

A Tree and Woodland Framework for Torbay



2012 - 2017

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Foreword

A Tree and Woodland Framework for Torbay

Trees and woodlands are an essential part of Torbay's character and identity. They help to breathe life into the area, providing a welcome respite from the hustle and bustle of everyday life. They tell us of the seasons and bring us into contact with nature.

Torbay is geologically and topographically complex, and comprises urban areas of Victorian and later periods developed over ancient countryside, looking towards its most important asset- the sea. The aesthetic aspirations of our forefathers in the towns of Torbay, and their love of trees and landscape, are reflected in the rich variety of landscape types and qualities. Some of the most important natural elements of the local environment are trees. These trees help define Torbay, and add to its attraction as the foremost UK Tourist resort. Trees, whether appearing as individuals, groups or as woodlands, have a significant effect on our quality of life by providing direct and indirect benefits. All local authorities have a duty to protect significant trees for their amenity value and most, Torbay Council being no exception, manage a large number of trees both directly and indirectly.



1.



Policy context

1.1. Local

Driven by the overarching policies contained within various National and Regional policies, strategies, legislation and statute duties, the Torbay Council Tree and Woodland Framework has been written to deliver these wider aspirations to the local level.

The Tree and Woodland Framework has been written to act as both a stand alone document that defines our actions with regard to the management of our tree asset but also further and more importantly as a vehicle to link into the various local strategies and documents that are currently in place to deliver the wider green infrastructure goals of the council.

To enable a more unified and therefore effective delivery of the various disparate strategies and documents the Torbay Green Infrastructure Delivery Plan is in its final stages of completion prior to delivery.

To place the Tree and Woodland Framework into a local strategy context the following chart has been prepared.



1.2. Regional

At a regional level the Torbay framework is designed to reflect the targets set out within The London Trees and Woodland Framework. This is mainly due to the similarities in the current and predicted growth in housing density as well as the constant change within Torbay's urban grain, the relevant policy documents include 'The London Plan: Spatial Development Strategy for Greater London, July 2011' (Greater London Authority) and 'Connecting Londoners with Trees and Woodlands: A Tree and Woodland Framework for London' (Greater London Authority). The Torbay Tree and Woodland Framework has adopted the objectives of The London Plan, promoting the principle of right place, right tree. Regional Guidance includes 'Borough Tree Strategies: Guidance for Local Authorities on Producing a Comprehensive Tree Strategy' published under The London Tree and Woodland Framework. Torbay's Tree and Woodland Framework has considered the principles of The London Trees and Woodland Framework guidance and will aim to formalise a draft action plan with realistic targets and milestones.

1.3. National

Torbay Council's Tree and Woodland Framework has been updated by a wide ranging review of the relevant policies at national, regional and local levels. The review enables consistency between the Torbay framework and the overarching policies in place. The key policy documents at the national level include 'A Strategy for England's Trees, Woods and Forests' (DEFRA, 2007) and 'Trees in Towns II' (Department of Communities and Local Government 2008). DEFRA's strategy aims to ensure that there is a resource of trees, woods and forests where they can contribute most in terms of environmental, economic and social benefits. 'Trees in Towns II' promotes investment in the urban forest.

Sustainability and its development is the main national policy driver, filtering through from international policy and legislation. 'Planning Policy Statement 1: Delivering Sustainable Development' (CLG 2005) is the overarching national planning policy and the central theme of this is the delivery of sustainable development. Sustainability is pictured as a balance between social, environmental and economic development. Tree benefits encompass these three pillars of sustainable development. A linked policy driver is to reduce vulnerability to climate change and to mitigate the impacts of climate change. Trees have a significant role in carbon sequestration and the moderation of microclimates. Main policy issues set at the international scale, and reflected in national policy, include the protection and enhancement of biodiversity and ecology, landscape and cultural heritage.

2. Introduction

2.1. Why have a Torbay Tree and Woodland Framework?

Torbay Council is firmly committed to maintaining and enhancing Torbay's trees and woodlands as a vital part of the environment. As one of the UK's richest Local Authorities in terms of biological diversity, the Council seeks to ensure that its commitment to the environment is followed through with actions. The production of this document is such an action. This document's origins lie in the recognition that long term commitment and consistency are required if the Council's ambitions for environmental enhancement and protection are to be realised.

There are also important legal responsibilities associated with the ownership of trees, as in the case of Tree Preservation Orders and trees within Conservation areas; others are in the interest of best practice and health and safety. The Council has a duty of care for the trees within its ownership and therefore seeks to be a responsible manager and to maintain its trees reasonably, subject to the wide range of constraints and demands presented to them.

In view of the Council's ambitions and all the benefits that we receive from trees, as well as the Council's responsibility for tree management and protection, it is fitting for the Council to set out its approach to these issues in a framework. The purpose of this framework is to address fundamental issues by laying down the basis of management practices to ensure all those involved are working to the same basic principles. This will result in an overall improvement in the standards of tree care which will in turn result in a healthier tree population.

2.2. Framework Aims

The overall aims of the framework are to ensure the safety of Council-owned trees; maintain and encourage biodiversity; maintain and improve landscape quality; and, through these elements, to improve the quality of life for residents and visitors both now and in the future. We will achieve this by:

- maintaining and improving the tree cover for the future by taking advantage of different funding methods available;
- to reduce the number of inappropriately planted trees by their phased removal and replacement;
- encouraging the conservation, positive management and the appropriate planting of trees and woodlands within Torbay;
- promoting the importance of trees and woodlands in shaping the distinctive local character and appearance of the Torbay's coastal, urban and rural landscapes;
- recognising the significant aesthetic, landmark, ecological, cultural and historic value that trees provide;
- effectively communicating, educating and engaging with the local community over trees;
- continuing to move away from a reactive service towards the proactive cyclical management of council-owned trees using current best practice;

- managing the tree stock in accordance with good Arboricultural practice and current British and European standards;
- providing clarity over why decisions and actions are taken;
- managing any associated risk identified in line with Torbay Council's adopted Tree Risk Management Strategy, whilst balancing nuisance to persons and property against all other aims; and
- recognising the value of trees as a tangible asset.

2.3. How often will the Torbay Tree and Woodland Framework be reviewed?

It is intended that the main framework should be reviewed every 5 years and it is hoped that its appendices will continue to develop during and with each planned review.

2.4. What and who is the Torbay Tree and Woodland Framework for?

Natural resource strategies rarely work in isolation and, for this reason, Torbay Council is developing a framework of strategies and policies around how the natural resource assets on council-owned land, such as trees and woodlands, are going to be managed in the long term. This framework will provide guidance for the maintenance and enhancement of the trees in Torbay and will define the management approach required for the safe useful life expectancy for Council-owned tree stock. It will present a clear strategic aim and will explain the reasons why decisions and actions are taken through the adopted policies laid out within the framework.

The framework seeks to establish a point of reference for the public, Councillors, officers and professionally interested people to enable informed discussion and to establish a clearer, more structured approach to the issues affecting trees in the Torbay area.

3. The Benefits of Urban Trees

Trees are known to be the largest living organisms on earth, they are essential to other life and therefore their value cannot be overstated. Their longevity poses a problem though, in that their life spans are generally outside the scope of individual human expectance and there may be a tendency to think that trees last forever.

