

**Decision Maker:** Environment Portfolio Holder

For Pre-Decision Scrutiny by the Environment PDS Committee on:

**Date:** 15th March 2016

**Decision Type:** Non-Urgent Executive Non Key

**Title:** ARBORICULTURAL STRATEGY/TREE PLANTING AND MAINTENANCE INITIATIVE

**Contact Officer:** Julian Fowgies, Arboricultural Manager  
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**Chief Officer:** Nigel Davies, Executive Director of Environment & Community Services

**Ward:** Borough wide

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1. Reason for report

- 1.1 Currently LBB does not have a Tree Strategy. The proposed Strategy document sets out the responsibilities for tree owners in the public and private realm, whilst highlighting the benefits of trees to the borough and best arboricultural practise. At the heart of the Strategy are 25 draft Policies which set out how Bromley will manage its tree resource and those protected by the Council for the next 4 years.
- 1.2 This report outlines the action that will be taken using the one-off funding of £250k for tree planting and maintenance initiatives.
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2. RECOMMENDATIONS

The Portfolio Holder for Environment is recommended to:

- 2.1 Adopt the Arboricultural Strategy and Policies as outlined in the report; and
- 2.2 Delegate authority to the Executive Director for Environmental & Community Services in consultation with the Portfolio Holder for the Environment, to draw down the £250k earmarked reserve as required, enhancing the environment through the maintenance of trees and the replacement of those that have been lost.

## Corporate Policy

1. Policy Status: New Policy: 25 Tree specific policies (see strategy document: Policies, page17)
  2. BBB Priority: Excellent Council Quality Environment Safer Bromley Vibrant, Thriving Town Centres
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## Financial

1. Cost of proposal: £250k
  2. On going costs: £683k
  3. Budget head/performance centre: Tree Maintenance and Earmarked Reserve for Member Initiatives
  4. Total current budget for this head: £683k and £750k
  5. Source of funding: Existing revenue budget for 2016/17 and Earmarked Reserve for Member Initiatives
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## Staff

1. Number of staff (current and additional): 4ftes
  2. If from existing staff resources, number of staff hours: N/A
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## Legal

1. Legal Requirement:
  - Highways Act 1980
  - Occupiers' Liability Act 1957 & 1984.
  - The New Roads and Streetworks Act 1991
  - Health and Safety at Work Act 1974
  - Wildlife and Countryside Act 1981
  - The Town and Country Planning Act 1990

Non-Statutory - Government Guidance Common sense risk management of trees - Guidance on trees and public safety in the UK for owners, managers and advisers

2. Call-in: Applicable
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 300,000 approximate Bromley residents.
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? **No**
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

- 3.1 Bromley's Tree Strategy has been prepared in response to National, Regional and Local policy frameworks that necessitate the creation of borough wide tree strategies and accentuate the importance of protecting, maintaining and enhancing trees and woodlands. An overarching principle of existing policy is the ideology that all Bromley's trees and woodlands, both in public and private ownership, should be considered as a single 'urban forest'.
- 3.2 This Strategy considers the benefits and importance of maintaining trees, reviews the existing Policy framework and examines the Borough context including the ownership of Bromley's trees. This draws attention to the legal 'Duty of care' that requires both Council and private tree owners, to minimise the risk to people and property resulting from trees on land in their ownership and/or management. Also highlighted are the challenges that trees face in the built environment, as well as the importance of protecting trees, ensuring the Borough's many woodland and conservation sites are continued to be managed consistent with best practise, whilst seeking opportunities for further development.
- 3.3 This will be achieved with the implementation of 25 policies (Appendix 1) with which Bromley sets out how it will manage the publicly owned tree resource as well as protecting and seeking to enhance trees and woodlands in private ownership. The background information and discussion in Sections 2 -5 (Appendices) provides the understanding and justification for the vision, objectives and policy of the document.
- 3.4 The success of this document will rely upon and be monitored by the completion of actions and accomplishment of performance measures. The Council's Trees and Woodland Team will report annually on key performance indicators and any notable issues.
- 3.5 Council on 22 February 2016 approved that an amount of £250k be set aside as a one-off initiative to enhance the environment, particularly to help with the maintenance of trees and replacing those that have been lost.
- 3.6 As outlined in the Strategy and in particular the 25 policies, the £250k will be used as required to enhance the environment; helping with the maintenance of trees and replacing those that have been lost, including, but not limited to:
- New tree planting
  - Additional pruning
  - Protecting and enhancing the boroughs biodiversity and woodland
- 3.7 The Portfolio Holder is therefore asked to delegate authority to the Executive Director for Environmental & Community Services, who will, in consultation with the Portfolio Holder, draw down the £250k earmarked reserve as required.

### **4. POLICY IMPLICATIONS**

- 4.1 Formal adoption of 25 tree specific policies.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 On 22<sup>nd</sup> February 2016 Full Council approved the setting aside of £750k as one-off funding for Member Initiatives.
- 5.2 This report seeks approval to release £250k of these funds to the Executive Director E&CS (through delegated authority), for additional tree maintenance, new tree planting and enhancing woodland.

- 5.3 Ongoing maintenance costs, if any, will be contained within existing budgets.
- 5.4 Details of actual spend will be reported to Members in future budget monitoring reports.
- 5.5 The works relating to the Tree Strategy will be undertaken using the existing 2016/17 revenue budget of £683k and any one-off funding that is secured.

