

**THE HIGHLAND COUNCIL**  
**PLANNING, DEVELOPMENT AND INFRASTRUCTURE**  
**COMMITTEE**

Agenda Item	13
Report No	PDI 47/14

**5 NOVEMBER 2014**

**DRAFT HIGHLAND COUNCIL TREE STRATEGY**

**Report by Director of Development & Infrastructure**

**Summary**

This paper updates Committee on a draft Tree Strategy for trees and woodland under the ownership of the Council, the revision of Operational Guidance for Tree Enquiries and improvements to the CRM/LAGAN system when dealing with tree enquiries received by the Council. The finalised Tree Strategy is due to be reported to the May 2015 Committee for approval and public consultation. Committee is invited to:

- note the progress and comment on the content of the draft Tree Strategy (Appendix 1) and the next key stages;
- note the improvement to the CRM/LAGAN system with regard to tree enquiries; and
- approve the revised Operational Guidance at Appendix 2.

**1. Background**

- 1.1 The Council owns a very significant area of tree cover from individual trees through to woodlands. The majority of these areas are open to the public and many are subject to intensive usage, all year round. Trees and woodlands are a valuable asset and provide many benefits including aesthetic, sensory, climate, health benefits, biodiversity, screening, shelter and noise abatement. Most people enjoy seeing and being amongst trees.
- 1.2 With age, trees may present a number of problems, varying in severity from nuisance, such as unwanted shading and blocking of views, to danger to life, limb and property due to defective trees, disease and extreme weather. In most cases these issues can be effectively managed.
- 1.3 Legislation relating to tree management places duties on the Council to ensure appropriate risk management of its trees and woodlands to safeguard the public from harm in the case of tree failure. As a responsible landowner the Council intends to introduce a system of regular inspection and monitoring of its trees. Poor or ineffective risk management leaves the Council potentially open to claims of negligence where trees may be implicated in cases of injury or damage.
- 1.4 Many local authorities have adopted or are in the process of taking forward tree strategies. There is presently a study being undertaken on the current status of tree and woodland management by local authorities in Scotland. The results will help shape central and local government policy on trees and woodlands associated with towns in Scotland.

- 1.5 Following discussion with the then Director of TECS it was agreed to prepare a Tree Strategy on behalf of the Council. The drafting of the strategy is being taken forward through the Council's Graduate Placement Scheme with assistance and guidance from the Service's Forestry Team.
- 1.6 Essentially the role of the Tree Strategy is to quantify and value the resource, recognise important areas of work, assist bids for and co-ordinate resources necessary to achieve strategic aims and objectives.
- 1.7 Following approval of the Tree Strategy it is proposed that it is adopted as Supplementary Guidance to the Highland-wide Local Development Plan.

## **2. Draft Tree Strategy**

- 2.1 A draft of the strategy is attached to this report (Appendix 1). Whilst the strategy is focused on Council owned or managed trees and woodland, the Council has certain obligations imposed by planning legislation that relate to trees and the public interest – Tree Preservation Orders, Conservation Areas and planning consents. These are covered under policies 8 to 12. Policy 17 lists common enquiries/complaints received by the Council. For the most part, the listing will not constitute grounds for the pruning or felling of trees by the Council.
- 2.2 Local community involvement is seen as key in helping the Council to deliver and implement tree management initiatives. Experience has shown that communities, particularly with regard to tree planting, readily support tree initiatives. We all have a vested interest in improving our local environment. Tree works can however be a very emotive matter for some and the Council has a role in explaining the need for such work. A key policy (16) will be the undertaking of replacement planting when trees have to be removed.
- 2.3 Next key stages:
  - finalising Tree Strategy for approval and public consultation;
  - proposing a management structure within the Council to deliver tree management;
  - options for an appropriate tree management system and delivery mechanism;
  - to identify and prioritise funding to deliver and sustain appropriate tree management; and
  - action and monitoring plan.
- 2.4 Committee is invited to note and comment on the draft strategy and the next key stages.

## **3 CRM/LAGAN Tree Enquiries**

- 3.1 The Council receives a considerable number of tree enquiries, in the main from the general public but also from Councillors and Members of Parliament. The direction of enquiries to responsible officers has been an issue and discussions have taken place with the CRM/LAGAN team and users to improve that position and therefore provide a better service. Direction to improved web-based advice has also been highlighted to Service Point staff.

