

**TREES AND WOODLAND
MANAGEMENT STRATEGY**

2010 - 2015

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1.0 INTRODUCTION

- 1.1 Arboriculture is the production, selection, planting, aftercare and management of trees in the urban environment so as to help maintain and retain a safe, viable and sustainable level of tree cover now and for generations to come.
- 1.2 This document has been developed following a four-month period of consultation to establish, as far as possible, what the community require with regard to the urban woodlands and trees within the district. Whilst it was not possible to undertake a full residents survey due to limited resources, a wide cross section of the population of Harrogate was involved. The appendices provide the relevant background information to the Policy, Strategy and those consulted. Consequently it is believed that this document reflects the general views and requirements of residents of the Harrogate District whilst taking into account the resources available.
- 1.3 The document itself also supports the Harrogate District Landscape Character Assessment 2004 (HDLCA). This document provides a level of local detail so that future changes (for example tree planting) may be accommodated, but in the right areas of the District and at the appropriate level. The HDLCA identifies areas of distinct character and any tree/woodland strategy will be developed to take account of the landscape character of each of these areas.
- 1.4 The Harrogate District Landscape Design Guide 2002 also provides sheets LDG8.1.1, LDG8.1.2, LDG8.1.3 and LDG8.1.4, which give guidance on woodland planting across the district and will be used as guides and reference material in the establishment of any future programme/policies for enhancing the overall level of tree cover.
- 1.5 It is currently estimated that there are some 15 – 20,000 trees within the district boundaries that the Council is currently responsible for. That figure excludes woodland trees. These trees are located on:
- Highway land (as of April 2010, HBC have signed up to an annually reviewed management agreement with NYCC to provide a service to manage their trees within the district boundaries. However, the trees themselves will remain under the ownership of NYCC throughout the timeframes of any agreements that are made)
 - Parks & Open Space
 - Cemeteries & Churchyards
 - Council Housing Sites
 - Woodlands
- 1.6 The Arboricultural Section also acts as a consultee to the Local Planning Authority (LPA) on each planning application involving trees. There are some 52 Conservation Areas (CA) and more than 600 Tree Preservation Orders (TPO), which protect trees within the district boundaries. The Arboricultural Section currently deals with approximately 700 LPA consultations relating to trees each year.

2.0 WHY A STRATEGY DOCUMENT

- 2.1 Trees growing within the District boundaries are vital and important yet at the same time can be seen as being highly emotive, both in terms of perceived nuisance and of the benefit they provide. The urban and rural landscapes of the Harrogate District are undoubtedly special. The distinctive, valuable and attractive natural features of the area attract a wide range of visitors annually. It is rich in its variety and widely valued in terms of its landscape and habitats and contains areas of natural outstanding beauty, Sites of Special Scientific Interest (SSSI's) and Special Protection Areas of international

importance. Harrogate Borough Council has identified among its Corporate Priorities a commitment for caring for the environment as well as helping to create and enhance safer and stronger communities. The management of the existing trees and the planting of new trees will have a major role to play in these priorities.

- 2.2 Trees are arguably the least transitory natural feature of a landscape scene that is dynamic and subject to constant change at an ever-increasing pace. They make a tremendous impact on visitors and residents alike, providing significant aesthetic, amenity and ecology levels and help to contribute to a healthier environment.
- 2.3 Many of the trees in the District are under public ownership, which are managed and cared for by the Council for the people of the locality. The Council takes great pride in ensuring the quality of our Arboricultural (tree) heritage and in enhancing and sustaining its future population so that we not only enjoy the benefits now but also help to pass on these benefits to future generations. As a Council we are constantly dealing with tree related issues that can have either minor or more significant impacts on members of the general public.
- 2.4 The conclusions of Trees in Towns II (DCLG, 2008) states that it was encouraging that a substantial number of Local Authorities (LA) had recently produced a specific tree strategy. However, the research results raised questions about the content and detail of those strategies, suggesting that many may be seriously deficient. A comprehensive tree policy or strategy is the starting point for a modern, planned approach to tree management. That tree document must also be integrated and embedded into the LA's Local Plan and other relevant policies.
- 2.5 The strategic proposals outlined within this document are seen as a major contribution in trying to ensure that the Harrogate district is seen and maintained as an attractive, safe, healthy and desirable place for all those who live, work and visit. It is based on principles set out in the key aims of the Council's Local Plan and considers the natural and built environments, identity, community, culture, housing, transport, economic development and leisure.

3.0 THE COUNCIL'S VISION, CORPORATE PRIORITIES & AIMS AND OBJECTIVES OF THE DOCUMENT

- 3.1 To ensure that the management of the tree resource meets the Council's corporate vision of a Harrogate district that is safe, green, healthy, beautiful and vibrant; a place where people want to live, work and visit.
- 3.2 To ensure that trees effectively enhance the landscape of the Harrogate District, more notably through the Harrogate District Landscape Character Assessment 2004, thereby helping to attract inward investment.
- 3.3 To ensure the efficient management of urban trees and woodlands.
- 3.4 To ensure an increasing tree population within the Harrogate District, which is in harmony with land uses.
- 3.5 To promote awareness of the importance and value of trees considering where trees would be appropriate to the landscape character of the District.
- 3.6 To actively promote the planting of trees and the creation of new woods to enhance the built-up and urban fringe areas of the District taking into account the existing landscape character.

3.7 To act as a framework for decisions made that affect trees.

3.8 The document supports the Council's corporate priorities in the areas of:

- **Caring for the Environment**
(met through paragraphs 1.3 & 1.4 of the Corporate Priorities (CP) list within the Corporate Plan (CP) 2009-2012)
- **Stronger & Safer Communities**
(met through paragraphs 4.1 & 4.2 CP list within the CP 2009-2012. (See paragraph 4.10))
- **A Strong Local Economy**
(met through paragraph 5.2 CP list within the CP 2009-2012)
- **First-Class Public Services**
(met through maintaining accurate tree related data that can be easily accessed, when required or requested, through a stored computerised inventory)
- **Shaping the Council Towards Excellence**
(met through paragraphs 6.1 & 6.2 of the CP list within the CP 2009-2012)

and Council Policy Numbers:

- C2 (*paragraph 3.18*)
- C5 (*paragraphs 3.25 & 3.26*)
- HD13 (Trees & Woodland)
- HD20 (Design of New Development and Redevelopment)
- Core Strategy Policy EQ2 (The Natural and Built Environment and Green Belt)

4.0 SOME OF THE BENEFITS OF TREES & THEIR IMPORTANCE IN THE LANDSCAPE

4.1 Trees are of vital importance to the landscape. They are widely appreciated for enhancing the rural and urban environments and make a positive contribution to the scenic character and diversity of the landscape. They are living and dynamic structures that, dependent upon species and if in the right location, can live up to and in excess of 500 years. The benefits they attach to the environment go well beyond any perceived visual amenity contributions. Some of these benefits include:

4.2 Landscape Value:

Trees can attach significant aesthetic, amenity (visual & monetary) and ecological values to local areas.

4.3 Environmental Filters:

Absorb carbon dioxide, release oxygen, lock up carbon and bind particulate matter and pollution

4.4 Provide Shelter, Shade & Act as Natural Screens:

Trees can help to reduce noise levels by 7 decibels (db), attach sun protection factor (SPF) values of 50+ and help to soften built and hard landscapes.

4.5 Increase Property Values:

Mature trees can positively affect property values.

4.6 Attract Inward Investment:

Green & leafy industrial sites, retail and/or shopping areas attract more inward investment than similar areas and sites devoid of trees.

4.7 Economic Value:

Trees can attach a significant monetary value saving per annum, per tree, through their moderation of the local climate.

4.8 Positively Affect Lifestyles:

Trees significantly reduce the stress of urban living.

4.9 Help with Positive Thinking:

Recovery times for hospitalised patients who are exposed to views of trees and vegetation are shorter than those for patients who are not.

4.10 Help to Reduce Levels of Crime:

Crime levels have been shown to be lower in leafy areas than for those in areas devoid of trees.

