

<b>ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL</b>	
<b>Document Reference Number:</b>	<b>ESC/P9.0/V1.0</b>
<b>Title of Policy:</b>	<b>Tree Management Policy.</b>
<b>No of Pages (including appendices):</b>	<b>18</b>
<b>Version:</b>	<b>1.0</b>
<b>Issue Date:</b>	
<b>Policy Nominated Officer:</b>	
<b>Equality screened/Rural Impact Assessed by:</b>	<b>Kieran Cahoon</b>
<b>Equality screening/Rural Impact Assessment date:</b>	<b>15.10.2020</b>
<b>Amendment Version Issue Date:</b>	
<b>Sent out by:</b>	
<b>Approved by:</b>	
<b>Review Date:</b>	

**AMENDMENT RECORD SHEET**

Remove and destroy old pages. Insert new pages as indicated.

<b>Revision Number</b>	<b>Page Number</b>	<b>Date Revised</b>	<b>Description of Revision</b>

# **Armagh City, Banbridge and Craigavon Borough Council Tree Management Policy**

January 2019

# **Armagh City, Banbridge and Craigavon Borough Council**

## **Tree Management Policy**

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## 1.0 Introduction

This policy identifies Armagh City, Banbridge and Craigavon Borough Council's approach to the management of trees. Council accepts that it has a responsibility to manage the trees located on Council lands or those trees located on lands where council have a prior agreement in place. Council has a duty of care and legal public safety obligation in this regard. Trees growing in the Borough are vital and important, yet at the same time can be seen as a highly emotive issue both in terms of nuisance and of the benefit they provide.

Objective of the policy

- The aim of the tree management policy will be to set out Council's approach to managing the trees it has responsibility for.
- Developing and improving the trees located within Armagh City, Banbridge and Craigavon Borough Council's remit.
- Dealing with common complaints.
- Health and Safety
- The management policy is designed to balance the risks with the benefits of the tree stock.
- Conservation will be a key consideration when maintaining Council's tree stock.

The importance of working within an allocated budget is also recognised within this policy document.

## 2.0 Developing and improving the trees located within Armagh City, Banbridge and Craigavon Borough Council's Estate.

Armagh City, Banbridge and Craigavon Borough Council is committed to developing and improving the Borough's tree stock.

It is recognised that:

- Trees are essential to the creation of a globally sustainable environment.
- Trees add great beauty and character to the Borough's landscape
- Trees absorb atmospheric pollutants thus purifying the air we breathe
- Trees provide invaluable habitat for birds and other wildlife

These benefits all contribute towards making Armagh City, Banbridge and Craigavon a better place in which to live, work and visit. It is further recognised that Armagh City, Banbridge and Craigavon Borough Council should actively:

- Involve the whole community in tree care and management, where appropriate through partnership working.
- Plan the work required, following any necessary consultations.
- Develop and maintain co-operation between statutory agencies and local landowners.
- Involve voluntary groups, private householders and other interested groups when applicable.

- Manage the tree population as a vital resource for shade, wildlife value, visual screening, noise, historical value and pollution reduction, the provision of interest within the landscape and a sense of the changing seasons.
- Plant new or replacement trees in accordance with their suitability to their particular situation. Consideration should be given to the species, eventual size at maturity, local climate, soil-type, environment, potential local difficult conditions and tree availability.
- Only plant memorial trees, where previously approved by Council, in locations where they will contribute to the amenity value of the area, or increase the diversity of the local flora and fauna. Generally, applications for memorial trees will be refused where they lead to potential loss of visual amenity at recognised view points, or lead to an overall saturation of trees in a public area.

### **3.0 Nature / Conservation**

Where trees are identified or suspected as creating an important habitat for important species of wildlife, officers will consult with the conservation section on all proposed tree works. Consideration will always be given to the impact of any tree pruning or felling on local wildlife.

Consideration will be given to minimise the impact upon local wildlife where tree maintenance works are scheduled to take place. Council's conservation section will provide a competent person to assess the site and provide advice.

Dead wood may be left standing or on the ground in habitat piles wherever appropriate.

Trees which are protected by a Tree Preservation Order will require Planning Service consent before any works are considered. Before authorising any tree works contact should be made with the Local Planning Service and if any TPO's do apply then planning consent and permission must be obtained.

### **4.0 Health and Safety**

The aim of the tree management policy will be to set out Council's approach to managing the trees it has responsibility for. This will include a health and safety regime through managing tree associated risk.

Council may appoint contractors to conduct tree services. Contractors will be required to adhere and comply with the Council's code of conduct for contractors.

The management of trees in locations with a large footfall of people will be prioritised for the purposes of health and safety.

### **4.1 Objective**

To provide a management framework whereby managers in Armagh City, Banbridge and Craigavon Borough Council will identify work programs in order to manage the tree stock.

