

# Green Spaces & Amenities Unit

## Tree Management Policy

February 2021

### 1. Introduction

This policy identifies the Council's approach to the management of trees on land owned by the Council. It is intended to act as a point of reference for members of the public, councillors, council officers and professionally interested people to ensure a clear, consistent and structured approach to the management of Council owned trees.

The policy aims to:

- Identify the Council's responsibilities as landowner.
- Establish a risk-based approach to tree management.
- Identify the existing resources available.
- Set out guidance for dealing with requests from the public and councillors to prune or fell trees.

### 2. The benefits of trees in towns

Trees are vital to an environmentally sustainable and economically successful town. Some of the benefits that trees provide are listed (under the Council's Strategic Priorities) below:

#### Places

- Creating an attractive environment where people will choose to live
- Providing wildlife habitats
- Absorbing carbon dioxide whilst releasing oxygen
- Reducing air pollution
- Noise reduction
- Providing shade from the sun
- Contributing to energy conservation by reducing wind speeds

#### People

- Proven to reduce stress levels
- Contributing to the well-being of the community
- Bringing beauty to the Borough all year round

### **Prosperity**

- Increasing property values
- Creating an attractive physical environment that encourages investment
- Screening ugly views

## **3. Burnley's trees and woodlands**

Photographs from the early 20<sup>th</sup> century show a virtually tree-less industrial environment in Burnley and Padiham. A century of tree planting, by the Council, property owners and voluntary groups combined with natural regeneration of trees and woodland on vacant land has created a relatively green and leafy town. This rich legacy of urban trees and woodland will benefit future generations and contribute to the town's future prosperity.

The Council manages an estimated 35,000 trees within the town's parks, cemeteries, and amenity green spaces. There are a further 250,000 trees (estimated) growing on the 125 hectares (equivalent to 210 football pitches) of woodland that are owned and managed by the Council.

The Council's Forest of Burnley project planted 1.2 million trees between 1997 and 2002 to celebrate the new millennium. 500 hectares of new woodland were planted on private, local authority and United Utilities land. Woodland cover was increased from 3.5 % of land area to nearly 8% cover and these new woodlands sequester up to 3,000 tonnes of CO<sub>2</sub> per year.

The Forest of Burnley also planted an urban arboretum of 2,000 specimen trees in parks and open spaces.

## **4. The Council's responsibilities as landowner**

As landowner, the Council has a duty to take reasonable care to ensure that trees growing on its land do not put persons and property at unreasonable risk of harm.

The Council is not expected to guarantee that a tree is safe. It is required to take reasonable care as could be expected by a reasonable and prudent landowner.

According to the [Health and Safety Executive](#) the risk of being struck and killed by a tree or branch falling is extremely low (in the order of one in 10 million for those trees in or adjacent to areas of high public use).

### Statutory duties in respect of trees

- 4.1. Under **the Occupiers Liability Acts (1957&1984)** there is a duty upon the occupier to take such care as is reasonable to ensure visitors to their land shall be safe from harm.
- 4.2. **The Health and Safety at Work, etc. Act (1974)** and the **Management of Health and Safety at Work Regulations (1999)** places general duties upon employers to conduct their undertaking in such a way as to ensure, so far is reasonably practicable, that persons not in their employment who may be affected are not exposed to risks to their health and safety.
- 4.3. **The Highways Act 1980 and Local Government (Miscellaneous Provisions) Act 1976** give local authorities discretionary powers to deal with trees in private ownership that are felt to be endangering the highway or other neighbouring land that can be accessed by members of the public or property where a dangerous tree has been brought to their attention.
- 4.4. **The Wildlife and Countryside Act 1981** as amended by the **Countryside Rights of Way act 2000** and the **Habitat regulations 1994** places legal obligation on the protection of wildlife species and habitats.
- 4.5. **The Town and Country Planning Act 1990 and the Town and Country (Tree Preservation) (England) Regulations 2012** contain provisions for protecting trees with Tree Preservation Orders (TPO) and Conservation Areas. Permission must be sought from the Local Planning Authority (LPA) before any work can be carried out on a tree protected by a TPO. For trees contained within a conservation area, a notice of intent to carry out work must be submitted to the LPA prior to carry out the work. More information on TPOs including making an application can be found by following the [link](#).
- 4.6. **Anti-Social Behaviour Act 2003: Part 8 2005** Empowers Local Authorities to consider high hedges that are perceived to be causing a nuisance. The Council can only take action if the hedge contains mostly evergreen trees or shrubs, is over 2 metres tall and is affecting the enjoyment of a garden or home due to its size. The Council will only take action as a last resort and will make an administration charge to the complainant. The Council may serve notice on the owner to reduce the height of the hedge and to maintain it at a specified height. The hedge owner is responsible for the cost of any work required to reduce the height of the hedge. For more information on high hedges, please follow the [link](#).