5.0 COMMON COMPLAINTS AND TREE RELATED ISSUES

5.1 Within urban areas in the Council's District boundaries, it would be fair to state that a large proportion of residents live within close proximity to trees, which can create varying degrees of inconvenience to residents.

5.2 Dilemma and conflict can arise when a tree or group of trees make an important contribution to the local environment, yet cause inconvenience to residents and those living nearby. Within the District's tree population there are a number of common sources for complaint. These can be:

- Physical size
- Overhanging branches or tree root encroachment issues
- Shade
- Leaf and fruit fall
- Sticky deposits
- Direct or indirect structural damage
- Interference with utilities
- Affecting TV and satellite signal reception
- Highway safety issues relating to crime and disorder
- Obscuring a view

5.3 Problems may arise from an inappropriate tree species planted in the past, increasing in dimensions as the tree grows on to reach full maturity. In some instances, pruning may address the particular issue, but in others it may not be possible to resolve the particular issue to the resident's satisfaction.

5.4 Right of Appeal Against Decisions Relating to Council Trees

Each year the Council receives a significant number of enquiries relating to trees growing on land we own or manage. Following an investigation and inspection a program of works in relation to the issue itself may be produced, which is based upon its relevant priority. However, there are situations and instances when our response does not meet the perceived expectations from the person making the enquiry.

5.5 It is worth noting that this is only relevant with regards to Council managed trees, and not the Appeal procedures in relation to decisions regarding Tree Preservation Orders, which is dealt with through the Planning system.

5.6 In an effort to reduce and prevent issues of conflict, opportunities exist for a process of appeal against our action or decision, to which the Council will respond in writing. If it is received as a complaint as opposed to a request, such responses will be dealt with in

accordance with the Council's Complaints Procedures.

6.0 TREE RESOURCE MANAGEMENT

6.1 This section explores the most efficient working practices, which will provide a safe, healthy and attractive tree population, and the needs of those who live and work in the area. At present the tree resource is managed by responding to complaints as they arise and through on-going, pro-active and strategic surveys of the Council's tree assets. This approach goes a long way to helping to defend the Council against potential claims of negligence where trees may be implicated in cases of injury or damage.

6.2 The Tree Survey Strategy

Since 2006, the Council has employed an Arboricultural Surveyor. The surveyor's role is to inspect each Council tree within the district boundaries on a 5-year rolling program. This is outlined within the Council's Tree Survey Strategy document (*Appendix 2*). This strategy will help to ensure that each tree receives a ground based visual assessment at least once every 5-years. Any work resulting from that inspection is then placed onto a tree work schedule and undertaken in due course by the grounds based staff, dependent upon its attached level of priority.

6.3 The tree strategy has been developed, and continues to evolve, so that higher priority sites are identified and inspected prior to lower priority sites. Priority is determined through criteria such as tree location in relation to highways, footpaths, built structures, high or frequently used areas etc. Constant and high use areas are of a higher priority than other areas that are less frequently used.

6.4 The tree survey is predominantly a health and safety survey, identifying observable and foreseeable risks and hazards associated with trees in the district boundaries. Undertaking or programming aesthetic or amenity based works are a secondary consideration as part of the programme and for the most part are not scheduled into the Tree Work Programme, unless they are deemed to be necessary in the longer term retention and management of veteran, historic or locally important trees. This will continue to change as the survey work continues and greater emphasis will be placed on management of tree aesthetics in the long term.

6.5 Some of what the Arboricultural Surveyor will look for when undertaking the survey is:

- Tree canopy die-back
- Deadwood
- Fungal and/or fruiting body associations
- Root-plate heave
- Stem cavities or decay
- Included bark unions
- Previous branch failure points
- Tree canopy touching adjoining buildings, obscuring signage or street lights
- Low branches or tree canopy obstruction over roads and footpaths

6.6 Having embarked on a pro-active risk management approach, the Council cannot reasonably be expected to "catch-up" on many decades of limited programmed activity in this respect, within a very short time-span. Considering the extent of tree cover within the district, it will be important, as far as is possible, to prioritise and pace the survey work. However, it is equally important to ensure that surveyor output, in terms of identification of hazards, is matched by actual tree work to address those hazards.

THE COUNCIL:

- 1: Will ensure that the tree survey and strategy is implemented to its fullest potential and it will be revisited periodically as and when required, and reviewed every five years.**
- 2: Will aim to undertake necessary and identified tree works resulting from the tree survey within a reasonable and acceptable time frame, subject to available resources at that time and where the Council has a responsibility to do so.**

6.7 **Light Loss, TV & Satellite Reception Loss and General Nuisance Claims**

Issues of loss of light or a TV/satellite reception can be highly emotive. Both issues are not something that generally happen in the short-term but in some instances can be immediate if new developments or newly installed aerials are situated in inappropriate locations. For the most part, the Council will not carry out tree pruning or removal works directly attributable to:

- Loss or interference with TV or satellite signal reception
- Restriction of sunlight or man made lighting during any part of the day
- Blocking or obstruction of a view from a residence

6.8 For the most part, the Council will not undertake any tree pruning works or remove trees in direct response to any natural or seasonal phenomena, for example:

- Falling leaves
- Sap exudation (honeydew)
- Falling fruits, nuts
- Bird droppings
- Blossom
- Reduction or increase moisture to gardens
- Basal stem sucker growth
- Germinating seeds from council owned trees
- Blockages or obstructions from tree deposits and leaves
- Presence of algae and/or build up of moss

6.9 The above are generally considered minor inconveniences, as opposed to legally defined nuisance issues, over which the Council, or any tree manager, has little, if any control over. A common sense approach will be adopted when such complaints are received and each individual complaint will be assessed, fully investigated and the outcome determined upon its own individual circumstances.

THE COUNCIL:

- 3: Will adopt a common sense approach with regards to any request it receives for relevant, justifiable and necessary tree works. The Council does however understand that there may, on occasion, be exceptional circumstances where there will be no other alternative available other than pruning or felling tree(s) so as to resolve the specific complaint. In those circumstances, the Council will assess the individual complaint, balancing the complainants' requests against the environmental impacts before any decisions are made.**

6.10 **Administration & Financial Management**

The Arboricultural Section will endeavour to respond to all calls, letters or e-mails within the designated Council timeframes. Where appropriate, all responses will be sent by the Arboricultural or Assistant Arboricultural Manager and will be clear and concise in their intentions and/or recommendations.

- 6.11 Allocation and/or spending of the Arboricultural budget on any Arboricultural materials or equipment will be undertaken in line with current Council guidelines on the most efficient and cost-effective procedures. When sourcing equipment or materials, the Arboricultural Manager will endeavour to source the best quality items for the lowest costs.

THE COUNCIL:

- 4: *Will meet all corporate response deadlines in relation to tree enquiries from the general public and will maintain a professional stance when providing tree related information.***

6.12 **Tree Work Standards**

All tree works undertaken by the Council's Arborists will be carried out in accordance with current British Standards (BS 3998) and any subsequent amendments to that document.

- 6.13 Consideration will also be given to relevant modern Arboricultural guidelines, where in some instances the British Standards may not be relevant (i.e. Veteran Tree management, etc).

THE COUNCIL:

- 5: *Will continue to work to current British Standards and good Arboricultural management practices when undertaking any works to their trees and will continue to ensure that any contractors appointed by them also work to those same standards.***

- 6: *Will continue to support and ensure that the Arboricultural staff receives adequate and appropriate training to enable them to deliver the service.***

- 7: *Will regularly review the specifications by which contractors work, so as to ensure that they are precise and meet with currently accepted standards.***

6.14 **Emergency Procedures for Dangerous Trees**

Dangerous trees may exist within the district boundaries and until they are either brought to the Council's attention, or picked up as part of the tree survey strategy, they may pose a potential problem to people or property.

When such trees are identified, those works will take precedent over any other works that are currently scheduled into the tree works programme.

Where necessary, the Council will notify the relevant statutory body (Yorkshire Water, United Utilities, etc.), Network Rail, the police, the fire brigade and/or the ambulance service where any dangerous trees may have the potential to cause harm or damage to persons or property. This may require the closing of roads, footpaths, parks or open-space so as to effectively deal with the matter in hand.

