



AREA PANEL 4
30 MARCH 2005

DERBY CITY COUNCIL Report of the Chair of the Planning and Environment Commission

Planning and Environment Commission Work Plan Topic Reviews 2004/05

- 1) Outcome of the Commission's review of the Council's Tree Management Policy**
- 2) Forthcoming review of Dog Control and the enforcement of the Dog Fouling legislation**

SUPPORTING INFORMATION

- 1.1 The Commission's review of the Council's Tree Management Policy was completed in November 2004 and was reported to Council Cabinet on 21 December. The Commission is awaiting the response of Council Cabinet to its recommendations.
- 1.2 An Executive Summary detailing the outcome of the Commission's review of the Tree Management Policy is contained in Appendix 2 of this report.
- 1.3 The Commission has now started its review of Dog Control and the enforcement of the Dog Fouling legislation.

ACTION

- 2.1 The Commission would like to hear about any locations in your area where you consider there is a problem with dog fouling. Later in the year the Commission will be holding a workshop session with Derby residents to discuss possible solutions to the problems of dog fouling and dog control. If you have information that you would like the Commission to consider about dog fouling, or if you would like to take part in the workshop, please contact the Chair or Vice Chair of the Commission, or the Co-ordination Officer. Their details are as shown below.

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Executive Summary – Review of the Council's Tree Management Policy

Appendix 1

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. None arising from this report.

Personnel

3. None arising from this report.

Equalities impact

4. The Commission's reviews will have outcomes that are of benefit to all Derby people

Corporate objectives and priorities for change

5. The reviews have the potential to impact on the following of the Councils objectives and priorities for change:

Objectives: Protecting and supporting people; A Healthy environment.

Priorities for Change: Responding to people's needs



DERBY CITY COUNCIL

Planning and Environment Commission

Review of The Council's Tree Management Policy

**Executive Summary
and Recommendations**

December 2004

Review of the Council's Tree Management Policy

1. Executive Summary

- 1.0.1 At its meeting on 22 July 2004 the Planning and Environment Commission selected the Council's Tree Management Policy as the subject of its first topic review of 2004/05.
- 1.0.2 The Tree Management Policy was selected for review because:
- a) Commission members were aware that there were significant levels of public concern about trees in the City and about the way in which the Tree Management Policy had in some cases been interpreted and applied.
 - b) The Director of Commercial Services had asked the previous Chair of the Planning and Environment Commission if it would be possible for the Commission to review the Tree Management Policy.

1.1 Objectives of the Review

- 1.1.1 The objectives of the Commission's review were:
- 1. To understand the implications of the Council's current Tree Management Policy and the way in which it is being applied. To do this it was thought the Commission would need to consider:
 - The public's opinion of the Tree Management Policy and the way in which it is being applied
 - The standard of conservation and protection of trees achieved by the Tree Management Policy
 - The impact of the Tree Management Policy on the conservation and protection of urban wildlife
 - The level of any risks associated with the way in which the Council is currently implementing its Tree Management Policy
 - 2. To identify the scale of any problems caused by the way in which the current Tree Policy is being applied
 - 3. To compare the standard of Tree Management in Derby with that of other local authorities
 - 4. If appropriate, to make recommendations for:
 - a) addressing any problems that were identified in the course of the review
 - b) improving or amending the current Tree Management Policy
 - c) improving or amending the way in which the Council manages the trees for which it is responsible

1.2 Methodology and Timetable for the Review

- 1.2.1 In order to obtain the information needed to achieve its objectives the Commission conducted a series of interviews with witnesses who represented the stakeholder groups that it had identified as being relevant to the review.
- 1.2.2 As part of the review Commission members visited Birmingham City Council and Peterborough City Council and met with their Arboricultural Officers. Commission members also toured Derby to look at examples of tree problems that had been reported to them by members of the public and ward councillors.
- 1.2.3 The table below sets out the timetable for the review and lists the witnesses who were interviewed by the Commission.