## 5. How the Council will manage trees in parks and green spaces

The council manages trees in accordance with guidance in the National Tree Safety Group's document '*Common Sense Tree Management*' ([link](#)) which establishes nationally recognised basic principles for considering and managing tree safety in the public interest. The guidance provides an approach to managing trees where a balance is struck between the risks and benefits. The Council will use this document as a baseline for setting a standard of action for the management of the trees it owns.

All trees and groups of trees for which the Council is responsible have been categorised, or zoned, in relation to the risk they represent:

**High use zones:** areas such as well used areas of main parks, trees in open spaces close to busy roads, trees next to car parks, children's play areas and woodland footpaths.

**Low use zones** such as woodland areas away from the footpaths, infrequently used areas of parks and open spaces and generally inaccessible areas.

Staff in Green Spaces & Amenities, including gardeners and park rangers are trained to identify any obvious risk or hazards in trees in high use zones when carrying out their day-to-day duties and to report any issues to the tree officer or their team leader. Typically, these risks will include observing any hanging branches, the fruiting bodies of fungus appearing on trunks or branches, die-back of the canopy or early leaf drop and any splits in the trunk.

Parks & green spaces are formally inspected twice each year and there is a written record kept of the inspection, which includes a visual inspection of trees.

On occasions it is necessary to carry out more detailed inspections on a tree to determine the level of decay or dysfunction. Trees are inspected using the VTA (Visual Tree Inspection) method outlined in the *Body Language of Trees: A handbook for failure analysis*.

These inspections are undertaken by the Council's Tree Officer or a member of the tree team, qualified to the Arboricultural Associations Intermediate Tree Inspector level. The inspections are recorded on a detailed tree assessment form.

Occasionally, further detailed investigations may be required, involving one or more of the following: soil and root condition assessments, aerial inspections of upper trunk and crown, or other procedures to evaluate the nature of suspected decay and defects, including using specialist diagnostic tools, such as ultrasound.

Any work arising from inspections is added to the tree team's work programme in priority order.

### Policy

- 5.1 Burnley Borough Council will use a risk-based system of tree management relying on a programme of regular inspection prioritised by potential hazard or risk and public usage.**
- 5.2 The work programme of the Council's tree team will be prioritised according to this risk-based approach.**

## **6. Wildlife and Conservation**

Trees are essential to the biodiversity and wildlife of Burnley and support many species of insects, birds and mammals.

Tree works will be carried out whilst ensuring adherence to all wildlife and conservation laws and regulations including:

- Wildlife and Countryside Act 1981(amended 1996)
- Wildlife and Countryside (Amendment) Act 1999
- Countryside Rights of Way Act 2000
- Town and Country Planning Act (Trees) Regulations 1999 (amended 2008)
- Conservation (Natural Habitats) Regulations 1994 (amended 2010)
- European Habitats Directive 1992 (amended 2007)
- Biodiversity Act 2005 (amended 2008)

Before undertaking any tree work, the nature conservation value of individual trees will be assessed.

All trees are checked for signs indicating the presence of bats, which are protected by law. It is a criminal offence to recklessly or intentionally disturb bats or to damage or destroy a roost, whether bats are in a roost or not. If a tree is obviously dangerous, yet providing a statutorily protected wildlife habitat, mitigation measures will be agreed before any work proceeds.