THE COUNCIL:

- 8: *Will prioritise all works that are deemed to be necessary so as to abate potential damage or injury as emergency works, which will override any other priorities that currently exist within the current tree work schedule. Such works will be subject to available resources at that time and where the Council has a responsibility to do so.***

6.15 **Green Waste**

All debris that fits through the Council's wood-chipper will be chipped on site and the resulting woodchip stored. The woodchip will then be recycled back in to the wider environment, for use on shrub and rose beds, footpaths or for decorative purposes.

- 6.16 When woodland works are undertaken, all resulting debris, where appropriate, will be left on site either in mulch form or stored as habitat piles within appropriate woodland areas.

THE COUNCIL:

- 9: *Will endeavour to seek alternative uses for arisings from tree work so as to ensure, as much as is possible, that arisings are reused or recycled locally.***

7.0 AMENITY TREES

The way that mature trees are managed and the amount and type of attention that they require can depend considerably upon their species, location, health and condition.

7.1 Trees in Residential Council Tenancy Housing Areas

Individual Council housing sites and Council estates containing tree populations are integrated throughout the District boundaries. It is here that Council tenants and housing communities come into the closest contact with trees. Many housing properties have trees growing either at their frontage, sides or rear and may not necessarily be contained within their curtilage.

- 7.2 However, the tenancy agreement on such properties states that 'the tenant is... responsible for the upkeep and reasonable maintenance of the garden, including hedges, shrubs and trees (unless the garden area is shared with others)'. This does not mean however that the Council can reasonably expect all tenants to take responsibility for managing all large trees within their gardens, for example, should a tenant move into a property with a large garden that has a number of existing mature trees, it would not be reasonable to expect them to take on the responsibility of carrying out extensive pruning at high level or the removal of the tree if it were deemed to be in a dangerous condition or inappropriately located. In addition, if a tenant were unable to carry out garden works due to issues of age or disability, the Council would not expect them to maintain trees in their gardens. The situation however may be different if the existing tenant had planted the tree(s) themselves and a common sense approach would have to be adopted in such situations.

- 7.3 In summary, tree works are included in the Service Level Agreement that Housing pays to Parks on an annual basis, which covers the cost of any labour required to carry out the works. Each tree-related request to Housing from a tenant would be treated on its own merits and would require discussion and/or consultation with Parks. Ultimately, however, the decision as to what work is recommended or necessary would rest with Housing, but would be subject to compliance with any relevant Planning or Legal rules or restriction.

THE COUNCIL:

- 10: *Will endeavour to incorporate trees into its housing sites by giving careful consideration to the species and to the placement of trees so as to minimise conflict with its tenants' requirements and other highway uses, and where appropriate will consult with housing tenants on such schemes.***

- 11: *Will endeavour to try to address issues associated with previously inappropriately planted individual trees within tenancy areas and to try, where possible and where resources will allow, to remove such trees and***

replace with more suitable species.

7.4 **Highway Trees (see paragraph 1.5)**

7.5 Highway trees are defined as trees planted and growing in pavements and road verges along the borough's highway network. Street trees are extremely important as they help to filter traffic pollution and help to provide shade to car parking and pedestrian passage. A tree-lined street will improve the aesthetic and amenity appearance of a street itself. In most instances, property value is increased due to the presence of street trees.

7.6 Highway trees are a very important landscape feature in urban areas. The Council is committed to the principal of street tree planting as it presents a real opportunity to improve environmental quality and image.

7.7 However, trees on highways may require a great deal of maintenance, particularly when the Council is left with the legacy of managing trees that they may not have ordinarily chosen for a particular location. Consideration should be given to the location of trees in relation to roads, windows to the front of properties, overhead telephone wires, underground services and sight lines. The roots of trees can also potentially cause problems with footpath surfaces.

7.8 Despite these problems, there are still opportunities to plant large growing species of trees, which create a bold design effect, for example along primary routes or in industrial and business areas where the spatial scale is large or open.

7.9 The digging of trenches for cable television and the possible effect of this on street trees and trees in front gardens can be detrimental and potentially dangerous. If trenches are dug with no consideration for tree roots, the health of a tree can be affected and/or it can become unstable.

7.10 There are methods of working, which leave the tree roots intact and cause a minimum amount of damage to trees. The National Joint Utilities Group (NJUG), which represents all the statutory undertakers, has produced guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees (NJUG Guidelines, Volume 4). These guidelines are nationally recognised and the DoE recommends that they be adopted by Local Authorities.

7.11 A copy of the NJUG Guidelines (Volume 4) can be obtained from:
<http://www.harrogate.gov.uk/immediacy-154>

THE COUNCIL:

12: Will endeavour to incorporate trees into the street scene by giving careful consideration to the species and to the placement of trees so as to minimise conflict with other highway uses.

13: Will refer and consult the NJUG guidelines for trenching and working near trees and enforce their use wherever it is deemed necessary.

7.12 **Trees in Parks and Open Spaces**

Trees growing in the Council's parks, open spaces and cemeteries are considered extremely important in terms of attaching high visual amenity levels to specific areas and valuable in providing leisure extensions to the general public through the encouragement of use of the site itself. The current tree management programme adopted by the Council will help to ensure that the current level of tree cover will survive, become enhanced and become sustainable now and for generations to come.

- 7.13 Parks are ideal for tree planting because there are relatively few conflicts and species that would be unsuitable elsewhere can be grown here.

THE COUNCIL:

14: Will endeavour to identify and plant suitable trees within its parks that may be beneficial for educational purposes and guided walks.

7.14 Trees in Cemeteries & Churchyards

There are approximately 20,000 cemeteries and churchyards in England, which encompasses some 10,000 hectares of land, which is an extremely valuable ecological resource. Many cemeteries and churchyards contain large specimen trees, the product of a framework of planting undertaken when the cemetery sites were first laid out.

- 7.15 Many trees in cemeteries and churchyards have religious associations and are often well represented. Typically, trees with a weeping habit are present such as Weeping Ash, Elm and Beech, planted by the Victorians who called them 'Trees of Sorrow'. Other common trees of note within churchyards are Abraham's Oak (*Quercus coccifera*), under which Abraham pitched his tent, Weeping Willow (*Salix babylonica*), upon which the Israelites hung their harps and the Judas tree (*Cercis siliquastrum*), on which it said that Judas hung himself.

- 7.16 Cemeteries and churchyards are often sanctuaries for wildlife and the existing trees are often of historic or of great personal value to local people. The many decorative mature trees, which are often characteristic of such sites, provide a historic and religious link, and provide excellent flora and fauna values.

- 7.17 Cemeteries themselves are also valuable places, offering a sense of calm and relaxation, and even exercise, for those persons who choose to access them.

THE COUNCIL:

15: Will ensure that the placement of new graves near trees will be in accordance with the guidance set out in BS5837 Trees in Relation to Construction – Recommendations (2005), which gives details of how to prevent damage to the root systems of trees and hence their future health and stability.

16: Will ensure that new tree planting shall be encouraged in cemeteries so as to retain the nature of the site, encourage wildlife and maintain the important historic links.

7.18 Trees Located on Private Land

Trees located upon privately owned land are equally as important as those located upon public land. However, where the Council is responsible for trees on land it owns, private landowners are responsible for their own trees and they have a 'duty of care' in that regard.

- 7.19 There is also the potential for large, mature and important trees to be lost from private land for unjustifiable reasons (i.e. perceived health and safety risk, perceived nuisance issues, etc.). That can sometimes bring tree owners into conflict with the Council.

THE COUNCIL:

17: Will, if and when identified as part of their normal survey programme for its own trees, notify owners of private trees that pose a measurable and

foreseeable danger or nuisance to the public, public property or highways to carry out necessary remedial works. In the event of failure or non-compliance, the Council will use statutory powers under the relevant Acts to undertake the remedial work and recharge the costs to the tree owner.

18: Will not undertake tree works for private tree owners at its own expense, unless those works are required under an appropriate Act of Parliament. Under such circumstances, the Council will pursue any costs associated with such works from the relevant landowner as outlined within the relevant Acts under which the works were required.

19: Will not arbitrate in private tree owner disputes unless the trees themselves would affect land we own.