**6. LEGAL IMPLICATIONS**

- 6.1 Statutory obligations dictate how the Council must manage trees that are within areas of its control; these are principally the Highways Act 1980 and the Occupiers' Liability Act 1957 & 1984. Statutes such as The New Roads and Streetworks Act 1991; Health and Safety at Work Act 1974 and the Wildlife and Countryside Act 1981 govern how contractors working within the Borough must operate. The Town and Country Planning Act 1990 places a duty upon the Council to assess the impact of tree loss within the Borough; where the loss is likely to have a significant impact upon the local and wider landscape the Local Authority must consider protecting trees through the Tree Preservation Order (TPO) process.

<b>Non-Applicable Sections:</b>	Personnel
Background Documents: (Access via Contact Officer)	

## Appendix 1

### Summary of policies:

#### 1: Tree Removal

Trees will only be removed where there is a risk to public safety or damage to property or with the aim of good arboricultural practise.

#### 2: Criteria for Tree Pruning

The Council will prune trees for the following reasons only: where there is a risk to public safety; to abate an actionable nuisance; to mitigate the risk of building subsidence; and for accordance with good arboricultural practice.

#### 3: Managing Expectations

To ensure clarity and manage customer expectations the Council will highlight some of the reasons frequently used to justify pruning/tree removal that are considered beyond its responsibility.

#### 4: Tree Planting

The Council will seek to plant at least one tree for every tree it removes.

#### 5: Excavations and Utility Companies

When undertaking excavation works near to street trees all Council operatives and private contractors will be required to adhere to the guidelines as set out in the revised National Joint Utility Guidelines: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG 4, 2007, unless otherwise formally agreed with the Councils Tree Team.

#### 6: Cross over applications

The Council will consider tree removals associated with cross over applications only where the outcome is supported by good arboricultural practice. The applicant will be expected to fund the removal of the tree and pay compensation for its loss. The level of compensation will be calculated using the CAVAT (Capital Asset Valuation for Amenity Trees) valuation system.

#### 7: Managing Trees and Subsidence

The Council will continue to manage its tree stock to minimise the risk of tree-related subsidence, whilst maintaining a healthy and sustainable tree stock. Location and species for new tree planting will be selected to minimise the risk of future tree-related subsidence.

#### 8: Phased Removal Programme

Where trees come in to conflict with the footway, highway or properties the Council will seek to remove individual specimens which cannot be maintained in a sustainable fashion.

#### 9: Damage to Council Trees: Prosecution and Compensation

The Council will prosecute anyone found to be damaging or pruning its trees without permission or disposing of tree waste illegally, and where appropriate apply the maximum penalty.

#### 10: Encouraging Biodiversity in Parks and Green spaces

The Council will seek to maintain a diverse range of species and age structure and will promote planting of native species, of local provenance where possible, in particular where appropriate to the park, character and the relevant park management plan.

#### 11: Woodland Cover

The Council will protect and enhance the Borough's woodland. Total woodland cover within the borough will be maintained at the existing level or increased.

#### 12: Tree Management in Local Authority Controlled Educational Sites

The Council will continue the survey of trees on Local Authority education land.

#### 13: Tree Inspection Programme

The Council will adopt a new tree inspection programme as set out in the Tree Risk Management Strategy (Appendix 1).

#### 14: Programme of Tree Maintenance

The Council will continue to issue a proactive programme of tree maintenance linked to the tree inspection programme.

#### 15: Emergency Call out Service

The Council will continue to provide a 24 hour call out service in order to respond to emergency situations on Borough managed land and highways.

**16: Encouraging Best Practise in the Management of Trees on Private Land**

The Council will encourage best practice in the management of trees on private land.

**17: Dangerous Trees on Private Land**

The Council may serve notice on the owner of a private tree if it is considered to present an unreasonable risk to the public. If remedial work is not satisfactorily undertaken, the Council can undertake the necessary work to mitigate the risk and recover the costs from the tree owner.

**18: Protecting Privately Owned Trees**

The Council will seek to ensure, through the use of current Tree Protection Order (TPO) and Conservation Area legislation, that trees of particular amenity value are protected.

**19: Trees and Development**

Planning applications for new development will require compliance with development management policy which seeks to retain existing trees within a development site and promote the planting of new trees wherever possible.

**20: Unauthorised Works Prosecution**

The Council will prosecute any tree owner who carries out or allows another to carry out on his/her behalf unauthorised works to a tree protected by a Tree Preservation Order or within a Conservation Area

**21: Supporting the Aims of the Bromley Biodiversity Plan**

The Council will seek to support the Bromley Biodiversity Plan aims and objectives through tree and woodland planting and management

**22: Supporting Partnerships**

The Council will continue to provide arboricultural support and advice to partnership groups throughout the Borough.

**23: Veteran and Ancient Trees**

The Council will promote a programme of recording and protecting veteran and ancient trees in the Borough and instigating a programme of management and succession planting.

**24: Pests and Diseases**

The Council will ensure adequate resources are available to control and contain the outbreak of known new pests and diseases, and continue to ensure proportionate resources are dedicated to the control of existing pests and diseases.

**25: Green Corridors**

The Council will continue to support its Green Corridors Initiative through external grant funding and designated planting resources, building a network of strategic green infrastructure.