There is a substantial body of research (see Appendix 5) that supports a wide range of benefits that trees provide and bring to urban areas. These benefits have been listed and set out in categories below:

Environmental

- Reduce localised temperature extremes (The Urban Heat Island)
- Provide shade, making streets and buildings cooler in summer
- Help to improve air quality by reducing dust and particulates
- Improve environmental performance of buildings
- Help to reduce traffic noise, absorbing and deflecting sound
- Help to reduce local wind speeds
- Increase biodiversity and provide food and shelter for wildlife
- Assist in land remediation
- Reduce the effects of flash flooding by rainfall interception

Social

- Improve the quality and perception of the urban environment
- Create community focal points and landmark links
- Create sense of place and local identity
- Benefit communities socially by instilling higher public esteem and pride for an area
- Positive impact on both physical and mental health and well being
- Positive impact on crime reduction
- Improve health in the urban population

Economic

- Have the potential to increase residential and commercial property values by 7% to 15%¹
- Improve the environmental performance of buildings and therefore the economic performance through reducing heating and cooling costs
- Can provide mature landscapes that confer a premium for development sites
- Assist the appreciation of property values proportionate to their scale as they grow larger
- Creating a positive perception for prospective purchasers of property
- Enhance the prospects of securing planning permission

¹CABE Space 2005 *Does Money Grow on Trees?*

- Improve health in the urban population, thus reducing healthcare costs
- Provide a potential long term renewable energy resource
- Provide valuable timber resources.

There is increasing public awareness of the benefits listed above and the need for trees. People are beginning to place a higher priority on the environment in which they live. In urban areas this invariably means that there should be accessible recreational open spaces, tree-lined streets and woodlands within Torbay.

3.1. The Financial and Structural Value of Trees

The above lists are not exhaustive, but they clearly identify that the benefits of trees are enormous and wide ranging. In recent years there has been increased interest in quantifying these benefits and translating them into financial terms. Systems known as CAVAT² (Capital Asset Value for Amenity Trees), Helliwell³ and i-Tree Eco have been used by Torbay Council to prepare valuations of their tree stock, which can then be used to justify managing the trees as if it were a financial asset of the community; i-Tree especially being a major step forward for Torbay Council as, traditionally, the management of trees and woodlands by local authorities has been seen solely as a cost, with no acknowledgement of the financial benefits and eco-services that trees bring.

Torbay Council has carried out a detailed monetary valuation by type of benefit (five categories: air quality, energy conservation, storm water, carbon reduction), total benefits, management costs and net benefits on their trees using the i-Tree system. A detailed assessment solely of the monetary value alone on trees in Torbay using the CAVAT system has not been carried out, although it is recommended as a target for the future. The Capital Asset Value identified within the i-Tree report states “Torbay’s urban forest improves air quality by removing over 50 tons of pollutants from the air every year, a service worth at least £1.3 million annually”.

3.2. i-Tree Eco model pilot project

Trees are an integral part of our urban ecosystems found in abundance throughout streets, parks, gardens and woodlands in Torbay. They provide a myriad of services that benefit our urban communities, such as offsetting carbon emissions, improving air quality by filtering pollutants and regulating local climate. These services improve the environmental quality of urban areas as well as human health and well being.

The first step to improve the management of Torbay’s Urban Forest is to evaluate its current structure and distribution, obtaining a base line from which to set goals and to monitor any changes. By measuring the structure of the urban forest (the physical attributes such as species composition, tree density, tree health, leaf area and biomass), the functions (benefits or ecosystem services) of the urban forest can be calculated and valued.

i-Tree presents a quantitative valuation of a range of benefits delivered by Torbay’s urban forest. Using collected field data, the i-Tree Eco model⁴ and associated literature, the value of Torbay’s urban forest has been estimated and the findings

² Neilan, C. (2008). CAVAT (Capital Asset Value for Amenity Trees) full method: user’s guide, revised edition: www.ltoa.org.uk

³ Helliwell, D.R. (2008). Visual amenity valuation of trees and woodlands (the Helliwell System). Guidance Note No. 4. Arboricultural Association, Romsey.

⁴ i-Tree (2008). i-Tree Software Suite User’s Manual: www.itreetools.org

documented as a report - Torbay's Urban Forest: Assessing Urban Forest Effects and Values⁵. Torbay has approximately 11.8% forest cover made up of around 818,000 trees at a density of 128 trees/ha⁻¹, these trees represent an estimated structural asset worth over £280,000,000. The Councils base line budget per annum is currently £313.300 which equates to approximately £0.38p to spend per tree.

In addition, Torbay's urban forest provides the equivalent of £345,811 in ecosystem services annually. An estimated 98,100 tonnes (approximately 15.4 t ha⁻¹) of carbon is stored in Torbay's trees, with an additional gross carbon sequestration rate of 4279 tC/yr⁻¹ every year (approximately 671 kg ha⁻¹ yr⁻¹). This equates to £1,474,508 in storage and £64,316 in annual sequestration. Contributions to improving the air quality of Torbay total over 50 tons of pollutants removed every year, which equates to an annual estimated value of £281,495.

The values presented in the Torbay i-Tree study represent only a portion of the total value of the urban forest found within Torbay because only a proportion of the total benefits have been evaluated. Trees confer many other benefits, such as avoided energy costs for cooling and heating, visual amenity, human health, tourism, ecological benefits, and other provisioning and regulating services such as the timber and natural hazard mitigation⁶, which currently remain un-quantified.

The importance of trees generally, and their association with the above benefits, will increase as the predicted effects of climate change (such as increased summer droughts and winter rainfall) become more apparent. Although there is scope to improve the approach used in the Torbay study with UK specific data, it still provides a useful indicator of the monetary value of urban trees and allows for a better analysis of tree planting costs and benefits to be undertaken. The findings should also raise awareness of the wide range of ecosystem services delivered by trees in urban areas, strengthening the case for increasing "urban greening", and promoting the sustainability of urban ecosystems within Torbay.

3.3. Trees and Climate Change

As the effects of climate change become better understood, it is becoming increasingly clear that one of the best ways in which we can make our towns and cities more hospitable over the next few decades is to increase the number, and size, of trees in urban areas. Trees have been identified as being a key element of any urban climate change adaptation strategy in England; climate change is likely to bring higher average temperatures and increasing incidents of sudden, heavy rain. Already, our cities have higher temperatures than the rest of the country due to the urban heat island effect. As the effects of climate change increase, the temperatures in our cities are likely to become more difficult to live with. In addition, sudden heavy rainfall on built-up areas will be increasingly likely to overwhelm drainage systems resulting in flooding.

Trees, however, can help with both problems. By providing shade for buildings and streets, and allowing water to evaporate through their leaves, they reduce the local environmental temperature. When it rains, tree canopies slow the rate at which water reaches the ground. This slows the rate at which the water enters the drains, giving them more time to carry away the water and so reducing the likelihood of flooding. This can be particularly effective as part of a sustainable urban drainage system

⁵ *Torbay's Urban Forest: Assessing Urban Forest Effects and Values*

⁶ *de Groot et al 2010*

(SUDS). Consequently, it is becoming increasingly understood that trees will be an important ingredient in creating successful towns and cities of the future. This is now starting to influence urban development policy at both national and local levels.

