



Unity Education Trust

POLICY	Tree Management Policy
STATUS/DATE OF THIS VERSION	
APPROVED BY	Board of Trustees
RATIFIED BY	
REVIEW	

This policy is operated by all the schools in Unity Education Trust (as listed below).

There may be sections that are specific to one school and these will be added by the school either as an annex or in place of yellow highlighted sections below.

Any queries about the policy should be directed, in the first instance, to the Headteacher/Head of School:

- **Beeston Primary**
- **Garvestone Primary**
- **Grove House Infant**
- **Kings Park Infant**
- **Northgate High School and Dereham Sixth Form College**
- **The Pinetree School**
- **The Short Stay School for Norfolk**

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Tree Safety Management Policy Statement

UET, as a tree owner, has a direct responsibility to ensure that its trees do not pose a danger to the public or property. To address this risk, UET has produced this Tree Safety Management Policy.

The Policy will ensure:

- An overall assessment of risk is completed to identify high, medium and low risk tree zones
- A system of tree inspections is in operation in relation to risk
- A record of trees and inspections is retained
- Systems and processes are identified that control and mitigate risks as identified from inspections
- Staff who carry out inspections are competent to do so

Operation of this Policy will enable UET to mitigate tree risks to as low a level as is reasonably practicable.

Introduction

Trees by their nature are dynamic living systems. They have evolved to cope with losing limbs, breaking apart and being wounded and they grow adaptively in response to the environment around them. Trees and woodlands can make a significant contribution to quality of life, the local economy and the environment. However, where trees and people co-exist, there is a need to ensure that a tree's natural processes do not pose a risk to the people and property around them.

Owners of trees have a legal duty of care and are obliged to take all reasonable care to ensure that any foreseeable hazards can be identified and made safe. Although it is not possible to completely eliminate the risk of a tree failing, there are often indications that a tree may be in decline, have structural faults or be suffering from decay or pests and diseases. Many of these signs can be recognised by trained inspectors who can then instigate further investigations by a qualified arboriculturist. Tree failure – failure can be defined as a decline in strength or effectiveness – in the case of trees this would be as a result of the breakage or splitting of the whole or part of a tree.

The safe and appropriate management of its trees is important to UET who want to ensure that a balance is maintained between public safety and sustaining a healthy tree population with the benefits it provides.

Some examples of the many aesthetic, social, economic and health benefits of trees are listed below:

- Trees play a vital role in urban and rural ecosystems by helping to support a great variety of wildlife
- Studies of patients in hospital found that they recovered more quickly with a view of trees and nature from their windows (Ulrich 1984). Two reports, sponsored by RSPB, published in 2004 and 2007 outlined the benefits to physical and mental health arising from contact with the natural environment. These included the reductions in obesity, heart disease, diabetes, cancer, stress, ADHD, aggression and criminal activity, amongst others
- A large beech tree can provide enough oxygen for the daily requirements of ten people
- Property in tree lined streets is worth 18% more than in similar streets without trees
- Trees intercept water, store some of it and reduce storm runoff and the possibility of flooding; a 5% increase in tree cover can reduce runoff by 2%

- Trees help to lock up the carbon emissions that contribute to global warming. For example, 1 hectare of woodland grown to maturity and looked after forever would absorb the carbon emissions of 100 average family cars driven for one year (Climate Care/Trees for Cities estimate)
- Trees have a positive impact on the incidence of asthma, skin cancer and stress-related illness by filtering out polluted air, reducing smog formation, shading out solar radiation and by providing an attractive, calming setting for recreation
- Trees can save up to 10% of energy consumption through their moderation of the local climate

The importance of trees has been emphasised by a number of Government reports including a national survey of England's urban trees and their management in 2008 entitled Trees in Towns II. In December 2011, the National Tree Safety Group released its guidance on how tree owners should approach tree safety management

National Tree Safety Group

The National Tree Safety Group (NTSG) comprises representatives from 20 organisations. These range from tree specialists such as the Arboricultural Association and the Institute of Chartered Foresters, to tree owners and managers such as the Country Land and Business Association, National Farmers Union and the Forestry Commission, to conservation organisations such as the National Trust, Woodland Trust and Ancient Tree Forum.

The aim of the NTSG is to develop a nationally recognised approach to tree safety management and to provide guidance that is proportionate to the actual risks from trees. Its national guidance document entitled Common Sense Risk Management of Trees was released in December 2011.