Witness/Action		Date
1.	Interview with Stuart Leslie, Chief Legal Officer, Corporate Services Directorate, Derby City Council	20 September 2004
2.	Interview with Jo Brown, Conservation Manager, Derbyshire Wildlife Trust	21 September 2004
3.	Interview with Fran Hitchinson, Regional Policy Officer, Woodlands Trust	21 September 2004
4.	Interview with a resident of Brentford Drive, Mackworth, Derby	21 September 2004
5.	Interview with representatives of the Friends of Chaddesden Park	22 September 2004
6.	Interview with a representative of Spondon Community Association	22 September 2004
7.	Interview with Derek Bale, Communications and Customer Involvement Manager, Derby Homes	23 September 2004
8.	Interview with John Booth, Arboricultural Manager, Commercial Services Directorate, Derby City Council	23 September 2004
9.	Interview with a resident of Whitehouse Close, Shelton Lock, Derby	27 September 2004
10.	Interview with Councillor Mark Tittley, Chellaston Ward Councillor	27 September 2004
11.	Commission visit to Birmingham City Council	12 October 2004
	Interview with Adrian Walters, Urban Forestry Officer, Birmingham City Council	
12.	Interview with a resident of Bromley Street, Derby	13 October 2004
13.	Interview with representatives of the Burley Hill residents	13 October 2004
14.	Commission visit to Peterborough City Council	18 October 2004
	Interview with Paul Fountain, Principal Arboricultural Officer Peterborough City Council and Gary Summerfield, Senior Arboricultural Officer, Peterborough City Council	
15.	Interview with John Winters, Director of Commercial Services	2 November 2004
16.	Interview with Councillor Philip Hickson, Deputy Leader of Derby City Council	2 November 2004
17.	Interview with Councillor Lucy Care, Council Cabinet Member for Planning, Transportation and the Environment	2 November 2004.
18.	The Commission's 'tree tour' of locations in Derby that had been identified by Members of the public and ward councillors	10 November 2004

1.3 Outcomes of the Review

1.3.1 The evidence heard by the Commission in the course of its review showed that the public would like the Council to:

1. Minimise the risk of injury to people and damage to property posed by trees
2. Properly maintain the trees for which it is responsible
3. Take action to deal with trees that have become too big for their location
4. Respond sympathetically to complaints about overshadowing and sunlight blockage caused by trees
5. Respond sympathetically to requests to prune, thin or remove trees
6. Protect the trees and the environment in Derby
7. Carry out tree planting and tree replacement where appropriate

1.3.2 The conservation and wildlife groups who gave evidence to the review considered that the Council should:

1. Be more proactive in the way in which it manages the woodland, veteran trees and hedges in the City
2. Carry out strategic planting to link and expand existing woodland
3. Include reference to wildlife and biodiversity issues in the Tree Management Policy
4. Strike a balance when responding to residents' complaints about trees

1.3.3 The Commission was also told that the Council had a clear-cut legal responsibility to:

1. Have a policy for the systematic inspection of the trees for which it is responsible
2. Apply the procedures contained in the policy and do any necessary remedial work to its trees

2 Recommendations

2.0.1 The following recommendations have been developed by the Commission to address the issues that it has identified in the course of its review of the Council's Tree Management Policy.

Recommendation 1

The Commission recommends that the Council take action to put in place a programme for the systematic, cyclical, inspection of the trees for which it is responsible. The Commission considers that the inspection programme should include the following key features.

- a) The inspection programme should be prioritised according to the perceived risk. This will depend upon factors including the age, species and location of a tree.
- b) The initial aim should be to inspect all the Council's street trees within three years.
- c) Once the street tree inspection is completed, a similar inspection procedure should be adopted for the Council's trees on Derby Homes land and on parks and open spaces.
- d) The inspections should be carried out either by qualified Arboricultural Officers or by appropriately qualified consultants.

The tree inspection programme should be commenced as soon as is possible.

2.1 Reasons 1

- 2.1.1 The Council is legally responsible for any damage or injury caused by its trees.
- 2.1.2 To identify potentially dangerous trees the Council needs a robust systematic inspection procedure. The procedure should be risk based and the trees that present most risk, the street trees, should be inspected first. Trees that are considered to present a lower risk, such as those on Derby Homes land and on parks and open spaces, should be inspected once the first inspection of the street trees has been completed.
- 2.1.3 The procedure must ensure that all the trees are inspected within a reasonable period of time. The Commission considers that the aim should be to inspect all the street trees in three years.
- 2.1.4 To reduce the risk of injury or damage to property and to satisfy the Council's legal obligations, any tree work that is found to be necessary should be carried out as soon as possible after the inspection.
- 2.1.5 The inspection procedure must be cyclical because the condition of a tree may change significantly with time. The Director of Commercial Services has provided the Commission with the estimated costs of an inspection programme based on a three-year cycle.
- 2.1.6 It was felt by the Commission that the Highways Inspectors and the Park Rangers were already fully employed and that it would be difficult

for them to find the additional time needed to carry out tree inspections to an acceptable standard, especially if these were seen as something they had to do in addition to their 'proper job'.

- 2.1.7 Commission members were of the opinion that the advantages of having qualified Arboricultural Officers or consultants carry out tree inspections were likely to outweigh the additional costs.
- 2.1.8 Apart from the increased risk to the public, any delay in commencing the tree inspection programme may incur increased costs in the future because the ultimate cost of carrying out any remedial work is likely to be higher.

Recommendation 2

The Council should make funds available:

- a) Either for the employment of the additional Arboricultural Officer who would be needed in order for the Arboricultural Section to conduct a programme for the systematic inspection of the Council's trees, or for the employment of consultants to carry out the tree inspection programme.
- b) To carry out any necessary work that is identified by the tree inspection programme.
- c) For more frequent minor tree pruning to ensure that pavements and footways do not become obstructed by new tree growth.
- d) To enable more cosmetic work to be carried out on the Council's trees.