3.4. General Tree Problems

People often live in close proximity to trees, particularly in urban areas. These trees are either their own, their neighbours' or, quite commonly, belong to the Council. Inconvenience to residents can be caused by trees when they grow near dwellings. A dilemma often occurs when the tree makes an important contribution to the local environment but also causes inconvenience to those living nearby.

With any population of trees, there are a number of common sources of complaint including, but not limited to, overhanging branches, shade, leaf/fruit fall, obstruction and physical damage. Many of these problems are considered to be minor or seasonal and are considered to be social problems associated with living near trees. They can often be dealt with by prescribing the appropriate tree maintenance in order to resolve or alleviate the issue. However, sometimes the problem is a result of inappropriate species selection or poor past management and it may be difficult or impossible to resolve in all parties' favour.

Future nuisance issues can be minimized by following the principle of planting the 'right tree in the right place'. Careful consideration is given to the appropriate location of all new trees. Thoughtful species selection will also aim to select a tree which will give the greatest long term amenity and environmental benefit, while requiring minimal maintenance.

A document titled 'Tree Management and Protection: Frequently Asked Questions'⁷ has been published by the Natural Environment department and is normally, where appropriate, sent out to all enquirers upon receipt of their enquiry.

⁷ *Tree Management and Protection: Frequently Asked Questions, see Appendix 1*

4. Trees on Council Land

4.1. Council owned trees and their management

This part of the strategy sets out the Council's approach to the management of trees throughout Torbay for which it is directly responsible. Trees under the ownership of the Council are maintained on a reactive basis currently and in line with Torbay's Tree Risk Management Strategy⁸. Tree works are undertaken to fulfil the Council's 'duty of care' and, in accordance, with the management priorities of other particular services if deemed necessary.

Tree management encompasses the co-ordination of all maintenance operations to existing trees as well as new tree planting. The existing tree population is a valuable resource which requires more than just maintenance if it is to continue to provide the range of benefits that we expect. Management must include a long term view of the tree resource, providing for the future as well as for today.

There are FOUR major elements of the Council's tree population:

- **Street Trees**
These are the trees planted in pavements or road verges along the streets. They help to filter traffic pollution, provide shade for car parking and improve the overall appearance of the street scene.
- **Trees in Parks, and Open Spaces**
These are commonly the most significant trees in the area and have a profound effect on its appearance and, consequently, upon the leisure experience of users of the open space as well as for visual amenity for Torbay's residents and visitors alike.
- **Woodlands**
Torbay Council owns approximately 300 Ha (800 acres) of semi-natural woodland. Part of this resource is managed by the Council's Natural Environment department, whilst part is managed by the Coast and Countryside Trust, under a 60-year lease. These woods are managed by the Trust in liaison with the Natural Environment Officers.
- **Trees on Private land Protected under Town and Country Planning Acts**
A large proportion of both the urban and rural tree population is privately owned. The quality of private tree care is very variable and ranges from owners who are completely indifferent, to motivated but poorly advised owners, to those who take great pride in their trees and are anxious to seek the best advice and engage quality contractors to carry out required work.

4.1.1. Pro-Active management

⁸ Torbay's Tree Risk Management Strategy, see Appendix 2

An arboricultural contract has been in place since 2002. However, due to the continuous high level of enquiries and internal requests for tree work, through perceived or actual problems with trees, as well as staffing and financial constraints, a pro-active element of the contract has never been implemented. A new contract is due to start in April 2012 and will be for 6 years with a possible 2 year extended option to the winning tender.

The introduction of a pro-active based contract/contracts system within the new tender will optimise use of available resources and suit the aging tree-lined streets and parks within Torbay. The aim of a pro-active contract is to provide the best possible quality of tree population within the physical restrictions and the resources available to the Natural Environment department. It is proposed to introduce a new rotational management scheme based on Torbay being divided into the known ward areas. Each ward area will receive priority once every 5 years with urgent, cyclical or management work being carried out in the non-priority areas when required. This enables our resources to be manageable and concentrated to best effect and should ensure that all trees, that require it, receive appropriate maintenance within a 5 year cycle.

This will allow appropriate consultation and survey work to be undertaken well in advance of the work programme. In the other non-priority areas, management and cyclical work (such as recommended tree maintenance and basal growth removal) and urgent works will be carried out. It is anticipated that a large amount of tree work will be required during the first 5 year cycle in some wards. However this will stabilise when the backlog of essential work has been cleared.

In order for a pro-active tree work and management framework to be effective and in line with Torbay Council's Tree Risk Management Strategy, the Council will need to invest in the inspection of all its trees and woodlands to update its inventory of the trees currently held on the Council's tree data base system, EzyTreev.

At present, only principle highways trees and some high use parks are inspected on a set cyclical programme. All other remaining council owned trees are managed on an 'as needs' basis with no regular programme of inspections. The Council recognises it has a duty of care to ensure that trees in streets, parks and open spaces are maintained in a safe condition and it will urgently seek to secure officer time and/ or funding to allow a programme of regular inspections to take place.

As a minimum, the Council will carry out an initial assessment of all trees on principle highways, public parks and open spaces in 2012/13 to assess any potential risks and identify any works required to maintain the trees are in a safe condition. As a general management policy, Torbay Council will only undertake works identified as necessary in the interest of public safety and will not undertake the topping, thinning or felling of trees to prevent branch overhang, the accumulation of leaves, seeds or minor debris, where the trees in question would not require any work normally.

4.1.2. EzyTreev database

It has been clearly identified within the Natural Environment department that there needs to be a comprehensive inventory of Council-owned trees with a clear line of communication between the tree inspection regime and the tree works ordering system. The system comprises of a proprietary central electronic database, EzyTreev. The EzyTreev Management System is a comprehensive computer programme which enables tree inspectors to record and store all inspections and

public enquiries with a clear audit trail. Information is recorded against individual trees or groups irrespective of whether works are specified or not. All inspections are supported, where possible, by photographic evidence which is attached to the specific tree inspection data field for future reference.

All enquiries when received are inputted into the EzyTreev system and then acknowledged with a pro forma letter and the leaflet Tree Management and Protection: Frequently Asked Questions (FAQs) (see Appendix 1). The initial acknowledgement letter sent, and any further correspondence from EzyTreev to the enquirer, has been designed around the Tree Risk Management Strategy and the FAQs leaflet. If the officer feels that the matter has been addressed by the FAQs, the Council will consider the matter concluded.

4.1.3. Permit to work

Torbay Council receive numerous enquiries and requests from domestic and business holders, service providers, statutory bodies and their agents, to undertake pruning and removal works to trees and shrubs within or on parks, open spaces and highways for a variety of reasons. The Council will consider these enquiries against the criteria laid out in the “Tree and Woodland Framework” which highlights the management policies adopted by the Council.

It is however not always possible for the Council to allocate sufficient funding to undertake all the works that are requested and that are not considered being statutory requirement. The Council’s permit to work allows remedial works to be undertaken by the enquirer if they are funded externally and carried out by a qualified council-approved arboricultural contractor.