## **4.2 Strategy**

Armagh City, Banbridge, Craigavon Borough Council will manage the risk from trees by creating an annual list of tree works primarily identified by visual inspection and/or the use of externally sourced arboriculture inspections by suitably qualified arboricultural experts.

*An annual list of tree works will be compiled for the purposes of maintenance.*

## **5.0 Tree Management**

Tree maintenance will be carried out in line with approved budgets. Due to the size of the Council's estate it will not be possible to maintain all of the tree stock to a similar standard. The maintenance of trees will therefore be prioritised to those areas which have a large footfall of people.

### **5.1 Felling Trees**

The Council will not usually cut down healthy trees. However there are the following examples of exceptions:

- The condition or position of the tree means it must be removed for safety reasons.
- The tree's roots have damaged a path or road surface causing potential hazard, but where root pruning would not provide a solution.
- The tree stands in the way of agreed development work.
- Insurance or risk assessments dictate removal.
- A dead or dying tree that is a danger to the public/contractors/employees.

Formal written requests (to fell) should be prioritised by Managers on the basis of:

The danger or threat posed by the tree in relation to the exceptions mentioned above.

In the interest of conservation Council will consider consulting externally to obtain an expert independent opinion before felling is undertaken. Were external reports consider the tree to be in a healthy state Council may refuse the request for felling.

### **5.2 Tree Pruning**

Trees may require pruning, any cutting can weaken a tree and allow decay organisms to enter exposed tissue. Pruning often causes a tree to respond by producing vigorous new growth, often undoing the purpose of the original pruning. An exception to this will be trees requiring formative pruning to shape or train them during the early years.

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

Tree pruning will only be undertaken where there is sound justification for the work.

The following are examples where pruning will be considered:

- For the purposes of health and safety.
  - A tree that is obstructing a public highway, public right of way, paths or vehicle routes.
  - Trees interfering with street lighting, highway signage or affecting other statutory services.
  - Trees needing formative pruning to shape or train them during the early years.
  - Removal of dead and diseased branches.

When statutory agencies request permissions to conduct works. The impact of the works on the tree stock must be taken into consideration and permissions sought from Council before the commencement of works.

### **5.3 Timber Disposal**

All of the council's timber will be removed by external contractors and/or employees to an agreed storage location where it will be securely stored and disposed of annually by public advertisement. Any material left on site for the purpose of biodiversity will be agreed and approved by the manager responsible for that location.

### **5.4 Tree Planting**

The Council will actively maintain the tree stock by planting additional trees when required. This will assist the council to maintain a healthy age profile across the estate.

### **5.5 Scope**

The procedure shall apply to the management of trees which are located on Council lands or those trees located on lands where council have a prior agreement in place.

### **5.6 Records**

The site manager shall retain the following documentation relevant to their area of control.

- Maintenance records.
- Records of information, instruction and training to employees.
- Register of competent persons to inspect trees.
- Register of competent persons to carry out arboricultural works.
- Safe systems of work and risk assessments for arboriculture works.
- Register of arboricultural contractors who fulfill Council requirements for external contractual works.

### **5.7 Review**

This policy shall be reviewed periodically every 5 years or more frequently if required.

## **5.8 Audit**

This policy shall be audited as part of the internal audit system.

## **5.9 Procedure**

Tree inspections will be carried out in accordance with the following guidelines:

- Individual inspections will be carried out by suitably qualified staff.
- All internal data will be recorded and retained.
- All necessary remedial work will be carried out as soon as is reasonably practicable.
- Records of all external survey work, inspections and recommendations, etc., will be recorded and monitored.
- All emergency situations shall be considered individually, assessed and actioned appropriately.
- Should Council require the services of an external arboricultural expert they must be procured through the Council's procurement process.

### **Work Undertaken by other Statutory Agencies:**

Statutory Agencies will only be permitted to carry out arboriculture work on Council managed lands following approval from the Council Lands and Properties Office.

## **6.0 Dealing with common complaints**

Common complaints relating to trees include the following examples;

- Overhanging or obstructing branches
- Loss of light
- Loss of landscape views
- Interference with television and satellite reception
- Littering by leaves and fruit
- Potential risk to property
- Heave

The aforementioned neighbour related complaints are dealt with in the policy on overhanging branches as detailed in appendices 1 and 2.



## Appendix 1: POLICY ON 'OVERHANGING BRANCHES'

The Council accepts that this is a complicated area of law which is further complicated in practice by the potential management implications for Council's large estate of lands. Council has a clear responsibility for trees on its own land and has a 'duty of care' in this regard. Council have a programme of regular visual inspections of trees within its' parks and other public places.

Where branches from trees on Council land overhang adjoining gardens or properties, normal practice allows land-owners to trim or remove such branches as far back as their boundary if so desired. Council staff should inform owners of this right when appropriate or when asked.