20: Will continue to adopt a pro-active approach with regards protecting, through the use of the Tree Preservation Order, significant trees within the environment that are under threat of felling or inappropriate Arboricultural works, and will endeavour to react to calls from concerned members of the general public where trees are under threat within the shortest timeframes available to us at that time.

21: Will use its powers under the Anti Social Behaviour Act 2003 (Part 8) and the High Hedges (appeals England) Regulations 2005. In certain circumstances will endeavour to determine complaints from domestic properties adversely affected by evergreen hedges, subject to following appropriate procedures.

8.0 TREE REMOVAL, REPLACEMENT, PLANTING, ESTABLISHMENT & DESIGN

8.1 Although Harrogate and some of its surrounding towns and parishes have large areas that could be described as being leafy, there are also parts of the town and other towns and parishes within the District that are devoid of any significant level of tree cover. In some areas, mature trees have been gradually lost over a number of years and the tree population is now declining. Consequently, decisions made today about the removal or planting of trees will shape our landscape for future generations.

8.2 Many problems associated with trees can be avoided by more judicious design of relevant planting schemes. The aim needs to be to get the right tree in the right location so that urban trees coexist in harmony with the community, rather than being in conflict with it. The appropriate use of trees can transform the quality and value (visual & monetary) of an area. With careful consideration at the design stage, tree-planting schemes can create sustainable landscapes of quality.

8.3 Removal of Trees

Trees are of vital importance to the landscape. However, from time to time trees have to be felled. The approach adopted by the Council through its current Tree Strategy means that tree removal is not undertaken which cannot be justified for reasons of health and safety or good Arboricultural management practice. The unjustifiable loss of healthy and important trees from our landscape can have a detrimental impact upon those landscapes and the immediate locality.

8.4 The removal of trees from the environment can both detract from the environment itself and have a negative impact on the wider landscape. Not only can tree removal have a detrimental impact upon the landscape, it can also have a significant impact upon those people who have either grown up with those trees or who identify the change of the seasons on an annual basis through association.

8.5 For those reasons, and others that are mainly linked to available resources, the Council has taken a view that if trees are healthy and deemed currently or potentially important in their current locations, their retention will be maintained until such a time as any reasons to have them removed are justifiable and in the wider interests of the environment. That may also relate to the management of trees that have been previously inappropriately planted.

THE COUNCIL:

22: Will refrain from removing healthy trees from the environment unless this is in line with good woodland management practices, dictated by the Highways Act or as part of a development where other trees are normally conditioned for replacement.

23: Will assess trees that are dead, dying or have become dangerous on their own merits and in context within the local landscape and if necessary, will be pruned or removed so as to abate any potential health and safety concerns. However, the risk of retaining the tree in its current location will be assessed against the amenity value of the tree before a final decision is made.

8.6 Tree Replacement Strategy

Even though replacement trees may be planted, there is no guarantee that those trees will survive in the longer-term or whether they will attach significant benefits and/or amenity values as they grow on to reach full maturity. The aims of the tree replacement strategy are to try to ensure that a sustainable level of tree cover is maintained District wide.

8.7 Local Agenda 21 – Agenda for Sustainable Development, has identified that sustainability is one of the key aims that are essential in helping to balance the needs of both the environment and those living entities that co-exist within it. The main points of note resulting from local Agenda 21 are:

- Promoting environmental well-being
- Greater understanding of the conservation of the local landscape and the environment
- Better quality of life for everyone now and for generations to come

8.8 In terms of Arboricultural Sustainability, this is best defined as a balance that has to be maintained between:

Proportionate Number of Surviving Tree Replacements

Number of Trees Removed

8.9 In order to achieve a sustainable level of tree cover District wide, both adequate tree/planting funds and planning for aftercare have to be in place. Research has shown that as many as 46% of trees planted in an urban situation do not survive more than 5 years. This is due to a number of factors including vandalism, poor post-planting care and the adversities of the urban situation for trees.

8.10 It is therefore important that any tree that is felled has not just one tree planted in its place, but a minimum of two. This will increase the probability of tree establishment.

8.11 The quality and size of replacement planting should reflect the tree or trees removed and the local situation. For example, woodland tree planting schemes may better suit whip-planting programmes as opposed to individual standard trees, which will have more of an

immediate visual impact in the urban landscape. Although smaller trees are cheaper, more likely to avoid vandalism and establish better, they may have less of an immediate impact.

THE COUNCIL:

24: Will plant, subject to available resources, a minimum of two trees for each one removed from the urban environment (excluding tree numbers included as part of woodland planting schemes).

25: Will explore opportunities to increase planting resources through other means.

8.12 Memorial Trees

The Council currently works, and will continue to work with Rotary Clubs, Conservation Groups and Volunteers so as to ensure adequate and appropriate funding is in place for Memorial Tree Planting schemes. This work may take the form of assisting in grant applications, sourcing and designating available planting locations, providing advice on appropriate tree species and potentially providing labour to assist in the tree planting project itself.

THE COUNCIL:

26: Will continue to work with all appropriate groups and organisations so as to promote, develop and carry out memorial tree planting schemes within its District boundaries and continue to explore ways to expand the scheme.

8.13 Reducing Levels of Tree Vandalism

Although tree vandalism numbers are relatively low in comparison to the numbers of trees that are planted annually, there are 'hot-spots' within the district where newly planted trees are regularly targeted. The approach adopted by the Council is not to give up on the potential to improve these areas through tree planting, but to look at ways in which these trees can be protected so as to establish and grow on to reach full maturity. However, the necessity to include anti-vandalism materials or considerations may have an adverse impact on the number of trees that can be planted in any given year. Careful consideration has to be given as to whether the inclusion of such considerations or materials will have the desired effect or be expedient in the short and longer term.

THE COUNCIL:

27: Will consider anti-vandalism techniques and materials when undertaking planting schemes within the urban landscape and where appropriate, and subject to available resources, they will be implemented. This will also be applied to existing trees that may be targeted within other areas.

8.14 Diversity of Species within Tree Planting Schemes

Planning for, establishing and maintaining a diverse level of tree cover within the district will not only be good management practice and have benefits for the landscape itself, but will also attach numerous ecological benefits.

8.15 Establishing landscapes containing single or small numbers of individual species could prove disastrous should any of those species become susceptible to attack or decline from pests or disease outbreaks.

8.16 Maintaining a rich, varied and diverse level of tree cover will help to achieve the goals of sustainability as well as helping to protect local and wider landscape planting schemes

now and for generations to come.

- 8.17 Planting schemes containing a species rich and diverse level of tree cover will help to attract and maintain similar levels of ecology both locally and district wide.

THE COUNCIL:

28: Will aim to increase the diversity of tree species in planting schemes and avoid the planting of a limited selection of species, especially the inappropriate planting of monocultures.

8.18 Identifying Beneficial Areas with the District

Although Harrogate and some of its surrounding towns and parishes have large areas that could be described as being leafy, there are also parts of the town, and other towns and parishes within the District, that are devoid of any significant level of tree cover.

- 8.19 The current Tree Survey Strategy is allowing the Council to gain information in relation to specific sites within the district that it never previously had time or resources to gather. This information is invaluable as it allows for the identification of sites that may accommodate trees and which we can now, subject to available resources and appropriate consultation, potentially earmark for future planting schemes. These sites may relate to individual tree planting schemes, small group plantings or larger woodland sites.

THE COUNCIL:

29: Will, through the Harrogate District Landscape Character Assessment 2004 and the Harrogate District Landscape Design Guide sheets LDG8.1.1, LDG8.1.2, LDG8.1.3 and LDG8.1.4, continue to identify and earmark sites within the District boundaries that they feel may be suitable for small or large scale planting schemes and, where appropriate, will enter into consultation with the local community with regards to any proposed schemes they feel would be beneficial.

8.20 Commuted Sums

The Council's open space policy, which generates commuted sums, ensures that funds are generated for recreational provision by property developers when building new houses. The benefit of the policy enables the Department to improve existing public open space areas or provide new recreational areas within the District. Money from Commuted Sums can be used to enhance public spaces for many people to enjoy.