2.1 Reasons 2

- 2.2.1 Additional financial resources will be needed to operate a tree inspection programme.
- 2.2.2 The cost of carrying out a programme for the systematic inspection of the Council's trees breaks down into two elements. These are staffing cost and the cost of carrying out any necessary remedial work identified through the inspection of the trees. Assuming the same standard of inspection, the cost of carrying out the work will be the same whether the inspections are carried out by the Council's own officers or by consultants.
- 2.2.3 The cost of surveying the Council's street trees and of carrying out any remedial work has been estimated at £83,000 per year. This is based on a three year programme. The Commission were told that one additional Arboricultural Officer would be needed for the Arboricultural Section to carry out the inspections. The cost of employing this officer

would be around £23,000 per year. More information on the estimated costs is included in the Commission's report.

- 2.2.4 Footways and pavements can become obstructed by new growth in the form of small suckers and branches that sprout around the base and from the lower trunks of street trees. The allocation of additional funds for minor tree pruning could enable pavements and footways to be cleared more frequently of this new tree growth.
- 2.2.5 The allocation of additional funds for cosmetic tree work would enable the Arboricultural Section to respond more positively to requests for tree pruning, and this would result in higher levels of public satisfaction with the service provided by the Council.

Recommendation 3

The Council's Tree Management Policy leaflet should be redrafted to clearly explain the Council's responsibilities for its trees and the actions it will, and will not, take in response to requests for cosmetic tree work.

2.3 Reasons 3

- 2.3.1 The Commission considers that the Council's Tree Management Policy leaflet is open to misinterpretation that may unreasonably raise public expectation. The section entitled Tree Pruning states that 'Derby City Council will consider all requests for pruning'. The Commission considered that in its present form, this section of the Tree Management Policy suggests to the public that the Council will usually respond positively to a request to prune one of its trees. If the Council does not then do this, the public will feel dissatisfied.
- 2.3.2 The section of the policy entitled Tree Felling lists seven criteria under which the Council might cut down healthy trees. Taken together these seven criteria seem to cover conceivable circumstances under which the removal of a tree might be requested.
- 2.3.3 A member of the public reading the policy might reasonably expect that if the tree causing him or her a problem satisfies one of the seven criteria, the Council would remove it. However in practice it seems that action is very rarely taken by the Council to fell trees, even those which appear to clearly satisfy the criteria for removal stated in the Tree Management Policy. It seems reasonable to assume that this is a further cause of dissatisfaction on the part of the public.
- 2.3.4 The Commission therefore considers the leaflet should be redrafted to explain exactly what the Council will and will not do and the circumstances under which it will or will not do it.

Recommendation 4

The responsibility for prioritising and approving cosmetic tree work and for allocating the financial resources available for it should be transferred from the Arboricultural Section to the Area Panels.

2.4 Reasons 4

2.4.1 Previously the decisions relating to cosmetic tree work have been made by the Arboricultural Officers. With little funding available to them they have done a good job in difficult circumstances. However, inevitably, some of their decisions have not found favour with the public who do not understand why their requests for tree work have not been acted upon. This has led to the situation where the Arboricultural Officers are seen as personally preventing the work from being carried out and there has been public criticism of them at Area Panel meetings.

2.4.2 In order to resolve this issue the Commission suggests that the responsibility for agreeing to cosmetic tree work and for prioritising that work should be transferred from the Arboricultural Officers to the Area Panels. This would effectively address the suggestion that 'there should be a right of appeal against the Arboricultural Officers decisions' which was made by the Deputy Leader of the Council during his interview with the Commission. Transferring responsibility for cosmetic tree work to the Area Panels would also have the following advantages:

- Decisions affecting local tree issues would be made at a local level by Ward Councillors according to what were seen as local priorities
- Decisions about which work would be done would be made openly at a public meeting
- The limited funds available for cosmetic tree work would be used in the way that was considered locally to give the most benefit to the community

2.4.3 It is envisaged by the Commission that the role of the Arboricultural Officers in the process would be that of a consultant advising the Area Panels on the arboricultural implications of the work that had been requested.

Recommendation 5

The Council should put in place a strategy that will cover all aspects of tree management in Derby.

2.5 Reasons 5

2.5.1 The Commission considers that the introduction of a tree management strategy is essential to the development of a medium/long term approach to tree management in Derby.

2.5.2 A strategy could be used to draw together a whole range of tree policies which might include:

- Street trees
- Trees on Derby Homes Land
- Trees on Parks and Open Spaces
- Trees on Education land
- Woodland Trees
- Trees on private land
- Trees and development sites
- Tree planting and choosing the right tree for the site
- Tree maintenance

2.5.3 Derby's trees are one of its great natural assets and a strategy of this type would provide for their future management, conservation and protection.

DRR 15 February 2005