The NTSG guidance is underpinned by 5 key principals:

- Trees provide a wide variety of benefits to society
- Trees are living organisms that naturally lose branches or fail
- The overall risk to human safety is extremely low
- Tree owners have a legal duty of care
- Tree owners should take a balanced and proportionate approach to tree safety management

The NTSG has produced three documents:

1. Common sense risk management of trees (The main guidance document)
2. A Landowner Summary (for estates and smallholdings)
3. Managing Trees for Safety (for the domestic tree owner)

These are downloadable free from the Forestry Commission's Publications website.

UET's Tree Safety Management Policy conforms to and does not exceed the guidance recommended by the NTSG.

UET Estate

- 1.1 This Tree Safety Management Policy outlines the base level inspection regime required for trees in UET ownership.
- 1.2 1.3 The inspection of privately-owned trees within falling distance of UET property is referred to in Appendix 7.
- 1.4 UET's estate will cover all school establishments
- 1.5 UET will have a designated responsible officer whose duty will be to ensure that the correct procedures are followed to fulfil the policy requirements.
- 1.. The documents demonstrate how the inspection regime will be achieved for the land UET is responsible for.
- 1.7 Adequate records of tree inspections (as per Appendices 2 and 3) will be retained and there will be an adequate budget available for ongoing tree maintenance as a result of the inspections.

2. Planned tree inspections

Planned tree inspections will be carried out by UET Tree Inspection Officer

Level 1 Tree Inspection

This inspection procedure will be carried out at all UET sites – schools and their open spaces. The frequency of inspections is dictated by high risk zoning of schools and should take place every 12 months. The timing of high risk inspections is designed to ensure that trees are seen at different times of year, both in the winter and when in leaf. This will give a better overall indication of a tree's physiological and structural condition. The person carrying out the inspection will have attended the Level 1 Risk Management of Trees for Outdoor learning and Site management for trees on School Sites course, passed the assessment and gained the Level 1 Tree Inspection Certificate. The procedure will consist of a walked inspection of trees on a site, viewing them from all

sides and using a systematic process to look for the obvious defects that are identified in the Level 1 Tree Inspection training day.

Level 1 Tree Inspection Course

UET will ensure the provision of a Level 1 Tree Inspection Course based on the Lantra Basic Tree Inspection Course. This one-day course is designed for people with limited or no arboricultural knowledge such as land managers, highway engineers, tree wardens, rangers, premises managers, head teachers, caretakers, etc. It is also a preliminary course for tree surgeons, dedicated tree inspectors, assistant and principal arboricultural officers wishing to complete a higher level programme. There is an assessment at the end of the day. A certificate is awarded to those candidates who pass the assessment. On the course, the candidates are trained to look for obvious defects, record them, assign a hazard rating and provide a report of their findings. The types of defects that a candidate is trained to look for are detailed below:

- Fungal fruiting bodies (at the base or on the trunk and branches)
- Dieback of the crown – i.e. foliage not dense, foliage not the right colour or size
- Dead branches
- Dead trees
- Detached branches, hanging branches or branches lodged within the canopy
- Compression forks
- Cracks and splits
- Major or numerous cavities
- Dead bark
- Significant bulges
- Evidence of root damage or severance
- Presence of ivy and its significance
- “Bleeding” areas and fluxes

There can be only 3 outcomes of an UET Level 1 inspection:

- i. The tree has no observed significant defects and therefore requires no action
- ii. The tree requires a more detailed inspection, or the inspector needs further advice or clarification from a Professional tree inspector/surgeon. The inspectors will be trained to assign a priority of low, medium or high on the form so that the professional tree inspection can be programmed accordingly
- iii. The work is an emergency (such as a hanging branch over a highway or footpath or a tree in imminent danger of collapse). In emergency situations the Level 1 inspector can order the work directly with a tree contractor. Due to the wildlife and European Protected Species legislation (see Appendix 5) the work ordered must be carried out by a tree surgeon **and must include the statement in Appendix 5**. Although emergency work is exempt from the Tree Preservation Order and Conservation Area legislation, it

would be courteous to inform the relevant District Council where work has been carried out

Depending on the competence and confidence of individual employees, Level 1 Tree Inspection training may need to be refreshed. However, the skills learnt on the course will be applied regularly through inspection. It is therefore possible that refresher training will be rendered unnecessary.