#### **4. Operational Guide for Tree Enquiries**

- 4.1 The revised operational guidance is attached (Appendix 2). The purpose of the guidance is to help inform the process and decision making system with regard to tree enquiries received by the Council and for internal use by officers. The following points are highlighted:
- any protection constraints;
  - requirement for 'Basic Tree Survey' training for officers dealing with tree enquiries;
  - checklist for initial tree assessment and reporting procedure;
  - use of Council Tree Survey and Tree Work Framework Agreements,
  - advice on common tree enquiries;
  - requirement for replacement planting consultation requirements; and
  - protected species requirements

#### **5. Equalities and Strategic Environmental Assessments**

- 5.1 Equalities and Strategic Environmental Assessments on the draft Strategy and Operational Guidance are currently underway.

#### **6. Implications arising from this report**

##### Resources

There are no resource implications arising from this report. The agreement and adoption of a Council Tree Strategy will require a review of current resources to identify how they may be applied to the implementation of the Strategy. Any additional resource implications will be reported with the draft Strategy in May 2015 for the consideration and approval of Committee.

##### Legal and Risk

The adoption of a Council Tree Strategy will address legal responsibilities and minimise potential claims resulting from incidents of damage or injury involving trees owned by the Council.

##### Climate change/carbon Clever

A Tree Strategy will result in a wide range and long-term climate change and carbon clever benefits through the provision of a resilient, healthy and expanding tree population.

##### Equality

There are no equality implications arising from this report.

##### Rural

The Tree Strategy will be effective throughout the Highlands and the proposed measures will have a positive impact on the rural environment.

##### Gaelic

There are no Gaelic implications arising from this report

**Recommendation**

Committee is invited to:

- note and comment on the progress and content of the draft Tree Strategy (Appendix 1) and the next key stages;
- note the improvement to the CRM/LAGAN system with regard to tree enquiries; and
- approve the revised Operational Guidance at Appendix 2.

Designation: Director of Development and Infrastructure

Date: 13 October 2014

Authors: Robert Patton and Amanda Ophof (Ext 2285)

## Draft Tree Strategy for The Highland Council

The following policies are in support of the Council's vision for trees and woodlands in Highland:

*“The Council will ensure a safe, healthy and sustainable tree population, which supports a rich and resilient environment, for the benefit and enjoyment of local communities and visitors.”*

### **General Policies**

#### **Policy 1**

The Council will aim to provide a sustainable, high quality and diverse tree population.

#### **Policy 2**

The Council will manage trees in a cost-effective and sustainable manner to ensure that it meets its legal responsibilities and adheres to current regulations, e.g. duty of care, Health and Safety.

#### **Policy 3**

All agents, partners and contractors of the Council will be required to comply with these policies.

#### **Policy 4**

The Council will seek to work with local communities in delivering and implementing tree management initiatives.

### **Management Policies**

#### **Policy 5**

The Council will aim to adopt an appropriate tree inspection and management programme to ensure a tree population which is in accordance with Policy 1 and Policy 2.

#### **Policy 6**

The Council will endeavour to maintain a high level of tree maintenance and undertake all tree work operations according to standards of BS 3998:2010 – ‘Tree Work Recommendations’.

### **Policy 7**

The Council will require all Utility Services to adhere to the guidelines as set out in the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees'.

## **Protection Policies**

### **Policy 8**

In the processing of planning applications to aim for retention of trees of high amenity/environmental value, taking into consideration both their individual merit and their interaction as part of a group or broader landscape feature, as well as secure replacement and new planting opportunities.

### **Policy 9**

During new development and on construction sites all work must be in accordance with BS 5837:2012 – 'Trees in relation to design, demolition and construction – Recommendations' and follow the recommendations as stated in the Council's Supplementary Guidance 'Trees, Woodlands and Development'.

### **Policy 10**

Where there are intentions to make a Tree Preservation Order (TPO) on a site, the Council will endeavour to make a TPO incorporating all trees that are worthy of protection within the specific land parcel.

### **Policy 11**

The Council will seek to promote a high standard of management in relation to Tree Preservation Orders and Conservation Areas both in relation to its own working and under private ownership

### **Policy 12**

The Council will pursue and enforce as appropriate tree-related contraventions.

### **Policy 13**

The Council will seek compensation from any external organisation responsible for significant damage to or removal of any Council-owned tree(s) to the value as calculated by CAVAT or equivalent.