4.1.4. Policies for General Tree Management (T)

These individual policies for General Tree Management below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

| | |
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| Policy T1 | To ensure the effective implementation of policies in this framework the Council will allocate appropriate resources specifically for surveying, arboricultural work including tree planting and, where possible, seek external funding through partnerships or grant schemes. |
| Policy T2 | The Council will ensure that the tree population continues to be protected developed and enhanced where appropriate. |
| Policy T3 | The Council will aim to provide a sustainable, high quality tree population. |
| Policy T4 | The Council will aim to encourage and enable better understanding of the management of trees in order to promote greater community pride and awareness of the tree stock. |
| Policy T5 | The Council will aim to maintain the highest possible standards of tree care and management in order to act as an example of best practice for others to follow. The Council will ensure tree works will be carried |

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| | out to current Best Practice standards BS: 3998 (current version) and the European Tree Pruning Guide. |
| Policy T6 | The Council will take reasonable steps to fulfil their obligation to ensure the safety of people and property. Trees will be inspected in accordance with the Tree Risk Management Strategy. |
| Policy T7 | The removal of trees, and the carrying out of inappropriate or damaging works to trees, will be restricted unless there are sound safety or arboricultural reasons to indicate otherwise. |
| Policy T8 | The Council will seek to deter any damage to its tree stock by investigating and testing initiatives to reduce vandalism to trees and, where council-owned trees have been damaged, the Council will seek to recoup the cost of reinstatement and replacement and, where appropriate, report criminal damage. |
| Policy T9 | Opportunities will be sought for planting additional trees within the borough with a preference for large maturing species wherever space and ground conditions permit. Species selection for new planting will avoid species likely to be intolerant to climate change. |
| Policy T10 | The Council will carry out an initial tree survey of all council-owned and managed trees so that the collected and up-to-date information can be used to manage the tree resource in a planned and efficient way, which allows for the development and implementation of long term management plans, work schedules and the prioritisation of tree work. |
| Policy T11 | The Council will seek to ensure that tree and woodland planting and management contributes to the overall biodiversity of the borough and will ensure that it is not detrimental to the aims and objectives of Torbay's Biodiversity Action Plan. |
| Policy T12 | The Council will seek to support Biodiversity Action Plan aims and objectives through tree and woodland planting and management. In particular, new planting will be used to create and strengthen urban and rural wildlife corridor links across the Torbay. |

4.2. Street Trees

Trees planted along streets are very important features and help to define and frame the streetscape giving visual identity whilst also enhancing the street scene. The character of the scene varies between different parts of Torbay depending on the period of development, the species of trees planted, and management techniques used.

The importance of street trees should not be underestimated. People in Torbay will come into contact with street trees more often than trees planted in other locations. Often, they are the only significant vegetation growing in streets. Unfortunately, the visual amenity provided by street trees is often only truly appreciated when a tree is pruned heavily, or removed, and the difference is noticed.

The particular benefits that street trees provide include:

- Enhanced quality of life for people living and working in Torbay through promoting a sense of well-being and so promoting health
- Increased privacy in residential roads and gardens through screening
- Increased local property values: a survey of any Estate Agent's window will often show more expensive properties being in "tree-lined streets"
- Providing shade for car parking
- Provide habitat for urban wildlife
- Historical importance – many of Torbay's street trees are from Victorian design
- Linking areas of green space
- Filtering airborne dust and traffic pollution
- Reducing temperature extremes at street level
- They absorb some traffic noise.

4.2.1. Highways maintenance works

There can be a significant conflict between the need to manage the Council's highway infrastructure and the need to manage the Council-owned trees, as work often requires excavation and construction within the root zone of trees.

Street trees are often already subject to a poor rooting environment as a result of the intense pressure for space from constraints such as underground cables and pipes, traffic, buildings, street lights, road signs. In addition, the limited space is often polluted by car emissions, road salts, oil and other pollutants that challenge the tree's survival. Despite all of this, trees can and do survive, although with a more limited safe useful life-expectancy and with varying degrees of success.

Maintenance of the highway, service routes and street furniture is an ongoing process in Torbay and is undertaken by a number of different parties including utilities companies and the Council's Highways department, joint venture partner and contractors. Such works are essential for both economic and social needs. Where these works are planned, the Council will provide advice and recommendations, referring to published guidance, on the most efficient methods to avoid damage to trees. The Council will endeavour to make all utility companies and their contractors aware of the revised version of National Joint Utilities Group: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG4) and will expect compliance with the guidelines.

In order to maintain the quality of Torbay's street trees, it is important that any damaged trees are either removed; replaced or appropriate remedial works are undertaken. Costs will be recovered from the organisation responsible for damaging the tree to cover the cost of remedial works or removal and replacement.

4.2.2. Cyclical Maintenance programme

It is important that the Torbay's street trees are effectively managed to ensure that they continue to deliver positive benefits to the character and quality of life in the borough both now and in the future. At the same time, the potential for damage and nuisance caused by street trees needs to be recognised and appropriate planning and management measures need to be put in place to ensure these issues are minimised.

Torbay Council will aim to inspect and prune trees within a 5 year pro-active management cyclical programme. All inspections will be carried out by a suitably qualified Officer employed by the Council and in line with Torbay Council's adopted Tree Risk Management Strategy. During inspections information such as species, size, condition, risk and any suitable works recommended are programmed into a tree inventory database EzyTreev. The information contained in the database is used to keep management and subject records for each individual tree. This information can be used to analyse the history of the tree for ongoing enquiries, complaints, and claims queries as well as both asset and risk management.

Torbay Councils main aim for the future is that all tree pruning recommended within a cyclical programme will be undertaken by qualified tree surgeons on a programmed ward by ward basis. Proactive, rotational management gives a fair and equitable approach as well as enabling ward members and residents advance information of tree maintenance works. Trees will not be pruned outside of the 5 year cyclical pruning programme unless there is a real risk of a health and safety issues or threat of legal action. This ensures a sound approach to management both financially and contractually.

4.2.3. Torbay Pollards

The Unitary Borough of Torbay is extremely fortunate in containing large numbers of pollarded trees within its boundaries, contributing as they do to many diverse benefits ranging from their visual and aesthetic value, as well as helping to increase biodiversity by providing food sources and valuable shelter for wildlife and even helping us in our goals of climate change mitigation.

Pollarding should not be confused with either topping or lopping which can be described as the removal of large diameter upper branches in order to reduce the height of a tree considerably. This is poor practice and usually creates large wounds, which often allow decay to invade the tree. New branches are often weak and break off after a few years. Topping looks unattractive, leaving the tree with a stunted appearance.

There is little public understanding of the meaning of what really constitutes a pollarded tree. Common definitions found in arboricultural texts refer to pollarding as the following:

Pollard - "tree that has formed a crown consisting of numerous branches arising from the same height on a main stem or principle branches"⁹

⁹ BSI Publication (2010), *Tree Work-Recommendations BS 3998:2010*

Pollarding - “cutting a tree so as to encourage formation of numerous branches arising from the same height on a main stem or principle branches”¹⁰

Our rich legacy of mature and maturing pollarded trees is mainly due to the foresight of the Victorian Torbay Town Planners who understood the importance of including trees when laying out the new suburbs. They intuitively understood that large trees could successfully coexist with residential properties, and our highways, if regularly managed by pollarding.

The aim of Torbay Council is to adopt the attached Torbay Pollard Policy (see appendix 3) in order to raise public awareness that the large numbers of pollards within the Bay should not be considered as a forgotten and troublesome legacy, but rather as a positive feature within our unique landscape that contributes to the health and well being of our population. These aims are supported by a goal to integrate the management of our pollarded trees within the needs and aspirations of the public of Torbay, in conjunction with the Tree and Woodland Framework and Tree Risk Management Strategy recently adopted, which also links into the Greenspace Strategy adopted as part of the Torbay Local Development Framework.