3.1 Reactive Tree Inspections

In addition to the planned inspections detailed above, there are situations where reactive Level 1 Tree Inspections will be carried out. These could be routine inspections as a result of complaints, concerns and enquiries or as a result of damage to a tree or its root system from accidental or environmental causes. Please refer to Appendices 4 and 5 that detail the Council's policies on pruning and felling trees, wildlife and legal constraints.

3.2 Emergency tree inspections and High Winds

Each UET area must have a procedure in place to respond to emergency situations such as gale force winds. It will be necessary for sites to be inspected after high winds for windblown or potentially hazardous trees, particularly if the sites are not being regularly visited by officers for other reasons. **Please refer to the high winds guide on iNET and the school's website** for more information.

Procedure for Level 1 Tree Inspections

4.1 Recording of data

Level 1 Tree Inspections

When a site is inspected, the Level 1 Tree Inspector will fill in a Site Tree Inspection Form, FORM A (Appendix 2). If no trees with significant defects are found, this will be stated on the form.

Where a tree with significant defects is identified, in addition to FORM A, a Tree Defect Report Form, FORM B (Appendix 3) will be filled in. One FORM B is required for each tree with a defect. However, where there are a number of trees with defects at one site, FORM B2 (Appendix 3A) can be used.

NB. It is important Level 1 Tree Inspectors are aware of current legislation relating to trees and wildlife and Norfolk County Council's Tree Management Guidelines when carrying out their inspections (Appendices 4 and 5).

Guidelines for Hazard Ratings on FORM B and B2

The assessment of risk on FORM B and B2 is designed to give an indication of the risk posed by the defect identified to help to determine the timescale that is required for a Professional Tree Inspection. The assessment of risk in this policy is based on 3 factors. The Level 1 Tree Inspectors are asked to consider each of these factors and to rate each as high, medium or low and assign the numbers shown on FORM B and B2 to calculate the total hazard rating.

HAZARD - The size of the branch or part of the tree that is the most likely to fail and the distance it would fall.

LIKELIHOOD OF FAILURE – This is a matter of informed judgement, based on the Level 1 training and experience gained

TARGET – This is dependent on the location of the tree and the usage of the area – for example, a high target could be a tree next to a school entrance, or a tree with a bench below it.

4.2 Action

i. If no further Professional Tree Inspection is required, FORM A should be filed. The designated responsible officer for the site will ensure that all inspection forms and site

inspection information are retained for 10 years to ensure that UET has an accountable system in place

ii. Where Level 1 Inspector decides that a tree needs a professional inspection, FORM B or B2 will be completed and a copy will be sent to the Premises Team so that a Professional Tree Inspection can be carried out

iii. FORM B / B2 will be returned to the inspector after the Professional Tree Inspection has been carried out. The Inspector then needs to fill in the final section of the form, stating the date the tree surgery was completed and the name of the contractor that carried out the work. This information must be passed to the Premises Team before FORM B / B2 is filed

iv. If a tree requires emergency action that can be organised by the inspector (see examples in section 2.5iii), FORM B or B2, should be filled in accordingly showing the actions that were taken. The work must be carried out by a contractor who is listed on Norfolk County Council's Framework for the Maintenance and Cutting of Trees, Grips and Hedges (see Appendix 4, Section 5) and the works order must contain the statement in Appendix 5xii. FORM B / B2 must show the name of the tree surgeon that carried out the work and the date it was completed. This information must be passed to the Arboricultural and Woodland Officers either by phone or email before FORM B / B2 is filed. It will then be entered onto the tree database for audit purposes.

Appendix 4

UET's Tree Management Guidelines

Tree Management Objectives

UET will: -

- Protect, maintain and enhance Norfolk's tree population as part of the wider green infrastructure, for the benefits it provides to residents and visitors.
- Increase awareness of the values of trees
- Encourage best industry practice through planning legislation and adherence to the relevant British Standards and National Guidelines
- Support real jobs in local businesses by promoting local tree surgery companies

1. Felling

No live tree is to be cut down without seeking agreement with the Premises Team. UET will retain trees for as long as possible where it is safe to do so and will avoid felling trees unless it is absolutely necessary. Each case will be carefully judged on its merits. Tree felling will not be permitted for individual healthy trees of amenity value unless there is very clear justification for the work.

