

Halesowen Area Committee – 12 March 2008

Report of the Director of the Urban Environment

Tree Strategy

Purpose of Report

1. The purpose of this report is to inform the Committee of the Councils Tree Strategy in respect of the management of the boroughs tree stock.

Background

2. **Tree Strategy**
3. Dudley Councils Tree Strategy was developed with an overall aim to ‘Protect and Enhance the Tree Stock of Dudley Borough’. The strategy is divided into two parts, ‘Task Areas’ and ‘Management Objectives’, with both parts having key objectives containing policies and ways of how the objectives can be achieved. Equally, by using Task Areas and Management Objectives, Local Management Plans can be implemented, where appropriate feeding into the strategy itself.

Task Areas include:

- Trees along Main Transport Routes
- Trees in Residential Areas
- Maintenance of Young Tree Plantations
- Trees on Development Sites and Close to Utilities
- Trees in Parks and Open Spaces
- Tree Planting For the Future
- Trees and Nature Conservation
- The Contribution of Trees to Local Agenda 21
- The Role of Trees in Education and Information

Management Objectives:

- Perpetuate the existing trees as long as is practicable or desirable in accordance with sound arboricultural and forestry practices.
- Create a diverse population of trees of mixed age and species.
- Maintain the character and appearance of the borough.
- Adopt planned management and maintenance of trees and woodland.
- Promote the concepts of arboriculture and the urban forest and ensure that these issues are addressed within and outside the Council.
- Maintain and where necessary, improve established arboricultural and forestry practices.

4. In towns, mature trees act as air filters, each tree able to remove 10kg of dust from the air each day. Trees are therefore beneficial to everyone, particularly children and older people who suffer from respiratory problems such as asthma. With yearly increases in road traffic, they provide key environmental benefits and are desirable along roads, busy streets and shopping areas.
5. A large mature forest type tree such as a beech can take 2.5kg of the greenhouse gas, carbon dioxide, from the air and provide 1.7kg of vital oxygen every hour. In one year, enough oxygen can be produced by one tree of this type for ten people.
6. Trees also contribute to our mental well being, with open spaces containing trees for shade and recreation. While buildings remain unchanging, trees provide seasonal variations of flower, leaf, fruit, autumn colour and winter silhouette, which for those of us in towns may be one of the main seasonal changes still left to link us to the countryside. Trees help to keep the air fresher and cooler in hot weather and impact on over all well being.
7. Although the world's rainforests are regularly publicised as being under threat, the trees on our own doorstep are essential to the viability of our towns, giving character to areas of the Borough, individual streets and homes.
8. However, there are a number of constraints and conflicts such as pollution, development, pests and diseases, underground services and cables, and purely being situated close to human activities threatens the continuation of the Boroughs tree stock.
9. Furthermore, the growing pressures of increased traffic on the boroughs roads, are impacting on traditional tree lined routes, and more recently the 'claims culture' is placing trees under threat where they may influence buildings or structures.

10. Tree Preservation Orders (TPO's)

11. Tree Preservation Orders can be served on any tree or group of trees which are considered to be of benefit to the environment. The purpose of the TPO is to ensure that the council has control over any proposed works to the trees where the private owners could otherwise undertake pruning or felling work as they so wish.
12. TPO's are issued under the Town and Planning Act 1990 and the Town and Country Regulations 1999 (as amended) and there are therefore legal repercussions should the terms of the TPO be breached.
13. In principle the Tree Strategy seeks to protect the council's tree stock on the same basis as TPO's but does not carry a legal status.
14. However, the council has and will take action against persons carrying out criminal damage to council trees where supporting evidence is available.

15. In principle council trees could be protected by serving TPO's on each tree or group of trees in order to further protect them, however in practice this would be hugely onerous and costly due to the administrative processes required to enact the TPO, and to evoke the appropriate permission on each occasion where the council's arboricultural team is required to carry out remedial work as part of their regular management or maintenance.
16. Government guidance also discourages the placing of TPO's on trees that are maintained under good arboricultural or silvicultural management. It is considered that the Council's tree stock falls under such management.
17. It is therefore essential that the aims and objectives of the tree strategy is clearly communicated to all internal stakeholders and that these objectives are met wherever possible as part of normal service provision.

18. Tree Risk Management

19. Following a number of incidents across the country where people have been killed by falling trees, the issue of tree inspection is being closely examined at both national and local level. As a consequence, the Health and Safety Executive now insist that local authorities produce a tree inspection policy that covers all of their Council owned trees.
20. The policy must demonstrate pro-active monitoring and include tree condition assessment, reporting of on going incidents / work to the tree and prioritisation of inspections. The inspection process must demonstrate a robust system of recording both trees and inspections.
21. The HSE have stated that failure to produce and follow a tree inspection policy will result in individual and corporate prosecutions.
22. Although a considerable amount of remedial work has already been identified following proactive inspections on high risk trees, the section is mostly engaged in undertaking work identified through the reactive inspection process. This is due to the large number of tree enquiries received by the section and the capacity of the resources currently available to undertake this work. This has invariably resulted in teams targeting high risk / emergency work to the detriment of work required to improve lighting, overhang and general neighbourhood nuisance issues etc.
23. The majority of nuisance work continues to be attributed as low priority. However, there are many cases where residents are particularly sensitive to the consequences of living next door to mature trees but the professional opinion is that neither remedial work nor felling could be justified.
24. In order to promote a fair, open and intelligible process to deal with these cases, a decision may be taken by the Lead Member for Transportation through the decision sheet process against specific criteria.