By developing a strategic approach to both pollard and pro-active management it will be possible to identify the resources required to implement a planned cycle of action and to maximise budgets set, grants and other possible forms of income. There is also a recognised need to increase public education of the importance and benefits of pollarded trees in our environment and also involve residents in decisions on repollarding trees in their area.

4.2.4. Tree planting

There is a general presumption by the public that when the Council removes a tree, it will replant with a new tree soon afterwards. Planting opportunities after a tree has been removed are becoming increasingly more expensive and difficult as a new tree pit not only has to contend with the underground pipes and cables but also has the aerial competition from street lamps, traffic signs, vehicle sightlines.

The Council has not had any significant dedicated planting budget for many years. Consequently it has been unusual for a new tree to be planted following the removal of a tree in recent years. Any planting that is carried out in the street is paid for by one of four methods: private sponsorship, discretionary budget fixed annually, traffic schemes or Section 106 payments through the planning system. Given the medium term financial plans of the Council, this situation is unlikely to change in the next 5 years. However, long-term future planning should consider this budgetary implication to ensure the percentage of tree cover within Torbay is not only maintained but increased.

The Council will therefore aim to maintain the number of street trees in Torbay at a consistent and sustainable level. A discretionary programme of tree planting to replace those removed will contribute to this objective. The planting season for new street trees is normally from October to the beginning of March.

In the case of newly planted trees being put back into a street scene, the maintenance and management of the tree continues for 2 years after planting. This

¹⁰ BSI Publication (2010), *Tree Work-Recommendations BS 3998:2010*

includes regular watering during the summer months and regular inspection of the stakes and ties. These inspections are undertaken outside of the cyclical maintenance survey. Once two years has passed the tree will be passed to the minimum 3 year inspection regime.

4.2.5. Phased replacement of inappropriate street trees

In some situations maintenance and associated problems of a tree are so great that removal and replacement can not only improve the environment for residents, but avoid substantial financial liabilities for the Council.

Where the problems and likely future maintenance costs are so great that appropriate pruning cannot remedy the situation, trees will be removed and replaced with a more suitable species. Trees may also be removed which are over mature and require frequent expensive maintenance, or have a reduced safe useful life expectancy and replaced with either younger trees of the same species or a more suitable species altogether

Thoughtful planned removal of unsuitable trees, or trees reaching the end of their safe useful life expectancy, and replanting with appropriate replacements will produce a more sustainable tree population that is diverse in age and species. This long term approach to street tree management will produce both short and long term improvements to the environment, reduce nuisance issues, maintenance costs and release resources to be used for other improvements within the local environment.

General street tree maintenance and highways works options to include footway ramps, root pruning, build outs and the general acceptance of the risk will all be considered first before a tree is removed. The process of identifying, recording and managing highways defects is documented within the Torbay Highways Safety manual.

Identification of trees for phased removal and replacement will be carried out with due consideration to all factors, including proximity to buildings, adjacent highways, species choice for replanting and the amenity value trees provide. The phased removal and replanting process will be assessed on individual merits and evaluated objectively.

4.2.6. Policies for Street Trees (S)

These individual policies for Street Trees below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

Policy S1 The Council will reject requests for the removal of, or carrying out of inappropriate work to trees which are healthy but subject to complaint; unless the basis of the complaint is an overriding justification and no alternative management practice can be implemented. Works will only be carried out following The Tree Risk Management Strategy priorities (see Appendix 2).

Policy S2 The Council will prioritise the replacement of missing or removed street trees in historic parts of Torbay, particularly where these adjoin major traffic routes, planting large growing trees where appropriate.

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| Policy S3 | The Council will seek to plant new street trees in appropriate sites, with priority given to sites where street trees are currently or have in the past been located subject to meeting The Highways Act. |
| Policy S4 | The Council will endeavour to protect street trees and the growing environment from threats such as: loss of and damage to verges, the activities of statutory undertakers and others excavating near trees and inappropriate parking. |
| Policy S5 | The Council, where appropriate, will consult with all interested parties such as community partnerships and local friends groups regarding proposed major tree work programmes. |
| Policy S6 | Torbay Council's Highways department, TOR2 and all utility companies and their contractors, will be required to work to the revised version of National Joint Utilities Group: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG 4) |
| Policy S7 | Where trees are damaged through failing to comply with the NJUG guidelines, the Council will seek compensation from the organisation responsible. |
| Policy S8 | The Council will continue to develop an accurate electronic database of all highways tree stock to allow effective management and protect its liability. |

4.3. Parks and Public Open Spaces

The provision of green spaces is of vital importance to the community. They contribute significantly to health, prosperity and well being. Trees in parks and open spaces are commonly the most significant trees in an area and have a profound effect on its appearance and on the leisure experience of users of the open space, as well as providing visual amenity for Torbay's residents and visitors alike. Trees are a high value resource in parks that require pro-active management to thrive and benefit Torbay.

The nature of tree populations of different parks and green spaces within Torbay is as variable as the character of the sites themselves. At one extreme there are the older parks, with a population of mature trees including a number of rare and interesting specimens. At the other extreme are the newer parks, with a developing tree population, characteristic of the period in which they were laid out.

4.3.1. Tree planting

Parks and open spaces provide the opportunity for new planting with a variety of size and species of trees. Unlike many other areas of Torbay, the air quality, ground conditions and space available provide conditions which are suitable for the planting of native and non-native species. The planting of native species will be promoted due to the wildlife benefits and the cultural and historical associations of native species within Torbay. However, non-native and ornamental species also bring potential benefits of diversity and visual interest and, in some instances, may be more appropriate to the park's character and will therefore be planted in some locations. The implications of climate change will also need to be considered and species will be selected which can cope with changes in climate.

Consultation and notification of any significant work to trees in parks will be by the use of notice boards, enabling residents advanced information.

4.3.2. Adopt a Tree and Tree-Memberance/Commemorative Trees Programme

'Adopt a tree' and Tree-Memberance Tree Programme (see Appendix 6) provides the opportunity for businesses, community groups or individuals to sponsor a new planting or existing tree in Torbay's parks and open spaces. It is a great way to give something back to the community and can be used by businesses wanting to highlight their green credentials, or an individual wanting to give a special gift or dedication to someone. Interested groups or individuals can identify locations for new tree planting, select an appropriate species (in consultation with the Natural Environment department) and sponsor the cost of the planting and maintenance works as it establishes.

The initiative could take one of two options:

- Option One: the resident will pay for a tree (from a species list supplied by the Natural Environment Officer) to be sourced, planted and cared for, for the required 2 year maintenance period by the Council.
- Option Two: the resident will pay for a tree (from a species list supplied by the Natural Environment Officer) to be sourced and planted by the Council, the resident will then care for the tree for two years. After that it will be maintained in the 5 year cyclical maintenance programme by the Council.

4.3.3. Community involvement

It is essential that local people play a part and feel engaged in the process of protecting and improving their local environment. There has been an extensive network of friends groups and community partnerships who participate in the management of parks, open spaces and woodlands within Torbay.