Felling is unlikely to be recommended in the following circumstances

- i. To improve television or internet signals
- ii. To improve the energy capture of solar panels
- iii. To allow more light into properties
- iv. Due to nuisance caused by honeydew from aphids
- v. Due to nuisance caused by falling leaves, flowers or fruit
- vi. Due to nuisance caused by pollen
- vii. Due to nuisance caused by bird droppings
- viii. Due to minor structural damage to non-supporting structures such as garden walls
- ix. Where tree roots have entered sewers (tree roots rarely break drains, but roots will enter a broken or damaged drain)
- x. To allow the construction of a new access or driveway to a property
- xi. If the tree is considered by a member of the public to be too big or too tall

The following are situations where felling **may** be recommended:

- xii. A dead, dying or dangerous tree that is a danger to public safety
- xiii. A tree causing an obstruction to a public highway, public right of way, access to property or footpath, where the obstruction cannot be overcome by pruning the tree or other reasonable measures
- xiv. A tree causing a legal nuisance to an adjoining property, where pruning would not address the problem. A "legal nuisance" is one that is actionable in law and a tree

cannot be a “legal nuisance” to its owner. Felling is acceptable only when the nuisance is severe and where pruning would not remedy the problem

v. A tree which is shown to be a major contributor to soil shrinkage and serious structural damage to buildings, where pruning alone would not provide a solution. Damage to walls or paving is generally relatively minor and removal of the tree would not necessarily be acceptable. Structural problems must always be carefully investigated, particularly where there is the possibility of a potential claim against the Council. Private owners who consider that Council owned trees are causing damage to their property will be expected to provide an independent Structural Engineer’s Report that demonstrates that a particular tree is causing damage

xvi. A tree which is clearly of a size and species inappropriate to its location

2. Replanting

i. Any tree that is felled must be replaced with one or more new trees of an appropriate species. The number of replacements will be at the discretion of UET but would generally follow the rule of a 1 for 1 replacement of young and semi-mature trees, 2 for 1 for medium sized trees and 3 or more replacements for mature trees. The species and location are to be agreed with the Trust PHS Committee. The new tree or trees do not have to be replaced in exactly the same site as the original. This will depend on the site characteristics and usage and the presence of services above and below ground.

ii. The replacement tree will receive at least 3 years’ establishment maintenance to include formative pruning, stake and tie adjustment, weeding and at least 2 years watering.

iii. iv. All tree planting and young tree maintenance will be specified in accordance with the British Standard BS8545 (2014) Trees: from nursery to independence in the landscape

v. Where the removal of trees or hedges has been approved to facilitate a development, the developer will be expected to provide a landscape plan showing adequate mitigation planting and a 5 year planting and maintenance specification in agreement with the Premises Team

vi. UET encourages planting of native trees and trees of local provenance where appropriate, particularly in rural areas and on designated sites. However, resilience to climate change and pests and diseases will be an increasing consideration when selecting planting stock. It will be important to diversify the number of genera within tree populations to ensure that new diseases that attack a particular species or genus (such as *Chalara fraxinea* - Ash Dieback) do not decimate a whole area. Reference tools are available to help landowners make their tree populations more resilient such as the Forestry Commissions Ecological Site Classification Decision Support System (ESC-DSS). These tools can be used by the County Council to assist in species choice

3. Tree pruning

Pruning trees will not be carried out if it is not necessary, since any cutting can weaken the tree and allow decay organisms to enter exposed and vulnerable tissue. Over-pruning of a healthy tree will usually cause it to respond by producing vigorous new growth. In certain species the harder the pruning, the more vigorous will be the re-growth. Older trees do not tolerate pruning as well as younger ones and substantial pruning can be very damaging particularly in species which are not naturally tolerant of cutting.

Tree pruning will not be permitted where the tree is of high amenity value and there is no justification for the work. Work will also be resisted if the tree has been pruned during the previous 2 years, unless there are special circumstances. As with felling, each case will be carefully judged on its merits.

