice from Arboricultural officers, rather than trying to create an exhaustive list of suitable or unsuitable species.**

### **Information for the public and landowners**

18. Trees and vegetation often cause problems such as obscuring road signs on our highways. County Council officers inspect main roads once per month and minor roads once every six months for problems. Since the growing season lasts just a few months, the Council relies on public reporting to identify the majority of obscured road signs.

19. The Council's website includes a public, online fault reporting system for roads, paths and verges which can be used to report obscured road signs and many other highways problems. This is the easiest and most effective way for members of the public to report this kind of problem. The interface is user friendly and enables the user to pinpoint the location accurately and describe the problem with ease; However, there is little public knowledge about this system.

20. Elected Members deal with highways complaints directly, but this is not an effective use of their time. Providing greater publicity and encouragement for online reporting may help to ease Members' case work and improve the quality and accuracy of reporting. This in turn would help the Council to prioritise actions towards the most urgent problems effectively and efficiently.



21. When offending trees or vegetation belong to a landowner adjacent to the highway, the County Council requests them to resolve the problem in the first instance. This process works satisfactorily in most cases. However, if a landowner cannot easily be persuaded to comply, or cannot be contacted, the Council will normally go ahead and treat the problem and subsequently try to recover the costs from the landowner. Many parish councils, with their excellent local knowledge, are increasingly assisting the County Council to minimise conflicts from developing in these kinds of negotiations.

22. We therefore need to help landowners to become fully aware of their responsibilities from the outset; the County Council already publishes information on the hedge and tree cutting responsibilities of landowners on its website; this information may benefit from greater prominence and publicity to be more effective.

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## Recommendation 2

**a) Ensure that the methods of reporting obscured road signs are made as clear and easy as possible for the public, with the web based reporting system receiving greater prominence.**

**b) Ensure that the detailed responsibilities of landowners towards maintaining their hedges and trees on roadsides are easily accessible on the Council's website, and that parish councils continue to be encouraged to become involved as active partners in this process.**

## Trees in school grounds

23. As a landowner, the County Council must take reasonable measures to avoid foreseeable injury or harm on its land. This includes undertaking regular inspections to assess and address the risk posed by trees.

24. Historically the County Council has arranged for inspections of school grounds as part of a *Service to Schools* grounds maintenance contract package. In 2010/11, the most recent year in which regular tree inspections took place, schools spent approximately £29,000 under the contract including an average of approximately £200 per school specifically for tree inspections. Due to resource issues, inspections ceased in 2010 with 99 out of 196 schools having been inspected. The County Council wishes to restart the programme of inspections as soon as practicable.

25. With increasing degrees of independence from local authority control, head teachers and school governing bodies are required to recognise their responsibilities for school grounds management; this increasingly involves making choices about commissioning services such as tree inspections. Academies, for example, with a standard 125-year lease, are responsible for trees in their grounds but are under no obligation to purchase the County's *Service to Schools* package.

26. The County Council is currently undertaking a project to determine the risks associated with non compliance by schools on a wide range of activities including estates and property management. The project also aims to identify the mitigation measures that the local authority considers ought to be in place to minimise the risks. The project will eventually clarify the powers available to the County Council to ensure compliance. The Audit, Best Value and Community Services Scrutiny Committee will consider progress with this project until there is clarity on these questions.

27. In the meantime, the Council should aim to ensure that all our schools are fully aware of the importance of tree inspections and actively encourage them to engage with the Service to Schools grounds maintenance contract package.

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### **Recommendation 3.**

**All schools, especially academies, should be made aware of the critical importance of ensuring that tree inspections are carried out and the consequences of failing to undertake this duty.**

## **Dutch elm disease**

28. Dutch elm disease is caused by a fungus that is transmitted by elm bark beetles. The fungus is not native to Europe so indigenous elms have no natural resistance. When a tree becomes infected, it shuts down the water and nutrient supply to the infected branch in an attempt to stop the spread of the disease, killing the branch in the process. As the tree can rarely destroy the fungus this process eventually kills the mature tree. The disease spreads rapidly and a single infected tree can typically infect three of its neighbours during the course of a growing season.

