

Committee	Economy, Transport and Environment Scrutiny Committee
Date	12 September 2012
Report By	Director of Economy, Transport and Environment
Title of Report	Scrutiny review of trees and woodlands policy in East Sussex (Six Month Monitoring Report)
Purpose of Report	To report on progress against the recommendations agreed by Economy, Transport and Environment Scrutiny Committee on 14 March 2012, following the Scrutiny Review.

RECOMMENDATION: The Scrutiny Committee is invited to consider the progress made in delivering the recommendations of the Scrutiny Review of Trees and Woodlands Policy in East Sussex.

1. Financial Appraisal

- 1.1 There are no direct financial implications for the County Council from the recommendations in this report

2 Supporting Information

- 2.1 A Scrutiny Review of Trees and Woodland took place on 14 March 2012. Progress in addressing the recommendations from the Scrutiny Project Board is set out in Appendix 1 to this report, and a draft single policy for the management of trees on highways is set out in Appendix 2.

3. Conclusion and Reason for Recommendation

- 3.1 It is recommended that Scrutiny consider the progress made on the recommendations contained in the review, which will lead to an improvement in the County Council's policy on, and implementation of, the management of trees and woodland.

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Director of Economy, Transport and Environment
12 September 2012

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Local member: All

BACKGROUND DOCUMENTS

Appendix 1 – Six month monitoring report
Appendix 2 – Draft Policy on Trees and Woodland

Appendix 1 – Scrutiny Review of Trees and Woodlands (six month monitoring)

	Recommendation	Progress to date – September 2012	Timescale
R1	<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"> ➤ 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 e.g. "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. 	<p>The policy has been revised in line with the recommendations. Please see Appendix 2 for the draft revision.</p>	Completed

	Recommendation	Progress to date – September 2012	Timescale
R2	<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>	<p>a) The web based 'Report a Problem' pages shall be extended to include a 'Trees and Vegetation' category featuring sub-divisions such as 'path or pavement obstructed'; 'road sign obscured, and so on. A link to the fact sheet - East Sussex Highways ESH 10 'Hedge and tree cutting - your responsibilities' shall be provided.</p> <p>b) The revised policy (in R1 above) will be added to the ESCC website, once it's been approved. Highway Stewards will raise this with their respective Parish Councils during their liaison meetings.</p>	<p>October</p> <p>Tbc</p>
R3	<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>	<p>The Procurement and Contracts Team in Children's Services are preparing a guidance document titled "Managing Trees in Schools" which will set out what responsibilities ESCC, schools and academies have regarding managing trees. This will be distributed to all schools in February 2013 as part of the 'traded services' process.</p>	<p>February 2013</p>
R4	<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>	<p>ETE has:</p> <ol style="list-style-type: none"> 1) reviewed the data available from the last 10 years of the DED programme for East Sussex to determine its effectiveness; 2) compared the rural East Sussex programme with DED programmes operating in the Isle of Man, Edinburgh, Amsterdam and Auckland; 3) had discussions with the national Food and Environment Research Agency, and modellers from the school of Biological Sciences at the University of Cambridge, to put a brief together to develop a model to help inform any future DED management in East Sussex; 4) held a workshop with a range of partners (including BHCC, EBC, SDNPA, Natural England and the Forestry Commission) and agreed to: <ul style="list-style-type: none"> a) set up a working group to collate and assess a more comprehensive evidence base, including on DED sanitation programmes elsewhere, and covering a literature review and modelling. It is intended to complete this work by Christmas. 	<p>Completed</p> <p>Completed</p> <p>On-going</p> <p>July</p> <p>September</p>


	Recommendation	Progress to date – September 2012	Timescale
		<p>b) if appropriate, set up a 2nd working group to develop an evidence-based DED sanitation programme to start from 2013.</p> <p>The SDNPA has agreed to fund the development of a comprehensive joint evidence base, and ESCC is co-ordinating the working groups.</p>	Tbc

Appendix 2 – Draft Policy on Trees and Woodland

(attached separately)

**HIGHWAY ASSET
MANAGEMENT PLAN
-
POLICY DOCUMENTS**

**HIGHWAY
TREE
MANAGEMENT**



CHAPTER NINE



PURPOSE OF THE POLICY

To regulate the felling, planting and maintenance of trees on the highway.