The following are situations where pruning works are likely to be recommended:

- i. Where tree branches are causing an obstruction to or growing low over a public highway, public right of way, footpath, access to a property, over gardens or open spaces where the public have access. Generally, a minimum clearance of 2.4 metres will be maintained over pedestrian accesses and 5 metres over the highway
- ii. Where trees are causing an actionable nuisance to an adjoining property (e.g. physically in contact with buildings, roofs, walls and fences)
- iii. Where it is proven that trees are contributing to soil shrinkage and structural damage to adjacent buildings or other built features, where it is felt that pruning is appropriate to restrict the size and moisture demand of the tree
- iv. Where trees restrict repairs and maintenance of property, or authorised construction work
- v. Where trees give rise to justifiable fears about the risk of crime or where trees have provided access and/or cover for criminal acts, vandalism and harassment of local residents
- vi. Trees growing close to and likely to obstruct or interfere with street lighting and other services equipment
- vii. Where trees obstruct highway and other signage or are likely to do so
- viii. Where trees obscure sight lines at road junctions and accesses
- ix. Where trees obstruct essential police or council-monitored CCTV surveillance cameras or are likely to do so
- x. Where trees need formative pruning to ensure the desired form and to correct structural faults
- xi. Where trees require removal of diseased material and removal or stabilization of dead wood

- xii. Where trees require pruning to remedy storm damage, mutilation or vandalism to make them safe and encourage a good crown structure

xiii. Where coppicing or similar silvicultural operations are required to maintain or develop woodland or groups of trees in accordance with an agreed management plan

3.1 Standard of Pruning

All pruning of UET's trees will be specified and must be carried out in accordance with British Standard BS3998:2010 Tree Work Recommendations.

3.2 Timing of pruning

Research has shown that it is better to avoid pruning at times when trees are expending the most energy at bud burst and leaf fall. Due to the number of trees that will require pruning in a year and taking account of wildlife legislation (Appendix 5), this may not always be achievable for all of UET's trees. However, where trees are particularly vulnerable, the timeframe for pruning can be adjusted. Certain species such as maples and birch bleed when they are pruned in late winter to early spring. Although bleeding is not thought to be immediately detrimental to the health of a tree, repeated bleeding may reduce vigour, so pruning at this time should be avoided. Walnuts also have a tendency to bleed profusely when pruned and are best pruned in summer when they are in full leaf. Trees in the Rosacea family, particularly cherries and plums, are susceptible to a fungal disease called Silver leaf (*Chondostereum purpureum*) that can cause death of branches and often the whole tree. Infection is via fungal spores landing on pruning wounds. These trees are therefore best pruned in the summer when spore numbers will be at their lowest.

3.3 Height Reductions and Topping

UET will not specify height reductions of trees unless required to ensure the structural stability of a tree that has sustained damage or has root or branch decay that would lead to failure. "Topping" to reduce the height of trees is considered bad practice as it creates large diameter wounds that decay down into the main branch structure. Many species such as beech and birch do not tolerate such heavy pruning and are likely to fall into serious decline or die as a result. If trees survive topping, they tend to produce a large amount of re-growth to restore their energy production through the leaves. The re-growth is often crowded and has weak attachment points and tends to break when it is windy. This increases the risk posed by the tree and increases the amount that has to be spent on maintenance into the future.

The International Society of Arboriculture has produced the guideline entitled 'Why Topping Hurts Trees'

3.4 Pollarding

This is the practice of removing branches at a set height above ground level (often 4 to 6 metres) to promote a dense head of foliage. In the past, the re-growth was used either as animal fodder or wood, depending on the length of time between cutting. The height of cutting prevented grazing damage of the new growth. True pollarding is a practice that

has to be carried out to trees from an early age; however, similar growth forms can be created by cutting or topping older trees, but can lead to decay as stated above.

4. Root pruning

- i. No root pruning is to be carried out without full consultation and agreement with the Premises Team. Cutting tree roots is highly undesirable and root pruning will only be agreed if all other alternative options have been considered and that pruning will not compromise the health and structural integrity of a tree. Pruning of buttress and main supporting roots can make a tree unstable. Severance of more than 30% of a tree's root system is likely to cause slow dieback and eventual death of a mature tree
- ii. Where a tree root is causing damage to a footway and repairs are necessary, the path level should be raised to accommodate the tree roots. Where repair cannot be carried out by building up the footpath to remove the trip hazard, the Premises Team must be consulted so that a solution can be achieved that will not compromise the tree's structural integrity
- iii. If agreed with the Premises Team, root pruning must be carried out by a tree surgeon
- iv. Although removal of roots less than 25mm in diameter is acceptable, removal of a substantial area of these roots around a tree will adversely affect its ability to take up sufficient water and nutrients to maintain its health. Therefore, under these circumstances, guidance must be sought from the Premises Team

5. Tree Contractors

- i. It will be stipulated on all tree works orders that the tree pruning must be carried out in accordance with BS 3998:2010 Tree Work - Recommendations. In rare cases where this is not achievable, the Premises Team will specify how the pruning should be carried out
- ii.