## **Tree Work and Replacement Policies**

### **Policy 14**

The Council will only remove trees for sound arboriculture reasons, such as:

- Dead, dying or dangerous
- Considered by the Council to be an inappropriate species for the location
- Proven to be causing significant structural damage

Or:

- When removal is required as part of an agreed tree management programme or an environmental/community improvement project.

### **Policy 15**

Where trees in high profile amenity areas are identified for removal, and the works are not emergency works, advance notices should be placed on the site.

### **Policy 16**

The Council will undertake replacement planting where existing trees require to be removed. Planting shall adopt the concept 'the right tree in the right place' and consideration will be given to a species' eventual size and shape.

### **Policy 17**

The following reasons will not constitute grounds for the pruning or removal of trees by the Council:

- Interference with satellite dish or TV reception
- Obstruction of view and/or light
- Where tree is perceived to be too large and/or unsafe
- Excessive leaf fall
- Problems associated with fruit and/or pollen
- Mess caused by insects or birds
- Healthy mature trees will not be removed to create space to plant new trees.
- Someone is willing to pay for the removal and replacement of a tree
- Causing disruption to pavements, kerbs, garden paths and walls. In these cases engineering solutions will first be sought.

## **Planting Policies**

### **Policy 18**

The Council will pursue opportunities for new planting, working with local communities and other partners. Planting should prioritise large species trees scaling down to smaller tree species where larger trees are not suitable. The Council will establish a diversity of species to adapt to climate change, contribute towards biodiversity, enhance visual amenity, and mitigate against pests and disease.

### **Policy 19**

The Council will strive to provide space for planting trees on development and privately-owned sites, selecting species in accordance with Policy 18.

Development and Infrastructure Service

13 October 2014

Version 5.0

## INTERIM AGREEMENT – OPERATIONAL GUIDE FOR TREE ENQUIRIES

The purpose of this guidance is to help inform the process to be followed when dealing with tree enquiries. Trees are a valuable asset and the Council will take every reasonable step to sustainably manage its tree population, including undertaking replacement planting.

### PROTECTED TREES

Prior to any decisions regarding tree works, please establish any protection constraints that may be in place and consent requirements. These include: **Tree Preservation Orders, Conservation Area and Planning Conditions**. For further information, please see website;

[http://www.highland.gov.uk/info/1225/countryside\\_farming\\_and\\_wildlife/63/trees\\_and\\_forestry/](http://www.highland.gov.uk/info/1225/countryside_farming_and_wildlife/63/trees_and_forestry/)

or contact Forestry Team, Development & Infrastructure Service (Contact details below)

### 1. TREE OWNERSHIP & RESPONSIBILITY

- a) Trees on Private Land – Not directly Council responsibility
- b) Trees on Council Land – See below for responsible Service/Officer:

Council Responsibility	Responsible Service	Responsible Officer
Housing land Roads, Footpaths Open Space and Amenity Areas	Community Services	Area Community Services Manager
Schools, Care Homes	Care & Learning	Area Education Manager
High Life Highland land	Care & Learning	Estate Strategy Manager
Protected Trees, Planning Conditions	Development & Infrastructure	Forestry Officer
High Hedges	Development & Infrastructure	Planning Enforcement Officer
Woodland properties	Development & Infrastructure	Principal Projects Officer

### 2. ASSESSMENT PROCESS & WORK INSTRUCTION

Assessment only to be conducted by individuals who have completed '**Basic Tree Survey**' training course.

- a) Common tree enquiries (Council's approved position and response), see Appendix 1.
- b) Site visit to undertake quick visual survey for initial tree assessment.  
Complete checklist (Appendix 2) to identify potentially hazardous tree(s). Records of site visits & completed checklists are to be retained for future reference.
- c) Instruct, as appropriate, formal assessment through the Tree Survey Framework Agreement.  
Tree Survey: <http://ntintra1/fin/purchasing/Contracts/tree-survey.html>  
If assessment identifies any required remedial action, then;
- d) Detail and instruct work through Tree Work Framework Agreement.  
Tree Work: <http://ntintra1/fin/purchasing/Contracts/tree-surgery.htm>
- e) Tree work carried out by Council staff requires the following to be confirmed;
  - Qualification (NPTC or equiv.) and experience of the operatives to undertake the task (Lone work is not permissible)
  - Provision of written Risk Assessment and Method Statement
  - Use of relevant tools, safety equipment and clothing
  - Work carried out according to BS 3998:2010 – 'Tree Work Recommendations'.