GUIDING PRINCIPLES

- To provide a consistent approach to the conservation and enhancement of the County's asset of roadside trees.
- To ensure the County Council meets its duty to maintain highways cost-effectively and ensure the safe passage of users.

MANAGEMENT AND MAINTENANCE OF EXISTING TREES**Inspection**

The maintenance and care of the trees that grow within the boundary of highway is the responsibility of East Sussex. Trees growing on land adjacent to the highway are the responsibility of the adjacent landowner and are referred to as private trees.

Tree safety inspections are undertaken on all highways and the frequencies are currently determined by the road classification, details of which can be found in TAMPMPD-03. All inspections and resultant tree works shall be recorded to provide an audit trail.

Where management arrangements change and the County Council no longer has direct responsibility for particular sites, the new organisation shall be made aware of the importance of ensuring that tree inspections are carried out and the consequences of failing to undertake this duty.

Private trees may affect the highway and, unless the Highway Arboricultural Officer considers immediate action is required, their owners will be recommended to seek competent professional advice to determine the works required and the appropriate timescale for action.

Highway Stewards shall receive sufficient training to enable them to identify when an arboricultural problem exists, for example the appearance of fungal bodies on a tree, or where additional maintenance is required outside normal maintenance regimes, for example where lighting or signage is obscured.

Maintenance

Trees should only receive maintenance if they pose a threat to life or property, or in circumstances where they may impede progress along the highway, the view of traffic signs or the performance of street lighting.

Regular maintenance work shall be carried out at intervals to:

- maintain clearances to allow the passage of vehicular and pedestrian traffic
- maintain clear views of traffic signs and street lighting
- maintain the character of the road concerned (e.g. through pollarding where this is characteristic of the area and species)
- maintain trees at a reduced size if necessary to mitigate claims, particularly subsidence claims.



Nuisance

Nuisance is often difficult to define. For example, screening by trees may be acceptable to one person, but shading caused by the same trees may not be acceptable to the next door neighbour.

Trees are typically viewed as a nuisance because of (amongst other things) leaf or branch fall, seed drop, shading, branch overhang and honeydew deposition (the secretion from aphids feeding on foliage). There is no legal requirement for an owner of a tree to carry out works to abate this type of nuisance. The County Council will not undertake works on a tree to reduce shading, overhang of an adjoining property, to reduce leaf and fruit fall, to improve television signal reception or to stop honeydew deposition.

Certain types of nuisance fall into the category of legal nuisance and the owner of a tree must, if advised of the nuisance or the likelihood of a nuisance developing, take steps to abate the nuisance. Works can include cutting back (even complete removal) from adjacent property to prevent damage (actual or potential).

FELLING OF TREES

Highway Improvement Works (including Development)

Where highway improvement works are planned which are likely to affect existing highway trees, or trees growing on adjacent land, a Landscape Architect or Highway Arboricultural Officer shall be consulted to advise on minimising the impact of the works on any tree(s). Trees will be assessed on development sites in accordance with BS 5837:2012.

Except in the case of felling for thinning purposes, if the works will result in the net loss of a tree, or trees, planting of replacement trees shall be considered, in line with the principles of the National Planning Policy Framework (2012). This shall either be as an integral part of the new scheme, or at an alternative suitable location within the highway. The options for keeping such costs to a minimum will be fully explored, again in line with the National Planning Policy Framework.

Planning permission will usually be refused for development resulting in the loss of aged or veteran trees (ie. trees which, because of their great age, size or condition, are of exceptional value for wildlife, in the landscape or culturally), unless the benefits of the development clearly outweigh the loss. This is in line with the National Planning Policy Framework.

Maintenance works

No singly-standing tree will be felled other than if it becomes so diseased, damaged or positioned by growth as to pose a threat to life or property (whether on or off the highway, including root damage to pavement or structures) and then only if the threat cannot be dealt with by tree surgery. The felling for thinning purposes is excluded from this provision. Where appropriate, tree maintenance work shall be undertaken in line with the recommendations of BS 3998: 2010.