6. Wildlife and Biodiversity

- i. Veteran trees on UET owned land will be identified by the Tree Inspection officer. Details will be sent to Norfolk Biodiversity Information Service (NBIS).
- ii. Dead trees – where the risk posed is low, dead trunks that are upright and stable will be reduced and retained as wildlife habitats to promote biodiversity.
- iii. Where feasible, felled trunks will be left in situ on the ground
- iv. The removal of dead wood from a tree will be specified when essential for health and safety reasons. Where possible it will be recommended that dead branches are stabilised by shortening them to a point where they no longer pose a risk so that they can be retained as a wildlife habitat
- v. Where site conditions allow, deadwood should be left on site below the tree
- vi. Where possible branch wood will be retained on site and left stacked or in habitat piles for wildlife

vii. Pruning cuts to benefit wildlife will be specified where appropriate, for example in woodlands and natural areas. Contractors will be asked to carry out coronet cuts or allow natural tears to branches and standing stumps to encourage decay

viii. Cable bracing may be specified to reduce the risk of harm where a tree may have the potential to fail due to compression forks or decay. Non-invasive cabling techniques will be recommended in the majority of cases. Cable bracing is an expensive option that does not remove the risk of tree failure and will usually only be recommended where a tree merits retention due to its cultural, wildlife or landscape value

ix. Ivy is beneficial for wildlife and biodiversity but obscures potential structural defects. Therefore, when it is growing on trees that need to be inspected its removal will be recommended.

7. Biosecurity and New Pests and Diseases

The threat to our forest and woodland health from pests has never been greater. Trees and plants can be susceptible to a range of pests and diseases and only a small proportion of these are controlled under plant health legislation. Pest outbreaks can have serious implications for the impact on tree cover and ecosystem services provided by trees. In addition, there are cost implications for tree owners in terms of inspection, containment, control and eradication procedures.

Pests can be transported in material like soil or plant material or even casing or packaging. Some microscopic organisms are dispersed in water so the risk that these may be transmitted increases when conditions are wet. Fungal spores can be carried long distances in wind currents.

When a major pest or disease outbreak occurs it is likely to impact on everyone involved. For example, movement around the countryside may be restricted, operations and inspections could be stopped or extra work required responding to the crisis.

UET currently has no contingency procedure in place for a major pest and disease outbreak; however, advice should be taken from National Guidance issued and from Defra and the Forestry Commission.

The biosecurity measures recommended by the Forestry Commission will be adhered to

Appendix 5

Wildlife Legislation relating to trees

- i. Before any tree work is carried out, an assessment will be made to determine whether a tree is likely to support European Protected Species (EPS), designated under the Conservation of Habitat and Species Regulations 2010 (referred to as the 'Habitat Regulations'), or protected under British law. The assessment to check for signs of protected species will be made by the Tree Inspection Officer. This will be based on current advice and training from Natural England, the Bat Conservation Trust (BCT) and the Forestry Commission
- ii. All 17 species of British bats are European Protected Species (EPS), of these 14 species are present in Norfolk and most can roost in trees. They are protected under Section 9 of the Wildlife and Countryside Act 1981 and Regulation 41 of the Habitats Regulations 2010. Guidance from Natural England on bats can be found at <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>
- iii. The Habitats Regulations 2010 make it an offence to capture, kill or disturb an EPS, or to damage or destroy their breeding site or resting place, either deliberately or accidentally. According to the law, people carrying out pruning or felling of trees should be aware of the possibility of the presence of EPS and any disturbance or harm caused will be an offence. Note that bat roosting sites are protected even when no bats are present
- iv. Other species listed as EPS that could potentially use woodlands and trees in Norfolk are great crested newt and otter
- v. All wild birds in the UK, including their nests and eggs, are protected under the Wildlife and Countryside Act 1981. Some species have additional protection when nesting, for example barn owls. More information about the legislation can be found on the RSPB website
- vi. The British Standard BS8596:2015 Surveying for Bats in Trees and Woodland gives up to date best practice guidelines. Practical guidance has also been developed by the Forestry Commission, the Bat Conservation Trust and Natural England for woodland managers and operators on how to conserve EPS and how to modify operations to reduce the risk of anyone committing offences under the wildlife legislation. If activities cannot be modified, an EPS licence can be obtained from Natural England to carry out woodland operations that fall outside the Good Practice Guidance