Consideration is also given to the presence of nesting birds, especially during the period March to August and it is an offence to intentionally take damage or destroy the nest of any wild bird while it is in use or being built. Pruning or felling work will not normally be scheduled to take place in trees, woodlands and around hedgerows

during this period. If a nest is discovered during cutting work, work will be suspended around the area of the nest, as soon as it is safe to do so.

The trunks of dead trees provide important wildlife habitats. Where possible and safe to do so, dead trunks are left standing or lying on the ground, especially in woodland and branches are formed into habitat piles.

When tree work recommended to be carried out within a Conservation Area, the Tree Team will liaise with the Council's Planning Department in advance, although this is not a legal requirement when the council is carrying out the work.

### Policy

- 6.1 All tree work carried out or ordered by the council will adhere to relevant acts and regulations listed above.**
- 6.2 Consideration will always be given to the longer-term impact of any tree pruning or felling on local wildlife.**
- 6.3 Tree work will be scheduled to take place in periods where the impact on local wildlife is minimised.**
- 6.4 Dead wood will be left standing or on the ground in habitat piles wherever possible and considered safe to do so.**

## **7. Tree Management Resources**

The Council employs an 'in-house' team to manage its tree stock. This has recently expanded from 2 to 3 arborists to help deal with the increase in work resulting from Ash dieback disease.:

- **A Tree Officer (0.6 FTE):** Responsible for implementing a proactive tree inspection and tree risk management programme, which includes prioritising and scheduling any necessary tree work on council owned trees and maintaining and supervising a tree work programme for the council's tree team or contractors.
- **The Tree Maintenance Team:** Consists of three full-time qualified arborists. The team is trained to work at heights and are competent and experienced in felling or dismantling hazardous trees of all sizes in accordance with appropriate safety standards. The tree team carry out tree pruning to a high standard and in line with BS 3998 British Standard Recommendations for Tree Work (2010).

- **Additional Emergency Cover:** To provide additional resources for emergency tree work, following high winds where trees may have fallen, the Council can call upon a number of other gardening staff who have been trained and qualified to use chainsaws to assist with the clear up; The Councils apprentices trained to use chainsaws and fell small trees as part of their learning and development programme. The Council also retains a list of suitably equipped and qualified arboricultural contractors who can be called on to carry out work if necessary.
- **Volunteer Groups:** A group of woodland volunteers meet at Towneley Park to assist woodland management and the Council also works with Trees for Burnley, which plants trees and manages woodland on Council owned sites.

### Policy

- 7.1 The Council will allocate sufficient resources to ensure that it is able to manage the trees that it owns.**
- 7.2 The Council will endeavour to maintain high standards of tree work, by ensuring all tree works are carried out to BS 3998 British Standards for Tree Work 2010 (and any subsequent revisions).**

## **8. Requests from the public**

The Council receives requests from customers associated with trees growing on council land adjacent to private properties, especially when the trees are in leaf and also when leaf fall takes place in the autumn.

Following a request for work on trees (on Council owned land) an inspection will be arranged by the Tree Officer or a member of the Tree Team to assess the tree(s)

- Any tree which is classed as high risk will be inspected as soon as possible the same day or at the latest the following day and any necessary work actioned.
- For requests of a non-urgent nature, trees will be inspected within 20 working days, and any necessary work actioned within the timescales set down in the policy.
- Requests from customers for trees on land owned by Lancashire County Council or Calico Housing will be referred directly to them and the customer notified. We cannot always provide an update on the progress of these requests once they have been passed on.

## Private Tree Enquiries

The Council does not normally carry out work to trees on private land, although they do have discretionary powers under the Local Government (Miscellaneous Provisions Act 1976), to make safe a tree on private property which is in imminent danger of causing damage to persons or adjacent property. These powers will only be invoked in exceptional circumstances.

The Council can only offer basic advice on private tree matters and will not mediate in disputes between neighbours over trees. Advice can be found by following this [link](#).