### 3. PROTECTED SPECIES

Prior to undertaking any tree works, an assessment of protected species will be required (available through both Framework Agreements). It is against the law to disturb or harm any protected species. These include roosting bats, breeding/nesting birds (March – September), squirrels. For further information, see:

[http://www.highland.gov.uk/info/178/local\\_and\\_statutory\\_development\\_plans/213/supplementary\\_guidance/12](http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/213/supplementary_guidance/12)

### 4. FURTHER ADVICE

Advice can be sought from the Forestry Team. Contact details as following;

Inverness, Nairn, Badenoch & Strathspey, Lochaber	→ <b>Grant Stuart</b>
Skye, Ross & Cromarty, Caithness, Sutherland	→ <b>Nick Richards</b>
	→ <b>Robert Patton</b>

### 5. CONSULTATION

Following any decisions regarding tree works taken, please formally contact enquirer to inform of the agreed action. When concerning works in high amenity areas, it is up to the Responsible Officer to notify Ward Members/Manager and Community Council as appropriate.

### 6. REPLACEMENT PLANTING

Where it is necessary to remove trees, the Council will undertake replacement planting. Trees are to be replaced within the first available planting season. Consideration requires to be given to appropriate species choice, growth potential, proximity to buildings, etc.



## ADVICE NOTE ON COMMON TREE ENQUIRIES

### Situation to be Assessed

#### **Dangerous trees / branches**

Any case involving dangerous or high risk trees, the Council will take reasonable steps to prevent or minimise the risk of personal injury or damage to property. Where Council-owned trees are considered a safety risk to the public or causing physical damage to property, appropriate works will be undertaken.

#### **Roadside and footpath obstruction**

Includes obscured road and access visibility, sight-lines, street lights, road signage, traffic signals and road/footpath headroom.

The Council will take action to limit/clear obstructions as well as address any potential hazards caused by tree(s) and/or roots. When privately-owned trees adjacent to carriageways cause any of the before mentioned hazards, the Council may instruct tree owner to remove the obstruction.

#### **Silvicultural management**

Situations where tree surgery or felling works are required to provide silvicultural improvement.

### No Action to be taken

The following reasons will not constitute grounds for the pruning or removal of trees by the Council:

- Interference with satellite dish or TV reception
- Obstruction of view and/or light
- Where tree is perceived to be too large and/or unsafe (subject to assessment)
- Excessive leaf fall
- Problems associated with fruit and/or pollen
- Mess caused by insects or birds
- Healthy mature trees will not be removed to create space to plant new trees.
- Someone is willing to pay for the removal and replacement of a tree
- Causing disruption to pavements, kerbs, garden paths and walls. In these cases engineering solutions will first be sought.

#### **Overhanging branches, encroaching roots to property**

Neighbours may prune tree and/or roots back to boundary provided the tree is not protected. Where pruning may have implications for the stability of the tree, and as a result the tree may be deemed unsafe, the neighbour can be held liable for any damages incurred.

The Council has no authority to intervene where branches or roots from a privately-owned tree affect a neighbouring private property.

#### **Roots and damage to drains / pipes**

Council trees will not be felled or pruned to prevent roots from entering already broken or damaged drains.

Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. There is no evidence to suggest that roots can actively penetrate an intact pipe or drain.

#### **High Hedges**

If case involves a high hedge, please refer to the High Hedges (Scotland) Act 2013.

Further information available on: [http://www.highland.gov.uk/info/180/planning\\_-\\_applications\\_warrants\\_and\\_certificates/442/high\\_hedge\\_disputes](http://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/442/high_hedge_disputes)

#### **Tree obstructing overhead power / telephone cables**

Notify service provider for maintenance / action.



**PLEASE USE SPACE BELOW TO PROVIDE SKETCH OF TREE(S) LOCATION**

**ASSESSMENT OUTCOME**

**ADDITIONAL NOTES:**

**ACTION TO BE TAKEN:**

No action

Survey instructed

Work instructed

Further advice sought


Tree Survey:

<http://ntintra1/fin/purchasing/Contracts/tree-survey.html>

Tree Work:

<http://ntintra1/fin/purchasing/Contracts/tree-surgery.htm>

**Signature:** .....

**Date:**.....