25. In recognition of the above issues, additional funding was made available in the service budget for 2005/6. This additional funding has enabled the section to establish an additional Tree Inspectors post, and to employ an arboricultural sub-contractor to supplement the work of the in-house teams.
26. In addition, the arboricultural team has drawn up a draft Tree Risk Management Strategy in consultation with the West Midlands Parks Forum and with reference to similar work carried out by various other local Authorities.
27. Whilst this document has yet to be formally ratified the arboricultural team are already working to its principals in order to best manage the risks posed by trees in the urban environment, and to best protect the council's liabilities.
28. It is proposed that the Tree Risk Management Strategy will form part of the overall Tree strategy which is currently in the process of review.

29. Consultation

30. Concerns have been expressed that the Tree Strategies profile needs to be raised and that the management objectives should take a more prominent role in the council's decision making processes where trees may be affected.
31. It is acknowledged that it is important to clearly communicate the aims and objectives of the tree strategy to key stakeholders, and members of the public, and in addition to extensive consultation prior to the introduction of the tree strategy in 2001 a number of actions have more recently taken place to achieve this.
32. On 27 July 2004, members of the Select Committee for the Environment received a report on the 'Tree Management Policy' that detailed concerns regarding the management of the Borough's Lime and London Plane trees. This report was updated and reported to the committee on 27 January 2005.
33. On 6 January 2006 the Select Committee for the Environment received a report on the Councils Policy in respect of the Replacement of Felled Trees.
34. The Green Care Team Manager delivered a presentation on the Tree Strategy to Council Officers in September 2006.
35. The emerging Tree Risk Management Strategy has already been out for initial consultation with key stakeholders within the council including the Risk Management team, the Legal team, the Highways team and Landscape Architects.
36. The Arboricultural officers continually refer to, and promote the Tree Strategy on a day to day basis when in discussion with colleagues and customers.
37. Most letters issued to customers in relation to tree issues refer to the Tree Strategy and provide a link to the council's web site for customers' information.
38. Whilst extensive consultation took place during the preparation of the tree strategy in 2000, it is now recognised that further consultation with both officers and members is required.

39. To this end the Arboricultural Officer will undertake a series of presentations on the Tree Strategy to key officers and members within the council, in order to raise the profile and awareness of this document, and to ensure that all council directorates subscribe to the objectives contained within the tree strategy where possible.
40. Officers will continue to liaise with national tree organisations such as Midland Tree Officers Association (MTOA) and the Arboricultural Association, in order to ensure best practice in tree management.
41. Officers will continue to manage the tree stock in line with guidance provided within the Tree Strategy and the emerging Tree Risk Management Strategy.
42. The Arboricultural Officer will review the Tree Strategy and the Tree Risk Management Strategy with a view to consolidating these documents into one working document.
43. As part of the Tree strategies review appropriate consultation will be undertaken with key members, Officers and members of the public.
44. The Tree Strategy can be found on the councils web site at <http://www.dudley.gov.uk/environment--planning/countryside/trees/Dudley-tree-strategy>

Finance

45. There are no financial implications arising from this report.

Law

46. The Council carries out its function of providing parks and public open spaces under various statutes notably the Open Spaces Act 1906, and Part IV of the Public Health Act 1875.
47. Section 111 of the Local Government Act 1972 enables the Council to do anything that is calculated to facilitate, or is conducive or incidental to the discharge of its functions, the care and maintenance of the tree stocks being such an activity.
48. The provisions relating to trees in the highway are contained in the Highways Act 1980.

Equality Impact

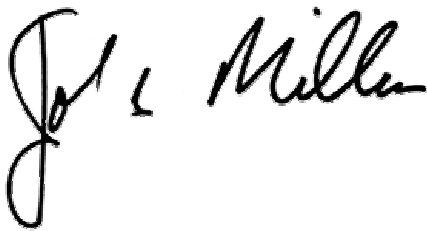
49. This report takes into account the Council's Policy in Equal Opportunities

Recommendation

50. That the Cabinet Member for Transportation be informed that:-

The Area Committee support the proposed actions to review and consolidate the Tree Strategy and Tree Risk Management Strategy, and to further raise the profile of the Tree Strategy through a series of presentations to key stakeholders within the council.

The Area Committee support appropriate consultation following the review of the Tree Strategy.



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Background documents used in the preparation of this report:-

Tree Management Policy, Select Committee on the Environment – 27 July 2004.

Tree Management Policy, Select Committee on the Environment – 27 January 2005.

Tree Management Policy, Service Update, Select Committee on the Environment
– 27 January 2005

Replacement of Felled Trees, Select Committee on the Environment – 6 January 2006

Dudley Council – Tree Strategy

Draft Tree Risk Management Strategy