However, when a request is received from a landowner for Council to trim back any overhanging branches, the following criteria should be considered:

- In the case of healthy trees, Council position is more 'discretionary' (although from a purely legal perspective Council do have a responsibility but with no obvious sanctions).
- The underlying logistical concern is that we should exercise such discretionary responsibilities in a controlled but reasonable fashion.
- Such formal requests (to cut overhanging branches) should be prioritised by Managers on the basis of:
  1. the risk posed by overhanging branches;
  2. the degree of loss of amenity to the residents concerned with respect to light, falling leaves, etc, and
  3. their ability or otherwise to do the work themselves.
- Where Council undertake such work officers should agree the involvement in writing and should seek permission and indemnity for Council workers or contractors working on the property from the owner(s) of that property.

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**Appendix 2: FORM OF INDEMNITY – For work carried out by Council staff/contractors on neighbouring properties**

I, .....being the owner / tenant (*delete*) of  
.....,

hereby give permission for Armagh City, Banbridge and Craigavon Borough Council to enter and use the grounds of this property for the purposes of agreed tree-cutting works.

Accepting that those staff so instructed will take all reasonable precautions to prevent any damage to my property, including lawns, flowerbeds, green houses, etc., I undertake not to claim for costs or any other expenses arising out of these operations mindful that such works are considered to be of benefit to myself, the property and my amenity.

I also certify that my house insurance covers my liability for any negligence on my part leading to injury to persons or damage to Council property whilst such works are being undertaken.

Signed..... Date: .....

PRINT NAME: .....

Signed on behalf of Council:

Position: .....Date: .....

For the purposes of record, such works are scheduled to take place on:

..... or at a time and date otherwise agreed.

## Policy Screening Form

### Policy Scoping

**Policy Title: Tree Management Policy**

**Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.**

This is a new policy which has been adopted/upgraded from a former CBC Policy. It provides for the Council's processes and guidelines for the management of the tree stock across the borough which falls under Council control.

**Intended aims/outcomes. What is the policy trying to achieve?**

The aim of this policy is to ensure that a consistent approach to tree management is adopted across the Council area and will apply to those trees stocks managed by Council.

### Policy Framework

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

N/A

**Are any Section 75 categories which might be expected to benefit from the policy? If so, please outline.**

All section 75 categories will be affected equally.

**Who initiated or wrote the policy (if Council decision, please state). Who is responsible for implementing the policy?**

<b>Who initiated or wrote policy?</b> Kieran Cahoon	<b>Who is responsible for implementation?</b> The Council is responsible for implementation
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**Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?**

Where tree preservation orders are in place these may impact upon the Policy delivery.

**Main stakeholders in relation to the policy**

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector)

Staff, members of the public and residents living adjacent to or near council properties or green spaces will be the main stakeholders affected by this policy.

**Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.**

N/A

## Available Evidence

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Evidence
Religious belief	<p>Although specific impacts on equality categories have not been identified, the following data was used to inform the policy</p> <ul style="list-style-type: none"> <li>• Customer use of Council facilities</li> <li>• Conservation input</li> <li>• Tree survey work</li> <li>• Managers experience</li> <li>• Demographic Data</li> <li>• Requests received from private landowners/ members of the public.</li> </ul>
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women generally	
Disability	
Dependants	

## Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A

Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

## Screening Questions

### 1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?

Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependents	None	None

### 2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?

Category	If yes, provide details	If no, provide reasons
Religious belief		None
Political opinion		None
Racial group		None
Age		None

Marital status		None
Sexual orientation		None
Men and women generally		None
Disability		None
Dependents		None

**3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?**

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

**4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Category	If yes, provide details	If no, provide reasons
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

**Multiple Identity**

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

N/A
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**Disability Discrimination (NI) Order 2006**

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

N/A

Is there an opportunity for the policy to encourage participation by disabled people in public life?

N/A

**Screening Decision**

**A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY**

Please identify reasons for this below

The aim of this policy is to ensure that a consistent approach to tree management is adopted across the Council area and will apply to those trees stocks managed by Council. It has a neutral impact on the equality categories.

**B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED**

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.



**C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED**

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

**Timetabling and Prioritising**

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people’s daily lives	

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

## Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring

Identify how the impact of the policy is to be monitored

The policy will be reviewed on an ongoing basis

## Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Kieran Cahoon	Outdoor Spaces Maintenance Manager	15.10.2020
Approved by	Position/Job Title	Date

Please forward a copy of the completed form with policy attached to [mary.hanna@armaghbanbridgescraigavon.gov.uk](mailto:mary.hanna@armaghbanbridgescraigavon.gov.uk) who will ensure that screening forms and policies are available on the Council website.

This officer is also responsible for issuing reports on a quarterly basis on those policies "screened out for EQIA". This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be