THE COUNCIL:

30: Will source and identify all relevant and available commuted sums for specific tree related schemes and allocate those funds accordingly.

9.0 INSURANCE CLAIMS INVOLVING COUNCIL TREES

9.1 Direct & Indirect Damage Claims

The Arboricultural service will aim to identify the geographical distribution of any alleged subsidence issues. This will be weighed against street tree management in those identified areas.

- 9.2 When investigating claims of subsidence and damage to properties, and where Council managed trees are implicated in such claims or whether this is information required in support of works to a tree subject to a Tree Preservation Order, the onus will be upon the claimant to provide technical evidence to support such a claim. The Council will always

request some or all of the following technical evidence in support of any claim it receives and consideration will be given as to whether or not the information it receives is sufficient in order to make an informed and full decision on the claim itself. The request of such information is in line with the DETR (2008) document, Tree Preservation Orders: A Guide to the Law and Good Practice:

- Engineers report on assessment of damage to building
- Plan and profile of foundations
- Plan of site showing location of building in relation to the trees both on the site and on neighbouring properties as well
- Arboricultural report accurately identifying and detailing the physical attributes of trees and significant vegetation in relation to the area of building damage
- Trial pit showing the soil profile beneath the foundations with a bore hole depth 3m-5m
- Control Bore hole
- Root identification from beneath the foundations
- Soil moisture contents test throughout the soil profile
- Soil suction tests throughout the soil profile (on appropriate clay soils)
- Liquid limit test
- Plastic limit test
- Soil plasticity. (Calculated using liquid limit and plastic limit calculations)
- Assessment of desiccation (Driscoll method, 0.4 x liquid limit)
- Shear strength tests throughout the soil profile
- Drainage survey (by CCTV) and pressure testing (when drains are present in the vicinity of the damage)
- Level survey
- Level monitoring with deep datum
- BS 1377 Part 2 test 6.1 Determination of Shrinkage Characteristics
- Where necessary, results of any monitoring of the damaged area for a minimum of a 12-month period

9.3 In instances of claims against the Council for damages to sub-surface drainage systems, utility lines, light structures such as garden boundary walls, prefabricated garages etc, which are located upon privately owned land, the onus will be upon the claimant to provide technical evidence to support such a claim. To state that damage is occurring will not be enough to justify tree removal or pruning and will not result in the Council admitting any liability without such evidence to support the claim.

THE COUNCIL:

31: Will request all relevant technical evidence in support of any damage claim that is made that may implicate vegetation under its management. Once all the information has been fully assessed, consideration towards relevant case law will also be given and all possibilities will be explored, which may or may not necessarily require or result in the removal of implicated vegetation. In certain instances, it may also be necessary to then pass the claim to the Council's Insurer for an assessment on liability.

10.0 TREES SUBJECT TO TREE PRESERVATION ORDERS, CONTAINED WITHIN CONSERVATION AREAS & THE PROTECTION OF IMPORTANT HEDGEROWS

10.1 Conservation of Protected Natural Resources

The Council has an interest on trees on privately owned land when they are either subject to a Tree Preservation Order (TPO) or contained within a Conservation Area (CA) or on an area of land subject to an approved planning application. At present the

Council oversees a large number of Tree Preservation Orders, which can cover individual specimens, groups, areas and woodlands.

- 10.2 Just because a tree is subject to a TPO or is contained within a CA does not mean that the tree can never be pruned or felled. It does however allow the Council to ensure that the trees are managed in such a way that the amenity and health of the tree or trees are not unnecessarily destroyed or diminished or in the case of felling, to ensure suitable replacements are planted, which guarantees continuity of tree cover.
- 10.3 When an application or notification to carry out work to a protected tree is received, the Council's Arboricultural Officer will assess it through a site visit. In assessing proposed works, the Arboricultural Officer will take into consideration the guidance set out in Tree Preservation Orders – A Guide to the Law and Good Practice (Blue Book), the current Tree Strategy document and the objectives of the Local Plan.
- 10.4 The inspection and decision will ensure that the proposals will not be detrimental to the health of the tree or severely affect its amenity. An assessment will be made to ensure that the work is necessary and the most appropriate solution is reached. If the work is inappropriate, the Arboricultural Officer will advise the owner of what would be considered suitable, should such an option be available. This approach is not meant to be restrictive but to raise awareness and understanding of good tree care.
- 10.5 **Tree Preservation Orders**
The principle effect of a Tree Preservation Order is to prohibit the:
- cutting down
 - uprooting
 - topping
 - lopping
 - wilful damage, or
 - wilful destruction
- of trees without the LPA's consent. The cutting of roots, although not expressly covered above, is potentially damaging and so, in the Secretary of States view, requires the Local Planning Authority (LPA's) consent.
- 10.6 Under the Town & Country Planning Act 1990, LPAs have the power to make, confirm, vary and revoke TPOs.
- 10.7 The LPA has a duty to administer applications to carry out work to protected trees including pruning and felling. It is an offence to carry out work to a tree protected by means of a TPO without first obtaining consent.
- 10.8 TPOs are used to protect selected trees and woodlands if their removal would have a significant impact on the environment and its enjoyment by the public. These may be trees, which at some time have been under threat of removal, although any tree that provides a reasonable degree of benefit to the public may be worthy of protection. The benefit may be present or future.
- 10.9 The primary function of a TPO is to protect trees for their visual amenity value. The Council see amenity as being; "Those properties of an environment that have no quantifiable monetary value, such as its beauty, tranquillity, wildlife etc, but from which people derive pleasure, education and enrichment". (Longman Dictionary of Environmental Science, 1998).

- 10.10 The Council recognise and accepts its duty as imposed by the Town & Country Planning Act 1990 and considers the advice set out by the Government in the following documents and Statutory Instruments;
- Town & Country Planning Act 1990
 - Town & Country Planning (Trees) Regulations 1999
 - Tree Preservation Orders – A Guide to the Law and Good Practice
 - BS5837 (2005) Trees in Relation to Construction – Recommendations
 - BS3998 (1989) Tree Work
- 10.11 **Conservation Areas**
The Town & Country Planning Act 1990 makes special provision for trees in Conservation Areas (CAs), which are not the subject of a TPO.
- 10.12 All trees with a diameter 75 millimetres or above (measured at 1.5 m above ground level) are protected by their inclusion within the boundary of a CA.
- 10.13 Before undertaking any work to a tree within a CA the owner of the tree must give 6 weeks notice (known as a 'Section 211 notice') to the LPA. During the six-week period, the LPA has the opportunity to inspect the tree or trees and may carry out one of the following three actions.
1. Make a TPO in the interests of amenity. The proposed work would then have to be the subject of a formal application under the TPO, or
 2. Decide not to make a TPO and allow the six week period to expire, at which point the proposed work may go ahead as long as it is carried out within two years from the date of notice, or
 3. Decide not to make a TPO and inform the applicant that the work can go ahead.
- 10.14 To ensure the Council is seen to be consistent in its approach, all Council Departments dealing with tree issues within designated CAs are required to follow the above process.
- 10.15 **Management of Protected Trees**
Some of the current TPOs in Harrogate pre-date the 1970's. These older TPOs need to be reviewed to ensure that all the trees worthy of protection are covered, and those already covered are still suitable for inclusion. Therefore, so as to maintain an effective record there is a need to continue to update the current TPO register. This then needs to be followed up by regular reviews. This will also ensure that unauthorised tree work is identified and appropriate action taken.
- 10.16 To ensure that the administration of TPO is as effective as possible, the Council's Arboricultural Officers will continue to liaise directly with the Planning Section so as to try to develop procedures for dealing with all review and administrative aspects of TPO management to ensure that residents are provided with an effective and efficient service whilst ensuring continuity of Arboricultural amenity throughout the district.
- 10.17 **Enforcement**
Damage can be inflicted upon trees in many ways. It can be direct damage, such as unauthorised felling and pruning, or indirect damage, such as root compaction, which can lead to the decline and ultimately the death of a tree.
- 10.18 In these instances, and where appropriate, it is important that legal action is pursued so as to ensure that replacement trees are planted to maintain a mature tree cover for the future, and where necessary, relevant action through the Courts.