The Natural Environment department will ensure consultation is undertaken with residents regarding any new large scale tree planting projects and inform them in advance of programmed tree works and all tree removals as a result. Consultations will consist of a variety of methods including notifying residents associations and friends groups, notices being erected on the trees, lamp columns and letter drops, if considered necessary. Councillors will also be notified of programmed tree works and tree removals within their wards, which may cause areas of concern within the community.

It is important to communicate to the local community why changes and decisions are made, and to provide an opportunity for those to have involvement if they wish to do so. This may be by sponsoring or adopting a tree in their street, or by residents developing a group that could get involved in enhancing their local neighbourhood such as a Tree Warden and Community Orchards Scheme.

4.3.4. Tree wardens

The Tree Warden Scheme is a national initiative to enable people to play an active role in conserving and enhancing their local trees and woods. The scheme was

founded by the Tree Council and is co-ordinated by the Council with the support of the government department, Communities and Local Government.

Tree Wardens are volunteers, appointed by Torbay Council or other community organisations, who gather information about their local trees, get involved in local tree matters and encourage local practical projects to do with trees and woods.

Local residents who care about their community will be encouraged to branch out and play a key role in protecting their environment by signing up to the Tree Warden Scheme being re-launched by Torbay Council.

Further information on the Tree Warden Scheme can be found on the Torbay Council and Tree Council website.

4.3.5. Community Orchards

The Government recognises the value for communities of green spaces– parks, orchards, allotments, gardens– and, as part of the localism and decentralisation agenda, has committed to measures that will enable individuals and communities to gain access to the land they need. Whether your ambitions are to create or conserve a community orchard, to get together with neighbours to maintain the local park or playground where you walk your dogs, to just relax with friends and family or to play with your children, our suite of guides, on topics such as allotments, playgrounds and nature reserves will help you make the most of the green space in your local area.

The UK Government has urged local authorities to handover land to support local group set-up community orchards to grow their own produce. The call was made as a new, simple 'how to' guide for communities wanting to start up, share or save their own community orchards that could help reverse the national decline in traditional orchards has been published by Communities and Local Government Council's by making land available. It can help communities grow their own and improve sustainability whilst fostering a growing sense of community.

Communities and Local Government (CLG) have produced guidance on setting up your own community orchard called: The Communities Orchards 'How to guide'¹¹. The 'how to' guide includes details of the new powers in the Localism Bill that will enshrine in law a package of powerful new rights for community and voluntary groups wanting to play a bigger role in their community or takeover and preserve local assets.

The Council will explore the possibility of community led tree planting initiatives such as community orchards on public land.

4.3.6. Policies for Parks and Open Spaces Trees (P)

These individual policies for Parks and Open Spaces below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

¹¹ www.communities.gov.uk/publications/communities/orchardshowto

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| Policy P1 | The Council will seek to establish and encourage new individual and area urban tree planting which offer multiple benefits to residents, wildlife and the landscape. |
| Policy P2 | The Council will seek to maintain a characteristic, varied and sustainable tree population in its Parks and Public Open Spaces. |
| Policy P3 | The Council will continue to develop an accurate electronic database of all Parks tree stock to allow effective management and protect its liability. |
| Policy P4 | The Council will reject requests for the removal of, or carrying out of inappropriate work to, trees which are healthy but subject to complaint; unless the basis of the complaint is an overriding justification and no alternative management practice can be implemented. Works will only be carried out following the Tree Risk Management Strategy priorities (see Appendix 2). |
| Policy P5 | The Council will seek to secure commemorative tree donations for appropriate sites to augment its own tree planting and management budget; where such trees will enhance the area and would be likely to survive without damage or vandalism. |
| Policy P6 | The Council will endeavour to involve the community by consulting residents and/or community groups on proposed large scale tree works, where it is practical, allowing time for the comments to be received and taken into consideration. The Council will establish schemes which involve the public more directly with the trees in their neighbourhood, whilst giving support where possible to community initiatives that promote the planting and care of trees. |

4.4. Woodlands and Conservation Sites

Torbay Council contains a wide variety of habitats and dependant wildlife and their protection is paramount in order to retain and enhance biodiversity. The range of different flora and fauna found within an urban environment can affect our quality of life by providing contact with the natural world. Biodiversity increases the value of a site for educational and recreational activities.

Some of Torbay's woodlands can be classified as ancient/semi-natural woodland, which can be described as land that has had uninterrupted tree cover for several centuries. However, much of Torbay's woodlands are secondary woodland meaning they have arisen on land which was once something else; agricultural fields, quarries, coastal slopes, marshes, all of which have now been identified and recorded as woodland sites throughout Torbay. Lastly, a proportion of the Torbay's woodland comprises of plantations; areas of land planted with exotic or non-native tree species. These may have been planted on previous woodland sites or on agricultural land.

Torbay Council owns approximately 300 Ha (800 acres) of semi-natural woodland. Part of this resource is managed by the Natural Environment department; whilst part is managed by the Coast and Countryside Trust, under a 60 year lease. These woods are managed by the Trust in liaison with the Natural Environment Officers within the Natural Environment department. The Council's management objectives

are landscape, nature conservation and public access. Other objects such as timber production are limited and are usually only pursued when the above criteria are met

Effective management is important if the character and quality of the woodlands is to be both preserved and enhanced. To ensure that the woodlands are managed effectively and appropriately, all woodlands in Torbay will need a Woodland Management Plan/s. These will identify management objectives for the woodland and an appropriate management regime. Applications will be made to the Woodland Grants Scheme (administered by the Forestry Commission) for funding to assist with the management plans and the proposed works associated within the woodland sites identified.

The Council will look to fund woodland tree planting projects by utilising funding streams such as the Forestry Commission Woodland Grants Schemes and Section 106 agreements through local planning agreements.

4.4.1. Policies for Torbay Woodlands (W)

These individual policies for Torbay Woodlands below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

- Policy W1 The Council will ensure its woodlands have management plans in place where any works are proposed and encourage the production of plans for woods in the private sector. If any works are proposed, the Council, where appropriate, will consult with all interested parties such as community partnerships and local friends groups of proposed major tree work programmes.
- Policy W2 The Council will ensure that its woodlands are managed with landscape, nature conservation, access, education, and timber production as the main objectives.
- Policy W3 Natural regeneration will be supported on appropriate sites.
- Policy W4 Where appropriate the Council will ensure dead and fallen wood is left onsite unless there are sound conservation and safety reasons for its removal, and will leave arisings from management operations on-site in strolls or dead hedges to encourage the biodiversity of the site.
- Policy W5 The Council will encourage community involvement with woodland management, and promote the education of the community to improve understanding of the principles of woodland management.
- Policy W6 The Council will enhance any economic potential of woodlands through the production of high quality timber and other woodland products.
- Policy W7 The Council will encourage expansion of the urban woodland in appropriate locations ensuring that the layout and selection of species reflects the local woodland character.
- Policy W8 The Council will manage woodland to fulfil its obligation as owners to ensure the safety of people and property whilst remembering that woodlands are natural places and the level of acceptable risk must

reflect this. Trees will be inspected in accordance with the Tree Risk Management Strategy (see Appendix 2).

Policy W9 The Council will encourage all major woodland owners to adopt best practice in the care of their woodlands, especially where those trees contribute to the character of Torbay.