Best Practice Guidance for UET

- vii. Data sets of EPS in Norfolk can be obtained from the Norfolk Biodiversity Information Service – email enquiries.nbis@norfolk.gov.uk Website www.nbis.org.uk.

viii. If possible, medium and low priority tree work should be done outside of the bird nesting season. The main nesting season is between 1 March and 31 July. If nests are known to be present, work should be delayed until the chicks have fledged. Where a tree is imminently dangerous, interim remedial works to make a tree safe or fencing a site or tree off may be acceptable to reduce the risk until fledging has occurred

ix. The optimum time to carry out tree work to avoid nesting birds and to avoid periods when bats are vulnerable is between September and November

x. Tree Inspection Officer will assess potential for bat roosts in trees and will refer to current records held by NBIS and BS8596:2015

xi. All tree surgeons will also be aware of the signs to look for to determine if bats are using a tree. However, bats may offer little or no evidence of their occupation

xii. The following statement must be attached to any emergency work order

“Before any work is carried out, UET requires that an assessment is made by the tree contractor as to whether there is the potential for the tree or the part of the tree affected to be used by nesting birds or a European Protected Species, particularly bats.

If birds are nesting, work must cease until the chicks have fledged.

If bats are found, or if there is evidence of a roost (e.g. the presence of urine staining), the Emergency Bat Helpline number must be called immediately – 0345 1300 228. UET Premises Team must also be notified so that agreement can be reached on how to deal with the situation.

Where a tree is imminently dangerous, interim remedial works to make a tree safe or fencing a site off may be acceptable to reduce the risk temporarily.”

Appendix 6

Guidance on other legislation relating to trees

Before any work is carried out to a tree, it must be ascertained whether the tree is covered by a Tree Preservation Order (TPO), is within a Conservation Area or has conditions associated with a planning application. This information is available from the District Councils, although Norfolk County Council's mapping browser shows the locations of Conservation Areas. In addition, the presence of protected species using a tree must be considered. If trees are to be felled it needs to be determined whether a felling licence will be required (See Section 5 below). All of this information will be checked as a matter of course by the Arboricultural and Woodland Officers when a Professional Tree Inspection is undertaken.

1. Tree Preservation Orders (TPOs)

A TPO is an order made by a Local Planning Authority (LPA). In Norfolk TPO and Conservation Area legislation are administered by the District Councils. A TPO makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the LPA's permission. It is designed to protect trees which make a significant impact on their local surroundings. The law on TPOs is in Part VIII of the Town and Country Planning Act 1990, the Town and Country Planning (Trees) Regulations 1999 and the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008. The Act must be read in conjunction with section 23 of the Planning and Compensation Act 1991 which amended some of the TPO provisions in the 1990 Act and added four new sections.

Trees in Conservation Areas

Trees in Conservation Areas which are already protected by a TPO are subject to the normal TPO controls. But the Town and Country Planning Act 1990 also makes special provision for trees in Conservation Areas which are not the subject of a TPO. Under section 211 anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the LPA six weeks' prior notice (a 'section 211 notice'). The purpose of this requirement is to give the LPA an opportunity to consider whether a TPO should be made in respect of the tree.

Useful links

More information on TPOs and trees in Conservation Areas is available on the Communities and local government website <http://www.communities.gov.uk>.

The leaflet 'Protected trees: a guide to tree preservation procedures' can be downloaded from

<http://www.communities.gov.uk/publications/planningandbuilding/protectedtreesguide>

The book "Tree Preservation Orders: A Guide to the Law and Good Practice" (2000) provides ministerial guidance on TPOs and can be downloaded from

<http://www.communities.gov.uk/publications/planningandbuilding/tposguideaddendum>

2. Hedgerows Regulations 1997

Hedgerows provide connectivity in the wider landscape, acting as wildlife corridors and are a valuable source of food, shelter and nesting sites. The Natural Environment Team provides advice to ensure hedges are managed to conserve their conservation value. Hedge cutting is carried out outside the bird nesting season and to leave seed and berries as a winter food source.

The Hedgerows Regulations protect important countryside hedgerows from being removed or destroyed. The Regulations stipulate the criteria that allow a local authority to determine whether or not a hedge is deemed to be "Important." Garden hedges are exempt from the Regulations. In Norfolk the Hedgerow Regulations are administered by the District Councils.