- 10.19 Where trees on private land are felled but are not protected by a TPO or within a CA, permission to fell trees may still be needed. The Forestry Commission controls the felling of trees for timber and therefore where a large amount of timber is removed a Felling Licence may be required. This relates to the removal of more than 5 cubic metres of timber in any quarterly period. If a Felling Licence has not been granted the Forestry Commission may take enforcement action.
- 10.20 Other trees on private land may also be protected through their inclusion as a condition of planning permission. This is often more appropriate to recent development and where conditions apply in relation to the retention of existing features and new landscape features. Trees on these sites to which conditions apply need the written permission of the LPA. It is the Secretary of State's view however that it is not reasonable to use conditions as a means of long term protection when TPOs are available for this purpose.
- 10.21 **Replacement Planting**
To ensure that all trees under a TPO are replaced before consent to fell a tree is given a replacement tree must be planted and established. The only exception to this is when it is inappropriate to plant a tree or when it is a matter of urgency that the tree is felled. In this case replacement planting is acceptable after the tree is felled.
- 10.22 **Managing Protected Trees & Woodlands**
Many existing TPOs are on woodlands in private ownership. Many of these are not managed. The powers granted to the LPA under TPO legislation do not allow the Council to enforce management of woodlands.

Notes:

- Council consent is not required for cutting down or carrying out work to trees, which are dead, dying or dangerous. The Town & Country Planning Act 1990 places the landowner under a duty to plant a replacement tree at the same place.
- Decisions, which relate to trees that are dead, dying or dangerous or are a matter of health and safety, may not require consultation. Decisions on such issues must be considered against sound Arboricultural practices.
- All applications/notifications are considered to be public documents and will be posted on the Councils web pages. Any consultations received will be taken into consideration.

A copy of Protected Trees - A Guide to Preservation Order Procedures can be obtained from: <http://www.harrogate.gov.uk/immediacy-154>

An application to undertake works to trees subject to a TPO or contained within a CA can be obtained from: <http://www.harrogate.gov.uk/immediacy-1030>

- 10.23 **Protection of Important Hedgerows**
The Hedgerow Regulations 1997 are designed to give protection to important hedgerows in England and Wales. Anyone proposing to remove a hedgerow, or part of a hedgerow, which is covered by the regulations, must first notify the LPA by submitting a Hedgerow Removal Notice. For the purposes of the Regulations, remove is defined as uprooting or otherwise destroying a hedgerow.

The Regulations apply to any hedgerow which:

- Grows in, or adjacent to any common land, Local Nature Reserve, Site of Special Scientific Interest, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys
- Has a continuous length of at least 20 metres, or if less than 20 metres, meets

another hedgerow at each end

If you are looking to undertake works to 'important' hedgerows, information on Important Hedgerows & Hedgerow Removal Notices can be obtained from:

<http://www.harrogate.gov.uk/immediacy-1030>

Information relating to HIGH HEDGES as outlined within PART 8 of the Anti-social Behaviour Act 2003 can be obtained from: <http://www.harrogate.gov.uk/immediacy-2861>

THE COUNCIL:

32: Will provide guidance, educational information and design criterion to assist planning and development. This information will be outlined within the Landscape Design Guide, HDLCA or Supplementary Planning Document, which shall be updated when necessary to reflect any changes to current guidelines.

33: Will continue to use its powers under the:

Town and Country Planning Act 1990

Town & Country Planning (Trees) Regulations 1999

Planning (Listed Buildings & Conservation Areas) Act 1990

to protect and manage important trees within the Harrogate District by:

- **Keeping an accurate and up-to-date record of protected trees**
- **Ensuring that each application for work to, or removal of, protected tree(s) or tree(s) within a CA will be assessed by a competent Arborist**
- **Review and where necessary make revisions to existing TPOs to ensure that they are appropriate, up to date and that there have been no unreported violations**
- **Ensure, where possible, that all trees that meet the criteria for inclusion within a TPO, and which are under a measurable and identifiable threat, are afforded relevant protection under Section 201 of the T&CPA 1990 as a minimum**

34: Will take all provisional TPOs to the appropriate Planning Committee for determination prior to the end of the 6-month deadline.

35: Will use the TPO appropriately and in line with current Government guidelines on its correct usage.

36: Will consider placing a TPO on its own trees, should those trees be under threat of inappropriate or unjustifiable works from adjoining landowners or other bodies.

37: Will continue to develop its Amenity Assessment sheets in line with changes to relevant tree legislation so that all TPOs will be able to withstand close scrutiny.

38: Will monitor whether replacement trees are planted as part of the relevant conditions and if not, will use its appropriate Enforcement powers to ensure such trees are replaced.

39: Will support and encourage the appropriate management of woodlands

protected by TPOs, access to woodlands and the management and protection of ancient and semi-natural woodlands.

40: *Will continue to work towards allowing electronic access to TPO information.*

41: *Will assess each application to remove important hedgerows and where necessary and appropriate, prevent such hedgerows from being removed by serving a Hedgerow Retention Notice.*

42: *Will ensure that it is clear to affected residents:*

- a) How the internal procedures for tree management, section 211 notices and tree preservation orders relate to the Tree Management Policy Framework, so far as the Arboricultural service is concerned, and***
- b) The role of the Arboricultural officers in advising on the applicant of the procedures relating to TPOs and how the assessment of trees in relation to them will be undertaken***

11.0 TREES & DEVELOPMENT

11.1 The Arboricultural Section currently deals with approximately 700 LPA consultations relating to trees each year. A high percentage of these applications relate specifically to trees that are the subject of land development applications. The Arboricultural Section provides advice regarding the safety and retention of trees within development sites through consultation, not only with the LPA, but also with the developers themselves.

11.2 There are a number of Arboricultural concerns often raised on proposed development sites, which include:

- The retention of those trees of present and future amenity value
- The selection of trees to be retained on a development site
- The protection of trees to be retained during the development period
- The impact of development on retained trees
- The impact of retained trees on incoming occupiers
- The protection of trees post development
- The selection of suitable trees species for new & replacement planting

11.3 Trees within development sites can add maturity to new areas often providing scale, form and age. The Town and Country Planning Act 1990 (section 197) recognises the importance of trees and charges LPA with a specific 'duty',

'...to ensure, whenever it is appropriate that, in granting planning permission for any development, adequate provision is made by the imposition of conditions for the preservation and planting of trees' and 'to make such (Tree Preservation) Orders..... as appear to the Authority to be necessary in connection with the grant of such planning permission whether for giving effect to such conditions or otherwise'.

11.4 In September 2005 the British Standards Institution published a revised version of BS 5837:1991 – Guide for Trees in Relation to Construction, which is now obsolete. It has now been superseded by BS 5837:2005 Trees in Relation to Construction - Recommendations. The Local Planning Authority will give regard to the content of BS 5837:2005, or any such amendments to that document, and primacy will be afforded to its recommendations in instances where conflict arises with advice set out in BS 5837:1991.

11.5 The level of detail that is normally required in any planning application is dependent upon

the type of application that is being made. The Arboricultural Section will advise all applicants to seek professional pre-application advice if they are in any doubt as to what may be required. However, where the Council feels that insufficient detail has been forwarded in support of any application, additional supplementary information may be requested, prior to determination. Such information is contained within the current British Standard document.

11.6 **The Planning Process**

When an application is received for a proposed development and there are trees on the site, the Arboricultural Section, as part of the planning consultation process, are informed and asked to provide recommendations.

11.7 In determining those recommendations an assessment is made as to which trees are worth retaining on the site. In general, these will be trees that are healthy and that have the potential to contribute to the amenity of the area, particularly where they will help to screen or break up the hard lines of a new development.

11.8 Assessment of trees will be carried out by considering the guidelines of BS 5837:2005, Trees in Relation to Construction – Recommendations, the requirements of the Local Plan and the Council’s Tree Amenity Assessment criteria.

11.9 **BS 5837:2005 Trees in Relation to Construction – Recommendations**

This British Standard gives recommendations and guidance on the principles to be applied to achieve a satisfactory juxtaposition of trees, including shrubs, hedges and hedgerows, with structures. It follows, in sequence, the stages of planning and implementing the provisions, which are now essential to allow development to be integrated with trees.