4.5. Vandalism and damage to Council trees

Vandalism is an increasing pressure on trees throughout parks, open spaces and highways in Torbay. Usually it is the young newly planted trees that are damaged; however mature trees are also often damaged too. There are various ways in which vandalism can be deterred, but none of these are 100% effective against determined attacks.

The main methods of deterring vandals or damage to trees are to plant larger robust trees with suitable guards or fencing around them, but these have to be large enough and strong enough to offer real protection. The latter approach tends to be the most expensive method and only appropriate in high profile locations. In the long run, increasing environmental awareness within schools and communities should help reduce vandalism.

A growing trend of tree damage has been identified as dogs ripping the bark off the lower stems of trees. Several trees within our most important parks have been damaged to such an extent they have either had to be removed or will be unlikely to survive. Whether this is under the encouragement of the owner as a means of strengthening their jaws, or for another reason, the net result is that many young trees have been lost. We are currently trialing methods of protecting vulnerable trees to reduce this growing trend of vandalism.

There are cases where Council owned trees have been irreversibly damaged or even removed without permission. There is legislation available to deal with this, for example the Criminal Damages Act 1971. Successful actions should be publicised to deter further offences.

4.6. Other Service

The Natural Environment department, on behalf of Torbay Council, directly manages many areas of land, principally for the parks and public open space and, of course, those as part of the adopted highway network.

The Natural Environment department will inspect trees and recommend maintenance works when requested to do so at a rechargeable rate to the relevant department. Any requested inspections would follow Torbay Council's adopted Tree Risk Management Strategy in accordance with Quantified Tree Risk Assessment of which all Torbay tree inspectors are licensed. The survey will record all relevant information and stored using an electronic tree data base EzyTreev, full reports and work schedules are available at all times during the use of the system. All information will be held on Torbay Council's system.

5. Private Trees

The greatest resource of trees in Torbay is that within private ownership. The exact number of individual trees is not known; however, from aerial and coastal photography, areas such as Cockington with Chelston, the Lincombes and the Warberries show a high percentage population of canopy cover.

Individual landowners and residents have the greatest influence over the type of trees planted, the level of management they receive, the range of species and the quality of these trees.

As with street trees, the fear of property damage is an issue. Also, converting front gardens to hard standing and built development in rear garden blocks have caused significant losses to tree cover. Such losses can contribute to increased water run-off having a negative impact on drainage management. Garden trees can, and should, play a positive role within such developments. The Council's policies on trees in private land have been covered within the planning and development section titled Trees on Private Land and Development Sites (see section 5). This section gives an overview of how the Council supports this management and has a statutory duty to protect these trees under the Town and Country Planning Act 1990 (as amended).

5.1. Trees adjacent to the highway and public spaces

Torbay Council has a duty under Section 154 of the Highways Act 1980 to ensure that all trees and shrubs growing on private land are maintained so as not to endanger users of the highway. It is intentionally not detailed prescriptively in this legislation how this should be achieved but it should be so that free and safe passage of the public highway network can be undertaken by the public.

The Council may use its powers to issue Notices to ensure that vegetation is maintained as noted.

A further requirement for landowners with trees adjacent to the Highway, or indeed any public space, arises from the Occupiers Liability Act 1957. This Act places a duty of care upon tree owners with regard to those third parties who may be affected by their property, in this instance trees or vegetation. To comply with their duty of care, tree owners must ensure that trees that may affect third parties are inspected and that the recommendations of these inspections are enacted, subject to the relevant permissions from the Council.

5.1.1. Policies for privately-owned trees (PO)

These individual policies for privately-owned trees below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

Policy PO1 The Council will encourage owners of tree populations to seek professional advice on best practise tree management, wherever possible.

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| Policy PO2 | The Council will encourage all major tree owning organisations to adopt best practise in the care of their trees, especially where those trees contributing to the character of Torbay. |
| Policy PO3 | The Council will seek to ensure users of the highway are not endangered by privately owned vegetation by considered use of its powers under the Highways Act. |

5.2. Advice on hedges

Government guidance identifies that it is not the role of the Council to mediate in hedge disputes but are to be the deciding authority where communication has broken down and a 'High hedge' complaint is taken on using its powers under the Anti-Social Behaviour Act 2003.

Torbay Council has adopted a clear, fair, reasonable and impartial procedure in order to deal with these new powers.

The first stages of any formal complaint are to offer advice on how the situation may be resolved. Various literature and guidance is available from the Department for Communities and Local Government on the subject of hedges including:

- Over the Garden Hedge
- High Hedges: complaining to the Council

There is a fee of £400 payable to the Local Authority for the processing of the complaint, including any costs associated with subsequent appeals. If a complainant is currently receiving Job Seekers Allowance, Housing/Council Tax Benefit, or any other means tested benefit, and can produce evidence of this, they will be entitled to 50% concession, giving a total fee of £200.

The fee is payable on lodging the complaint, unless paid the complaint will not be entertained. If the complaint is made invalid an administration charge of £50.00 will be retained.

5.2.1. Policy for High Hedges (H)

The individual policy for High Hedges below has been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

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| Policy H1 | The Council will use its powers under Part 8 of the Anti-Social Behaviour Act 2003 to deal with High Hedge complaints by ensuring that a careful procedure is followed using government guidance, adopting guidance prepared by the Building Research Establishment (BRE) entitled 'Hedge height and light loss' and issuing remedial notices where appropriate. |
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6. Trees on Private Land and Development Sites

6.1. Trees protected by the Town and Country Planning Act 1990 (The Act)

Torbay Council has a statue duty to protect trees that are considered to be significant in terms of the positive contribution they make to the natural and built environment. Whether the trees are mature and the benefit is present or if they are young and need to be protected to allow them to successfully mature, this duty still applies.

Many of these trees of merit are under increasing pressure given the urban setting they arise from. Pressure may be felt due to proposed developments, interactions with roads and traffic, the desire to create or retain eroding views, apprehension from people who live adjacent and / or debris fall affecting neighbours. Torbay Council will, when assessing requests to undertake tree works, make a balanced judgement based upon the needs of the applicant against the councils duty to preserve the amenities they contribute.

This duty falls into two distinct areas of responsibility as follows:

6.1.1. The protection of trees by way of Tree Preservation Orders (TPOs)

Section 198 of the Act grants Local Authorities powers which allow for the serving of Tree Preservation Orders on individuals, groups, woodlands or areas of trees that are considered to be suitable for protection. A broad range of reasons for any new TPO may be considered; ranging from their natural visual form, contribution to the character and appearance of a Conservation Area, to screen a development, to respond to the threat of inappropriate pruning. No complete list has been produced as each request is considered on an individual basis on its own merits.

To ensure that the legislation is applied evenly and objectively, the Natural Environment department has devised a visual tree assessment procedure that is applied to each request to serve a TPO. To qualify for any new TPO, the tree/s must fulfil a certain criteria that are open to evaluation in an even and open manner. This is known as the Amenity Evaluation for Tree Preservation Orders (see appendix 7).

6.1.2. Trees within Conservation Areas

Trees located within Conservation Areas that have a diameter of over 75mm when measured at breast height are automatically protected by the Conservation Area regulations. The Local Authority must be notified of any proposal to work on these trees. This allows a six week period for the Local Authority time to:

- Object to the tree works and serve a new TPO
- Notify that the works will not be objected to, or
- Allow the notification to lapse and the works may then commence in default of a notice from the Authority at the end of the six week period.