## Policy

- 8.1 Service requests and complaints will be recorded on the Councils Achieve system and prioritised.**
- 8.2 A dangerous or potentially dangerous tree will be treated with urgency and normally inspected on the same or next day and any necessary work actioned.**
- 8.3 Requests of a non-urgent nature will be inspected within 20 working days.**
- 8.4 The Council will not mediate on disputes between private landowners in respect of trees and hedges.**

## **9. When will trees be felled?**

The Council will avoid felling trees unless it is necessary for the following reasons:

- A dead or diseased tree that is a danger to the public.
- A tree which is lifting at the roots and failure is imminent.
- A tree obstructing or endangering a public highway, right of way, access to property or footpath, where the obstruction can't be overcome by pruning or other reasonable measures.
- A tree on Council owned land causing an actionable nuisance to an adjoining property, where actual damage to property has been proved to have been caused by the tree, or clearly if no action is taken, damage will imminently be caused. This

does not include general encroachment of branches and roots onto adjoining land where physical contact with buildings or structures is unlikely.

- A tree that is proven to be a contributor to soil shrinkage and serious structural damage, where pruning alone would not provide a solution. Damage to light structures such as garden walls, paving, etc. is relatively minor and removal of the tree would not normally be acceptable. Structural problems must be carefully investigated. Private owners will be expected to provide proof in the form of a structural engineer's report (or similar) that a particular tree is causing damage to the property.
- Trees which, in the judgment of the Council's Tree Team, are clearly of a size and species inappropriate for their location. Examples could include large Poplars which have been planted as pioneer species, Willows or Poplars where root encroachment to properties is identified, or conifers which would fall foul of the high hedges legislation.
- Thinning of trees to prevent overcrowding or removal for habitat improvement and landscape restoration in accordance with a management plan.
- Removal to allow authorised development. It may sometimes be necessary to remove trees to permit a development to take place.

## Policy

- 9.1 Burnley Council will avoid felling trees unless it is considered necessary. Each case will be carefully judged on its merits following an inspection.**
- 9.2 If a tree must be felled a replacement tree will normally be planted, though not necessarily in the same place as the felled tree.**

## 10. When will trees be pruned?

Trees will not normally be pruned because pruning can weaken a tree and allow decay organisms to enter exposed tissue.

Pruning often causes a tree to respond by producing vigorous new growth, often undoing the purpose of the original pruning.

Older trees do not tolerate pruning as well as younger ones and substantial pruning can be damaging, particularly in species that do not naturally tolerate cutting.

The following are situations where pruning will be considered:

- A tree that is obstructing a public highway or public right of way. Generally, a minimum clearance of 2.4m will be maintained over pavements and 5.2 metres over highways.
- A tree causing a proven legal nuisance to an adjoining property.
- A tree that is causing soil shrinkage and structural damage to adjoining property, where it is felt that it is appropriate to restrict the size and moisture demand of the tree.
- Trees restricting access to property for maintenance or in physical contact with buildings or roofs.
- Trees interfering with street lighting, highway signage or other services.
- Trees obstructing Council-monitored CCTV surveillance cameras. Pruning will be the minimum necessary to maintain visibility without detriment to the health of the tree.
- Trees needing formative pruning to shape or train them during the early years.
- Removal of dead and diseased branches, where there is perceived to be a danger to public or property.
- Removal of epicormics (basal) growth to maintain sightlines or to allow mowing to be carried out close to the tree.
- To prevent easy access to adjoining properties by climbing the tree
- To prevent easy access into trees growing low over spiked railings, particularly along the boundaries of parks.

- To reduce load on a defective part of the tree

### Policy

- 10.1 Tree pruning will only be undertaken where there is sound justification for the work. No pruning will be carried out if tree has been pruned within the last 5 years.**
- 10.2 Pruning will be carried out in line with British Standard BS3998: 2010 Tree Work Recommendations.**
- 10.3 When pruning is undertaken every effort will be made to ensure the natural shape and character of each tree is retained.**

### Seasonal Nuisance

There are a variety of perceived nuisances associated with trees, most of which are minor or seasonal, but which give rise to complaints and requests for trees to be felled or pruned. Examples of such problems are:

- falling leaves,
- sap,
- honeydew,
- fruit, nuts,
- bird droppings
- falling blossom.
- reduction or increase of moisture to gardens.
- suckers or germinating seedlings in gardens.
- leaves falling into gutters, drains or onto flat roofs.
- the buildup of moss or algae on fences, paths or other structures

### Policy

- 10.4 The Council will not fell or prune Council owned trees solely to alleviate problems caused by natural and / or seasonal phenomena.**

### Light and views

One of the most common complaints received in respect of trees, situated within the built environment, is that they block light from properties, shade gardens and restrict views.