11.10 Trees that are growing satisfactorily have achieved equilibrium with their surroundings and therefore any construction activities, which may affect this equilibrium, could potentially be detrimental to the health, future growth and safety of the trees themselves. It is therefore essential that planning and site management aim to minimise disturbance to those trees, which are deemed to be worthy of retention.

11.11 Mature trees can be an asset to a new development and their retention on development sites is highly desirable, they give a place a sense of character and establishment as well as retaining an existing landscape. Many trees are lost each year because of development. Some are removed because of their poor quality or limited future potential or because they are in the way of development.

11.12 Activities that can kill or harm trees on construction sites include:

- Root severance
- Compaction of soil around roots
- Flooding
- Rising water tables
- Changing or altering soil levels
- Fires
- Damage from machinery
- Harmful substances, e.g. petrol and cement

11.13 So as to prevent such activities occurring within close proximity to retained trees, relevant sections of the British Standard BS 5837:2005 Trees in Relation to Construction – Recommendations can be applied so as calculate an appropriate ‘exclusion zone’. This area is normally fenced off using pre-determined and agreed materials. The distance

from the tree to the fence line will depend on the type of tree, its age and condition.

11.14 Advance discussions with developers may help to build good relationships. This assists in minimising the period of consultation whilst improving the compatibility of the proposed development with existing natural environmental features of value.

11.15 **Protection of Trees to be Retained**

Once trees to be retained have been identified, their removal can be prohibited by a TPO and/or protected through planning conditions. The Town and Country Planning Act 1990, Section 70(1)(a), enables LPA's in granting Planning Permission to impose 'such conditions as they think fit'.

11.16 Conditions should be consistent with national planning policies and with the Development Plan and other policies of the LPA. Detailed reasons should be given for the imposition of every condition and conditions should be imposed only where they satisfy all of the 'six tests'.

11.17 The Six Tests relevant to a Planning Condition should be:

- Necessary
- Relevant to Planning
- Relevant to the Development to be Permitted
- Enforceable
- Precise
- Reasonable in all other respects

11.18 TPOs should be implemented when trees desirable for retention have been identified. TPOs are not a block to effective use of a site but are intended to prevent damage to, or clearance of trees prior to planning permission being granted.

11.19 It allows negotiation, whilst providing a means of controlling which trees can be removed and a means of enforcing their protection during development work.

11.20 Once planning permission is granted it may override certain aspects of the TPO. Any trees that do have to be removed directly for development purposes can then be felled. The Order also has the advantage of protecting trees after any development is complete.

11.21 **Tree Surveys**

The Council will expect a tree survey to be commissioned at an early stage so as to help in the consideration of development proposals. Surveys will consist of two principle documents, and include:

- A schedule, which provides important information about the trees such as species, height, diameter and condition
- A survey plan showing the accurate positions and canopy areas of the trees

11.22 The survey must be in accordance with the requirements of BS 5837:2005.

11.23 **Greening the Environment**

The landscape of the Harrogate district is exceptional in its character and quality and any proposed development must consider the potential impacts upon it. New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

11.24 Planning Policy Guidance Note 3: Housing (March 2000) provides that:

“The need for economic growth has to be reconciled with social and environmental considerations particularly those of conserving and enhancing the quality of our environment in both town and country”.

In achieving this objective the Government attaches particular importance to the ‘greening’ of residential environments stating:

“Landscaping should be an integral part of new development and opportunities should be taken for the retention of existing trees and shrubs, and for new plantings”.

In seeking to achieve these objectives the guidance urges LPAs and developers to:

“think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment”.

and adopt policies which:

“create places and spaces with the needs of people in mind, which are attractive, have their own distinctive identity but respect and enhance local character”.

THE COUNCIL:

- 43: Will provide guidance, educational information and design criterion to assist planning and development. This information will be outlined within the Harrogate District Landscape Character Assessment 2004, Landscape Design Guide or Supplementary Planning Document, which shall be updated when necessary to reflect any changes to current legislation and guidelines.**
- 44: Will request all relevant information in support of all planning applications, where there is a necessity for supporting information in relation to the Arboricultural Implication Assessment, Arboricultural Constraints Plan, Arboricultural Method Statement or the Tree Protection Plan.**
- 45: Will seek the successful retention of trees on development sites, where possible, in agreement with the developer, by:**
- **Placing suitable trees under a TPO once trees to be retained have been identified**
 - **Requiring conditions as part of the planning permission, relating to the physical protection of trees on the development site**
 - **Ensuring that the planning conditions, including replacement planting conditions, are monitored and enforced where appropriate**
- 46: Will, through application of the Harrogate District Landscape Character Assessment 2004, will ensure that tree planting on development sites is adequate and appropriate by:**
- **Requiring that landscaping schemes submitted as part of a planning application are in keeping with local landscape character and respect and incorporate existing landscape features**
 - **Requiring that any new trees planted which die within 5 years of the development being completed are replaced by the developer**

12.0 WOODLAND MANAGEMENT

- 12.1 Great Britain currently has a woodland cover of approximately 11.6% of the land area, whereas 46% of Europe is covered by forest. Only Denmark, the Netherlands and Southern Ireland have less tree cover than the UK. The Harrogate District has examples of four of the UK Biodiversity Action Plan (BAP) priority woodland habitats - Upland Oak-woods, Upland mixed Ash-woods, Wet woodland and Orchards. The main broad habitat types are broadleaved, mixed & yew woodlands and Coniferous woodlands.
- 12.2 Our woodland sites are valued and extremely important in terms of providing habitat for a variety of species, providing venues for exercise and recreation, providing areas of local interest and helping to actively encourage local groups and the general public to engage with their local community.
- 12.3 The key management approaches for the Council's woodlands can be divided into three categories:
- Nature Conservation and Enhancement
 - Landscape Enhancement
 - Public Access and Safety
- 12.4 Managing and maintaining woodlands however is not just subject to site priorities, but also available budgets and relevance of the type of management required for the site. As such, more often than not such management techniques are based around the potential for available grants and external funding. The current threats to our existing woodland sites include:
- Clearance of land for other uses
 - Invasion by exotic species
 - Increasing deer numbers, poorly controlled farm animals and excessive feeding of game-birds leading to excessive browsing, failure of natural regeneration and destruction of the ground flora
 - Isolation caused by the simplification of the landscape and loss of woodland habitat networks
 - Changes in neighbouring land use affecting the hydrology and nutrient levels and creating an invasive seed source
- 12.5 Consideration is also given to the ecology and habitat management element of the plan, which revolves around the retention of identified species on the site as well as the introduction of species that it is anticipated would thrive in such an environment. There are however many challenges that are linked to protection of habitat within a site that invites the general public into it. Although the benefits of such habitat are numerous for both the ecosystem and viewing public at large, there has to be a balance so as to maintain a sustainable system.
- 12.6 This links into the Council's BAP document. Biodiversity, in a woodland context, is important in terms of the following:

Integral part of maintaining the natural functions of the environment:

Natural habitats assist in slowing water drainage/flood control

Plants help filter pollutants from air, water and soil, including CO₂

Economic importance:

Provides essential commodities

Provides healthy natural environments

Essential part of our social and cultural life:

Plants & animals are central to much of our heritage and culture

Important to our health and wellbeing:

Natural areas provide opportunities for outdoor recreation & exercise
Providing people with the opportunity to relax and respite from stress

Intrinsic value:

Nature should be conserved for its own sake and should be protected for future generations

THE COUNCIL:

- 47: *Will aim to preserve and enhance woodland trees that are native and/or indigenous to the local area within each woodland site.***
- 48: *Will, where possible, encourage natural regeneration in woodlands and where possible, and subject to public safety assessments, we will retain dead trees in woodlands preferring to prune rather than fell.***
- 49: *Will, where possible and subject to public safety assessments, leave dead timber and felled trees in situ to benefit habitat creation. These will either be left as whole trees or cut up into habitat piles, dependent upon individual circumstances.***
- 50: *Will liaise with the Woodland Trust and the Forestry Commission about woodland management requirements and techniques.***
- 51: *Will actively encourage volunteer groups, community groups, local business and industry, organisations and the general public to assist in woodland planting schemes, monitoring programmes, woodland management works and the participation with public events in any of our woodland sites.***
- 52: *Will seek to expand and look for opportunities to create new woodlands in line with the landscape character and in accordance with the Harrogate District Landscape Character Assessment 2004.***
- 53: *Will endeavour to produce woodland management plans for all its woodland sites.***
- 54: *Will not fell any tree growing in any of our woodlands without having adequate justification to do so.***
- 55: *Will seek the advice of Natural England where protected species may be affected.***
- 56: *Will ensure that all our woodlands are managed and maintained in accordance with the accepted forestry and arboricultural traditional methods of woodland management.***
- 57: *Will take into account landscape features, wildlife habitat and amenity value. This will be reflected in operational as well as managerial aspects.***
- 58: *Will actively encourage access into our woodlands and endeavour to develop new pathways within our managed woodlands.***

59: Will continue to source appropriate external funding and available grant schemes so as to ensure the continued management of its woodland sites.