3. High Hedges

In 2005, High Hedges legislation (Part 8 of the Anti-Social Behaviour Act 2003) came into effect that requires everyone with an evergreen or semi-evergreen hedge to consider the affect that the height of such a hedge will have on their neighbours. High hedges covered by the Act have to:

- Consist of a line of 2 or more trees or shrubs
- Be made up mostly of evergreen or semi-evergreen trees or shrubs
- Be more than 2 metres high
- Block out light or access to a residential property

In Norfolk, it is the District Councils who deal with complaints about high hedges.

4. Felling Licences

It is unlikely that a Level 1 tree inspector will need to have detailed knowledge of felling licence legislation. It is sufficient to know that you only need a felling licence if you want to cut down trees containing more than five cubic metres of wood in any calendar quarter. There are exceptions to this rule which are set out in the Forestry Act 1967 and Regulations made under that Act. For example, you do not need a licence for felling trees in gardens. For more information, contact the Council's Arboricultural and Woodland Officers or the Forestry Commission

5. The Natural Environment and Rural Communities Act (2006)

The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on local authorities to have regard to the conservation of biodiversity in exercising their functions. The duty aims to raise the profile and visibility of biodiversity, clarify existing commitments with regard to biodiversity and make it a natural and integral part of policy and decision making. The duty extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

Section 40(1) imposes a duty to conserve biodiversity stating:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”

Section 40(3) of the Act explains that

“Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”

The County Council’s commitment to biodiversity is encompassed within the guidance of this Tree Safety Management Policy, particularly within Appendices 4 and 5.

More information on the NERC Act can be found on the Defra website

6. Sites of Special Scientific Interest (SSSIs)

SSSIs are areas of land that are considered to be of special interest for their flora, fauna or geology. Sites are designated and administered in England by Natural England. The designation is intended to protect the particular interest of a SSSI from harm by development, damage or neglect. UET would have to apply for permission to carry out any tree work in a SSSI and gain written consent from Natural England before proceeding with the work.

Planning Legislation

7. Planning Conditions

Trees, hedges and landscaping schemes may be the subject of planning conditions that require a written application for work to be submitted to the administering District Council for consideration.

8. Section 38

A Section 38 Agreement secures the development of new estate roads on private land owned by a developer. The developer prepares detailed technical drawings which often include tree planting and landscaped areas. Once the tree and landscape details have been approved by the Natural Environment Team, the drawings are added to the completed Section 38 Agreement and used to supervise the construction works. The works are carried out by the developer entirely at their own expense. This is a Legal Agreement so everything has to be well documented and researched. Any anomalies encountered, whilst construction is ongoing, require a formal amendment to the plans appended to the Section 38 Agreement. Once the roads and the tree and landscape planting have been completed to the necessary standard, and the compulsory maintenance period successfully completed, UET will adopt them.

Appendix 7

Privately owned trees

These are trees that are within falling distance of the highway or areas open to the public but are not owned by UET. These trees do not fall within the scope of UET's Tree Safety Management Policy as this inspection regime relates ONLY to those trees owned or managed by UET.

- i. The safety of trees within falling distance of the highway is covered nationally by the Highways Act 1980. UET inspector is expected to look for potentially dangerous trees that are within falling distance of the highway when carrying out their routine inspections
- ii. It is advisable for Level 1 Tree Inspectors, when looking at trees on UET estate, to take account of neighbouring trees within falling distance of UET land. They should note any trees that may be of concern to them in the course of their planned inspection.
- iii. Owners are responsible for trees on their property and have a legal duty of care. "*This duty of care is to take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property*" (NTSG 2010). Best practice advice on fulfilling this duty is available from the National Tree Safety Group (NTSG). See page 4 of this Policy for the link to download the guidance documents
- iv. As a responsible land owner, UET, through this Tree Safety Management Policy, has set up system of regular inspection and monitoring of its trees. We will encourage other large landowners to do likewise
- v. We will consider whether neighbouring trees are likely to pose any threat to members of the public. If we receive reports that a tree or trees are giving rise to concerns, we will carry out a reactive Level 1 or Professional Tree Inspection
- vi. Owners of any trees that are a potential nuisance or danger to the public or to public property will be asked to carry out remedial work. In the event of failure to carry out work, UET can use statutory powers to implement essential works and recharge the costs to the owner
- vii. UET has powers under the Highways Act 1980 and common law to ensure that members of the public are not put at risk when using its sites.
- viii. Owners of trees that are a potential nuisance or danger will be offered further advice