- There is no legal right to light concerning trees. The only right to light may be earned under the Prescriptions Act 1832, by which a person must have enjoyed light to a window in the dwelling for 20 years before the obstruction appeared.
- There is no right to direct sunlight or light to gardens and solar panels.
- There is no right to a view which is, or becomes, obscured by trees. Equally there is no right to not have a view if trees previously covered an undesirable feature such as a brick wall.

### Policy

**10.5 The Council will not fell or prune trees for reasons of light or views, unless they are blocking light from habitable rooms to a severe and unreasonable degree.**

### Television and satellite reception:

Interference appears to increase when trees are in leaf and in windy weather. This is especially the case with regards to satellite reception, as it appears to be more sensitive to interference than television reception. Experience has shown that pruning trees often fails to improve reception and once pruned re-grow quite quickly.

### Policy

**10.6 The Council will not prune trees solely because they are causing interference with television and satellite reception, unless complainants have taken other measures to improve reception without success and it can be proven that pruning will improve reception. In considering any action the Council will also take account of the amenity value of the trees concerned.**

### Appeals Against Decisions not to Prune or Fell Trees

In circumstances where a request to prune or fell a Council owned tree is turned down, adjoining owners may appeal under the Council's complaints procedure, which is available here: [link](#)

## 11. Implementing Tree Work

When a tree has been inspected by the Tree Officer and action is recommended, the work will be categorised to reflect the urgency of the situation, the degree of inconvenience being caused and the best time of year for the work to be undertaken.

### Policy

The following categories will be used to prioritise tree works in parks and open spaces.

- Emergency: Dangerous trees requiring immediate attention.

**The tree the team will be dispatched as soon as possible, including out of normal working hours.**

- Priority A: Classified as essential works, associated with mitigation of lower-level risk, where tree failure is not considered imminent, such removal of dead trees in public areas, trees causing sightline issues for highway users. This may also include trees which require work due to approved construction work or development.

**The Council will endeavor to ensure that priority a work is completed within 12 weeks of the job ticket being created.**

- Priority B: Classified as desirable and will include any work that results from approved requests from local councilors or residents, park friends groups and non-essential highway tree work requests from Lancs County Council.

**The Council will endeavor to ensure that priority B work is undertaken within 6 months of the works order being created.**

- Priority C: Classified as non-essential or work of a general routine management such as formative pruning or thinning out poor specimens to favour growth of better specimens.

**Priority C work will be normally be only be carried out during the months, when higher priority work is complete.**

## 12. Woodland Management

The Council manages 125 hectares of woodland as listed below:

<b>Woodland</b>	<b>Area in Hectares</b>
Cemetery Woodland	6.62
Chicken Hill	0.61
Clifton Heights	4.62
Fiery Wood	1.23
Greenbrook Wood	8.96
Grove Lane Plantation	6.77
Healy Heights Woodland	7.94
Heasandford Woodland	7.74
Highfield Ave Woodland Planting	0.13
Jacky Wood	0.82
Kibble Bank AGS	2.50
Lodge Plantation	0.68
Memorial Park Woodland	0.87
Mill Hill Woodlands	12.31
Printers Fold	0.91
Ridge Ave Plantations	3.07
Rowley Country Park	20.00
Stonemoor Bottom AGS	4.87
Sweet Clough	5.16
Towneley Park woodland	30.00
	<b>125.80</b>

### Woodland Management Policy

The Council's will:

- **ensure as far, as reasonably practicable, the safety of visitors to woodland.**
- **facilitate access to woodlands by providing and maintaining footpaths where appropriate**
- **encourage volunteer participation in woodland management projects.**
- **improve the quality of woodland habitats. Where appropriate dead wood and fallen trees will be left on site and dead trees will be left standing to encourage wildlife species diversity, unless there is an unacceptable safety risk by doing so.**
- **manage woodlands as a long-term sustainable resource.**

- **progress opportunities to plant new areas of woodland and restock areas of existing woodland where appropriate. Native species will be the preferred choice for planting and re stocking.**

### **13. Commemorative Tree Planting**

The Council runs a commemorative tree scheme to encourage planting trees within parks and open spaces.