Only those trees judged to be of importance in their contribution to the character and appearance of the Conservation Area will be the subject of an objection from the

Local Authority, with the serving of a new TPO likely to occur to preserve its amenity contributions.

6.2. Applications to work on protected trees

Works to trees protected by TPO's or trees within Conservation Areas can be submitted to the Council via the Planning Portal or by using the Tree Work Application form available online on Torbay Council's website. There is no duty to use this standard form for Conservation Area notifications, however it may be found useful to do this as clearer information is gathered which may ensure a more efficient processing of the notification. There is currently no fee chargeable for the tree work applications.

6.3. Unauthorised works to trees

Section 210 of the Act makes it a criminal offence to undertake unauthorised works to trees protected by either TPOs or Conservation Areas if it would be a tree worthy of continued protection. Torbay Council will use these powers at their discretion to seek prosecution of those responsible for illegal works to those trees deemed to be important to the visual amenities of the wider public.

6.3.1. Policies for the protection of privately-owned trees (A)

These individual policies for the protection of privately-owned trees below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

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| Policy A1 | The Council will support owners of tree populations to seek professional advice on best practise tree management wherever possible. |
| Policy A2 | The Council will use its powers to protect those trees assessed as being of suitable quality using our amenity evaluation procedure when it is considered to be in the wider public interest. |
| Policy A3 | The Council will appropriately use conditions to achieve good tree work and to replace trees removed under the TPO regulations as appropriate. |
| Policy A4 | Subject to resource constraints, Torbay Council will continue to review older TPO area orders in line with government guidance detailed within guidance 'Tree Preservation Orders: A Guide to the Law and Good Practice'. This review is seeking to strategically vary older area orders to smaller groups, woodlands or individual orders protecting those trees of greatest public importance. |
| Policy A5 | Enforcement advice will be given to relevant departments to encourage and support action against parties undertaking unauthorised works to protected trees. This would need to be proved to be expedient and in the public interest. |
| Policy A6 | The Council will give consent for works to individual trees, groups, areas or woodlands protected by a Tree Preservation Order provided it is satisfied that:- <ul style="list-style-type: none">• the long term health and appearance of the tree will not be impaired;• the work will not unjustifiably inhibit or prevent the full and natural development of the tree; |

- The work is necessary to its continued retention and consistent with the relevant British Standard, and that the work will be carried out to British Standard 3998:2010 as a minimum standard;
- in the case of a woodland, the proposed work is consistent with the principles of sound woodland management.

6.4. Trees as part of the development process

A further, but equally important, duty to protect trees arises from Section 197 of the Act which states that:

‘it shall be the duty of the Local Planning Authority 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 or planting of trees’.

The continuity of those trees retained will initially be preserved by way of planning conditions. Torbay Council seeks to strategically protect those trees of most importance with the serving of new TPOs of whatever form.

To inform and support this requirement, a varied level of information is required from those parties seeking to develop land upon which trees grow. The Natural Environment department follows the guidance and advice identified within British Standard 5837:2005 ‘Trees In Relation to Construction’.

A document, ‘Trees and Development’, is currently under revision to help guide home owners and agents through the technical process of what level of tree protection, survey and retention methodologies may be required as part of any formal application.

6.4.1. Policies for trees as part of the development process (D)

These individual policies for trees as part of the development process below have been prepared to provide further details in support of the general statements above and to further inform the aims and statute restrictions of the Council in relation to this area of its responsibility.

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| Policy D1 | The Council will seek to work with developers and the planning department to ensure that planning applications are supported by the appropriate level of tree survey/ study detail as noted above. |
| Policy D2 | Those arboricultural features of most merit will be presumed to be retained as supported by the adopted Local Plan. |
| Policy D3 | Balanced and pragmatic decisions will be made upon tree removal if adequate mitigation space is left for strategic replacement tree planting post development, if adequate supporting evidence is included. |
| Policy D4 | The Council will appropriately use planning conditions to retain, improve and mitigate for the loss of trees and tree groups. |

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| Policy D5 | The Council will resist development where it is considered that inadequate provision for the retention and protection of important trees is made. |
| Policy D6 | The Council would not normally grant planning permission for any development which would result in the loss of, or would be detrimental to, any areas of ancient or semi-ancient natural woodland or other established woodland or areas of tree cover of landscape or wildlife value. |
| Policy D7 | Developer S106 contributions will be used when possible to undertake park, woodland, group and individual tree planting and general maintenance. Not intended to replace normal budgetary works, but rather to support and enact one off improvement schemes. |

6.5. Protection and management through advice

The Council adopts an open approach to provide advice for the positive improvement and protection of the local tree population. There are, unfortunately, many people willing to offer tree advice which can be inaccurate and may have serious consequences for the tree and its owner.

Arboriculture is an established technical discipline where qualifications at various levels are available, research is carried out to further the knowledge of trees and their care; good advice is available and should be sought from reliable sources. Tree owners should be aware that research has updated and substantially changed tree management in the last 20 years. Consequently, any person offering advice should keep themselves up to date, usually through membership of an appropriate professional body such as the International Society of Arboriculture or the Arboricultural Association and/or by subscription to the Tree Advisory Trust's research notes and reading list.

A large number of people claim to carry out tree surgery work, but whose technical abilities are poor. This can lead to low standards of work, which are not in the interests of the tree or its owner. Reputable companies, capable of working to recognised standards of work (such as British Standard 3998: 2010 Recommendations for Tree Work) are few in Torbay; this factor alone causes many trees to be unnecessarily damaged by inappropriate and unsympathetic pruning.

The Arboricultural Association produces a list of contractors and consultants who have been examined and found to reach recognised standards. The International Society of Arboriculture administers a Certification Scheme for Arborists that ensures up-to-date knowledge for those within the programme. However, whilst both lists continue to grow, the numbers are at present fairly limited and not well spread geographically.

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8. Useful internal and external links/ websites

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| Ancient Tree Forum | www.woodland-trust.org.uk/ancient-tree-forum |
| Arboricultural information exchange | www.aie.org.uk |
| Arboricultural Association (AA) | www.trees.org.uk |
| Books about trees | www.treesource.co.uk/acatalog/ |
| Botanical Society of the British Isles | www.bsbi.org.uk |
| British Standards Institute | www.bsigroup.com |
| British trees | www.british-trees.com |
| Communities and Local Government | www.communities.gov.uk |
| English Nature | www.english-nature.org.uk/default.asp |
| Environment Agency | www.environment-agency.gov.uk/ |
| Forestry Commission | www.forestry.gov.uk/home.html |
| Institute of Biology | www.iob.org |
| International Society of Arboriculture | www.isa-uki.org/ |
| National Association of Tree Officers | www.nato.org.uk/ |
| Planning Portal | www.planningportal.gov.uk |
| Royal Botanic Gardens, Kew | www.rbgkew.org.uk |
| Royal Forestry Society (RFS) | www.rfs.org.uk |
| Royal Horticultural Society (RHS) | www.rhs.org.uk |
| Tree Advice Trust | www.treadviceservice.org.uk |
| Trees For Cities | www.treesforcities.org |
| Tree Register of the British Isles (TROBI) | www.tree-register.org |
| The Tree Council | www.treecouncil.org.uk |
| The Woodland Trust | www.woodland-trust.org.uk/index/htm |