60: Will consult its own Biodiversity Action Plan document and the document, 'Trees and our changing region', or other relevant regional strategies for trees, woodlands and forestry in Yorkshire and the Humber, so as to ensure that consistent consideration is given to all biodiversity issues with regards to all activities within any of its woodland areas, prior to those activities being undertaken.

13.0 TREES & WILDLIFE

- 13.1 Space used by wildlife is three dimensional and large mature trees are ecosystems in themselves, providing and supporting leaves, insects, birds, bats and fungi. Even deadwood, whether that be in a woodland context or still attached or associated with trees in an urban context, is still important. Deadwood can support wildlife such as invertebrates, woodpeckers and fungi.
- 13.2 There are a number of species associated with the trees that the Council is responsible for managing that are protected under the associated European Protected Species (EPS) legislation. For example, the Countryside & Rights of Way Act (1981) states that all trees, which are to be felled or worked upon, must be inspected prior to those works commencing to ensure that bat roosts are not present or potentially impacted upon by those works. A Bat roost is interpreted as 'any structure or place, which is used for shelter or protection', whether or not Bats are present at the time. If proposed work is likely to destroy or disturb bats or their roosts, Natural England or the appropriate Bat Conservation Group must be notified and allowed a reasonable time to advise on the appropriate course of action.
- 13.3 More generally, trees should be inspected for bird nests. It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. Trees should be inspected for bird's nests all year round but especially between the months of March and August.
- 13.4 The Harrogate district contains numerous Sites of Importance for Nature Conservation (SINC) as well as Local Nature Reserves (LNR). The Council is responsible for the management and maintenance of some of these sites such as the Bilton Banks and Birkdale Crag SINC's and the Cardale Wood LNR. However, habitat protection can occasionally prove to be extremely difficult for a site that will potentially invite the general public into it. Watkins (1990) states that it could be argued that people should not be allowed to visit areas kept as non-intervention reserves and to ensure, as far as is possible, that visitors are kept to designated footpaths. As such, approaches to habitat management in this context may be dependent upon the extent to which conservation is integrated with other interests, such as recreation, wider resource use and provision of other ecological services.
- 13.5 In terms of mitigating the potential to occur to existing and potential wildlife and/or habitat in trees, a number of objectives are considered in such instances. These are:
- Undertaking necessary risk assessments
 - Temporary management of existing wildlife features
 - Phasing of tree works to avoid critical periods for nesting, etc
 - Regular monitoring of habitat and ecology during the works phase

THE COUNCIL:

61: Will adhere to the requirements of the Wildlife and Countryside Act 1981 in

relation to the protection of Wildlife during all of its tree related activities.

62: *Will provide information to all applicants who request or notify the Council of tree work as to the legal requirement of the Wildlife & Countryside Act 1981.*

63: *Will, where appropriate, plant tree species which are native and of local provenance and which encourage wildlife into the environment.*

64: *Will seek to encourage, through planning agreements, landscape schemes which are multi functional in styles and which reinforce local character.*

65: *Will, wherever possible, retain trees, or their parts, for habitat and ecological benefit.*

66: *Will, where necessary, seek advice from Natural England when works are required on trees identified to be supporting European Protected Species.*

67: *Will seek, where possible and appropriate, to install habitat boxes in its own trees, and will endeavour to encourage the local community and community groups to become actively involved in that process.*

14.0 PROMOTING TREES & WORKING WITH THE COMMUNITY

14.1 Generally, it is only complaints about trees that are received by the Council. However, the Council does occasionally receive compliments either relating to tree works or tree planting. As such, there is a need to develop channels through which all points of view can be obtained. Continuous consultation and education are the keys to this, since these give people more opportunity to have a direct say in any projects that may affect their local or wider environment.

14.2 Our everyday contacts with each other shape both our sense of community as well as providing concrete benefits (C&LG, 2008). The Government recognises that a huge range of small voluntary and community groups and organisations (grassroots groups) play a vital role in strengthening communities. To help support and encourage such activity the Council has drafted its own set of strategies so as to assist groups in helping to build relationships between the group, local schools, businesses, other volunteer organisations, the general public and itself. These are:

- The Corporate Strategic Plan (2008), which states, *First Class Public Services - ensuring that the services delivered throughout the District meet the needs of customers, are accessible and of high quality*
- The Corporate Improvement Strategy (2009), which states, *that community engagement enables the Council to understand the needs of its residents and customers*

14.3 As part of its Sustainable Community Strategy, the Harrogate District Strategic Partnership has further identified that it will promote community environmental champions and protect and enhance the built and natural environment, including biodiversity and landscape character as part of its Environmental key indicators and strategic actions (HDSP, 2008).

14.4 Trees & Climate Change Awareness

All trees within the Harrogate District contribute to the local environment and wider climatic conditions. However, the benefits that they attach locally, the work schedules or management of those trees and the potential to increase local or wider levels of tree cover and the benefits resulting from those works may be unfamiliar to those who are directly affected by the trees themselves. The general public may feel that the Council

may have an obligation to ensure that this information is available to those person(s) who request it.

- 14.5 In addition to the above, there are also other Council Departments and external organisations that would also benefit from this information. In such instances, it may be expedient to offer a service of short presentations, which would be specific to the requirements of the target audience.
- 14.6 In an age where information can become readily available via the internet or web-links, this may allow for stored and captured information to become more readily available to a wider audience. To that end, the Council has developed its own Arboricultural web-pages, where all relevant data and information is stored and available to be viewed by any persons accessing the site. The current Arboricultural web-link is:
<http://www.harrogate.gov.uk/harrogate-207>

The Forestry Commission information pack on trees and climate change can be obtained from: <http://www.forestry.gov.uk/forestry/INFD-7S7FC7>

THE COUNCIL:

68: Will promote and encouraging good tree and woodland management and Arboricultural practices.

69: Will raise awareness of tree issues where possible and appropriate and continue to develop its web-pages and any other systems that may make such information exchange easier and beneficial to other Council departments and the general public.

14.7 Empowering the Community

This can be achieved through consultation on individual proposed tree maintenance schemes or on a more routine basis through the offices of Town and Parish Councils. This allows local people to make their views known and Town/Parish Councils to provide local representation on tree related issues.

- 14.8 Responsive management is not as conducive to a consultation process as planned maintenance, because work tends to be on individual trees rather than to groups of trees within a particular locality. However, as the Council is now moving towards a more co-ordinated way of maintaining its trees, it may be possible in the future, subject to available resources, to notify residents of planned works and provide an opportunity for them to comment.

THE COUNCIL:

70: Will consult residents on proposed large scale tree works, where it is practical, allowing time for the comments to be received and take these into consideration, where they may be conducive to good tree care and do not hinder the abatement of a hazard or severe nuisance.

71: Will provide support where possible to community initiatives, i.e. Tree Warden schemes, conservation/community/volunteer/friends of groups, that promote the planting and care of trees within the district.

72: Will encourage the local community to become more active in such tree planting schemes (e.g. open days, engaging with schools, public events, etc) and where necessary and appropriate, will seek their input and involvement into applying for relevant grants or funding from available sources.