Thinning

Where resources permit, young mass plantings carried out adjacent to the highway shall be considered for thinning.

Replacement of trees felled

Planting to replace trees that are felled as a result of either highway improvement works or maintenance works will be considered (see the section below).

PLANTING OF TREES

Advice

The Highway Arboricultural Officer shall be consulted on any new or replacement planting.

Location

Whether the location of the tree is an urban or rural environment, a site appraisal shall take the following factors into consideration:

- Physical issues (e.g. climate, drainage, soil type)
- The existence of under or overground services
- The guidance of statutory providers provided to protect their apparatus
- the local landscape character and public realm
- ecological protection and enhancement
- underground archaeology

In rural situations, trees should not normally be planted closer than 2 metres from the edge of the road or kerb line. In both rural and urban situations, minimum height clearances of 5.3 metres over the carriageway and 2.1 metres over the footway shall be borne in mind during the design process.

Suitable and Appropriate Species

Species choice, whether in urban or rural situations, shall be informed by the site appraisal. There are a number of species which shall generally be avoided in an urban situation due to undesirable characteristics, for example invasive root systems or large fruits which may cause nuisance.

It may be inappropriate to plant trees of any species in certain situations.

Planting Specifications

Whilst each situation is likely to be different, some general guidance is appropriate.

- (i) Size – in urban situations the minimum size of trees at the time of planting shall be Standard Trees to BS 3936. In rural situations, whips and transplants, again to BS 3936 are likely to be appropriate.
- (ii) Specification – for the majority of species, open ground trees are appropriate, though root-balled or container grown stock may be appropriate in some cases.
- (iii) Origin – In rural situations, the preferred species chosen shall be native trees of British, and preferably local, origin for ecological reasons. In urban areas where trees may well be of ornamental varieties, this is less critical.
- (iv) Growing Medium - it shall be ensured that the growing medium is suitable in terms of soil type, structure and volume, and that drainage is adequate. A suitably sized tree pit shall be provided and existing soil improved with peat-free planting compost if necessary.
- (v) Support and Protection - whether in a rural or urban situation, this shall be fit for purpose and kept to a minimum. For example, with whips and transplants, planting tubes should be avoided, as a rabbit spiral with cane support is less visually intrusive. Short stakes shall be used with larger trees unless the potential for vandalism makes taller stakes essential.

- (vi) Maintenance - new trees shall be maintained for a period of 5 years from planting. Operations during this time shall include the replacement of failures, along with guards, stakes etc as necessary; weed control; watering; formative pruning; and the removal of support and protection at the end of the maintenance period.

RESOURCE IMPLICATIONS

Trees on the public highway are an asset that contribute to making the county an attractive place to live, work and visit. Budgets shall be set at a level to ensure that tree inspections and routine tree works take place at appropriate intervals, and to save the County Council money resulting from claims as a result of injury, damage to property or nuisance. The cost of planting new or replacement trees will be included in the budget of individual development and improvement schemes.

PUBLIC ENGAGEMENT IN THE PROVISION OF NEW TREES

The public shall be given the opportunity to become involved in the provision of new trees on the Highway. The methods of engagement shall be publicised through the County Council website, including issues that need to be taken into consideration (e.g. over or under ground services). No commemorative plaques, flowers or bedding plants around the base of trees will be permitted because it impedes mowing.

Costs and specifications

At current prices, a donation of £250 is proposed for a 'Selected Standard' tree, planted as specified in BS 3936 above. A cheaper option of £25 for a 'whip' sized tree to be planted as part of a group or small wood shall be offered. A final option of donating any sum to a dedicated tree planting fund shall be offered.

A donor will be invoiced for the appropriate sum. Prices will include 2 years maintenance and replacement should the tree fail. Species shall be appropriate to the location following a selection process outlined above.

Contacts

Potential donors will be invited to contact the Highway Arboricultural Officer in the Economy, Transport and Environment Department, who will arrange planting through the term contractor, and will recommend species and location in consultation with the donor.

Donors should be made aware that they may not be able to be involved in the planting of their trees for safety reasons.