Members of the public or an organisation can sponsor a tree to commemorate the life of a person or pet, a special occasion or achievement.

A specimen tree is chosen, purchased and planted in a location agreed with the donor, (excluding Towneley Hall Grounds and the Crematorium, which are full). A post is provided in front of the tree on which a commemorative plaque can be placed.

The Council advises those purchasing commemorative trees that they may not place wreaths, floral tributes, toys or other artefacts on or around the tree.

The current cost is £350 and more information can be found by following the [link](#).

### **14. Volunteer Groups**

Each of the main parks has an active friends' group and they will be consulted on any major tree issues affecting the park. They also help to provide funding for replacement trees.

There is a Woodland Volunteer Group which meets at Towneley Park on the first Wednesday of the month, activities include minor pruning work, planting, repairing woodland footpaths, Himalayan Balsam removal and fencing repairs.

The Wednesday Woodland group work closely with the independent volunteer group Trees for Burnley <https://www.treesforburnley.co.uk/>, who have been active in community, based woodland management, tree planting and helping to fund conservation projects in the Burnley area for many years.

### **15. Highway Trees**

A highway tree is defined as a tree growing within the grass verge between the carriageway and the pavement. The tree lined avenues within the borough, such as Casterton Avenue, Eastern Avenue, Lockyer Avenue and Marsden Road are owned

by Lancashire County Council, which has its own programme of inspection for highway trees.

Burnley Borough Council acts as a contractor to LCC for highway tree work and only carries out work to highway trees on instruction from LCC Highway Engineers.

All enquiries regarding highway trees are reported directly to LCC Highways.

The Borough Council planted the majority of avenue and other highway trees in Burnley and Padiham, which now make such an important contribution to the environment of Burnley and Padiham and are a major benefit to the town.

There has been a steady loss of highway trees in recent years. Some have been removed because of their age and condition, others to make way for highway improvements and to allow house holders to construct driveways.

The County Council has a policy of not replacing trees that are removed, although it will allow the Borough Council to plant highway trees on condition that it takes on the maintenance.

## Policy

**15.1 Burnley Borough Council will encourage the County Council to conserve highway trees and to provide replacements trees where felling is necessary.**

## **16. Trees in Social Housing Areas**

Calico and other housing associations are responsible for maintaining trees within gardens of the houses that they manage and on any areas of open space they maintain within estates. Calico's Housing tree policy and reporting procedures can be viewed by following the [link](#)

## **17. Ash Die Back disease**

Ash Dieback or Chalara was first discovered in Poland in 1992 and the first cases in the UK involved imported nursery stock in South East England in 2012. It has rapidly spread across the UK with the cases in Burnley being noticed in 2016 in small self-seeded saplings.

At present the disease has become widespread around the borough and can now be seen in the mature tree stock.

The disease is caused by the fungi (*Hymenoscyphus fraxineus*), which attacks vessels carrying water and nutrients around the tree. The disease initially causes wilting foliage, bark lesions, sparse crown and dead branches and ultimately results in the death of the whole tree.

There is an estimated 90% fatality rate, with only 10% showing some resistance of which approximately 2% are completely resistant.

The disease is expected to have an impact across various services:

Greenspaces: Increase in number of dead and dangerous trees to deal with in parks, open spaces and around footpaths in woodland areas and replacement planting costs. Already the Council has removed 116 Ash trees from Queens Park (Feb 2021).

Planning: An expected increase in applications to work on Ash trees covered by TPO's and within the Conservation Areas.

Property: Tree ownership issues and enquiries.

There could also be an increase in fallen twigs small branches and leaves for Streetscene to deal with and a likely increase in calls and enquiries via the Contact Centre. There may also be an increase in claims for damage arising from falling trees or branches.

## Policy

### **15.1 Burnley Borough Council will develop and implement an Ash Dieback Action Plan following guidance that has been issued by the Tree Council**