29. The outbreak of Dutch elm disease that began in the late 1960s has killed 25 million elm trees in the United Kingdom and reduced the population of English Elms to a small coastal strip between Brighton & Hove and Pevensey Bay. Much of the remaining elm population lies within a 'control area' in East Sussex. There are approximately 50,000 remaining elm trees within the control area, and a further 17,000 elms in Brighton & Hove and 1,700 mature elms in Eastbourne.

30. The Council's current strategy to tackle the disease involves sanitation felling: destroying infected branches or whole trees as the disease symptoms become apparent. However this strategy has failed to prevent the disease from spreading:

- in 2007 a 'backlog' of infected trees awaiting treatment was identified but even before the backlog became apparent, the disease was still thriving in the local elm population;
- there are insufficient records of the location and dates of outbreaks of the disease to understand fully the nature of the disease's complex epidemiology.

31. It is therefore unclear whether pursuing the current strategy of ever increasing levels of sanitation felling will work in the long term. Furthermore, there is no evidence that all aspects of value for money of the current approach have been explored. For example, elm is a sought-after and valuable timber that does not appear to have been exploited to generate income to offset the cost of the disease management programme over the years.

32. In conclusion, it is unclear whether our current strategy towards treating Dutch elm disease is financially sustainable, or whether it is likely to be effective in the long term. We may require a radically different approach and support the need for a review of the future strategy that will involve all our partners: Natural England, the South Downs National Park Authority, the neighbouring authorities and District/Borough Councils.

33. The results of the review will become apparent during the six and twelve month monitoring stages of this review. At those stages the Economy, Transport and Environment Scrutiny Committee may make additional recommendations.

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**Recommendation 4.**

**That the Economy, Transport and Environment Department carry out its proposed strategic review of the Dutch elm disease management programme and report its findings to the Economy, Transport and Environment Scrutiny Committee in due course.**

**The review should seek to ensure that all partners are involved in developing a strategy that will be effective, sustainable and ensure value for money.**

## **Appendix: Terms of reference, membership and evidence**

### **Scope and terms of reference**

This scrutiny review was established by the Economy, Transport & Environment Scrutiny Committee on 6 June 2011 to consider and make recommendations on the following aspects of trees and woodlands policy:

- Management of trees on highways
- Management of trees on school grounds
- Management of Dutch elm disease

### **Board Membership and project support**

#### **Review Board Members:**

Councillor Daniel, Councillor Rodohan, Councillor Stogdon (Chairman)

The Project Manager was Harvey Winder

#### **Support to the Board was provided by the following officers:**

Andy Robertson, Assistant Director – Environment  
Carl Valentine, Head of Environment  
Andy Arnold, Team Manager Environmental Advice  
Anthony Becvar, Dutch Elm Disease Officer  
James Newmarch, Landscape Officer  
Tim Whelan, Arboricultural Officer, Eastbourne Borough Council

#### **Review Board meeting date**

7 November 2011

### **Witnesses providing evidence**

The following officers appeared as witnesses at the review board meeting:

Andy Arnold, Team Manager Environmental Advice  
Nick Skelton, Head of Transport and Operational Services  
Tony Pike, Acting Team Manager Network Management  
Simon Fathers, Team Manager, Countryside Management & Community Engagement  
Brendan Griffin-Ryan, Contracts Manager, Waste, Grounds & Cleaning Contact  
Ken Sorhaindo, Team Manager, Reactive Maintenance (Highways)  
Andrew Sanders, Estates Surveyor (CRD)  
Anthony Becvar, Dutch Elm Disease Officer  
James Newmarch, Landscape Officer  
Lee Michael, Arboricultural Officer, Eastbourne Borough Council  
Tim Whelan, Arboricultural Officer, Eastbourne Borough Council  
Chris Wilken, Arboricultural Officer, Hastings Borough Council

The Board is grateful to the officers who attended the meeting on 7 November 2011, in particular to those who attended from Eastbourne and Hastings Borough Councils.

## Evidence papers

| Item                                                                                                                                           | Date          |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| A Summary paper by the Assistant Director – Environment of East Sussex County Council's trees and woodlands policy.                            | November 2011 |
| A Summary paper by the Eastbourne Borough Council Arboricultural Officer relating to Eastbourne Borough Council's management of highways trees | November 2011 |
| <i>Transport &amp; Environment Scrutiny Committee</i> , East Sussex County Council                                                             | 18 April 2011 |
| Economy, Transport & Environment Scrutiny Committee, East Sussex County Council                                                                | 6 June 2011   |

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