



Derby City Council

**COUNCIL CABINET**  
**15 May 2013**

Report of the Cabinet Member for  
Neighbourhoods and Streetpride

# ITEM 9

## Updates to Tree Management Policy

### SUMMARY

- 1.1 Two updates to the Council's Tree Management Policy are proposed aimed at clarifying the Council's position on issues that have arisen in relation to the management and maintenance of trees around the city.
- 1.2 The issues to be addressed are :-
  - Private residents funding tree works on public land
  - The adoption of the Capital Asset Value of Amenity Trees (CAVAT) as the Council's approved method of valuing trees under threat

### RECOMMENDATIONS

- 2.1 To allow Neighbourhood Boards and private residents to pay for tree works on public land including the replacement of trees subject to certain criteria.
- 2.2 To adopt CAVAT as the Council's approved method of applying a value to amenity trees.

### REASONS FOR RECOMMENDATIONS

- 3.1 Increasingly, due to the National budget reductions the Council will not be in a position to fund work on residential trees that is considered low priority. Providing that it meets the necessary criteria, allowing Neighbourhood Boards and/or residents to fund the work may alleviate the frustration of residents, resolve disputes and ease pressure on Council budgets.
- 3.2 The adoption of CAVAT will avoid any doubt by developers as to the method to be used by the Council for the valuation of trees and will enable the Council to justify their valuations. It is a system that is widely accepted by developers and utility companies.

## SUPPORTING INFORMATION

### Private residents funding tree works on public land

- 4.1 The Council, through its Arboricultural Section within Streetpride, will occasionally decline requests from the public for work to be carried out on publicly owned trees. This is normally because they are not in accordance with the Tree Management Policy. However, occasionally requests are declined for financial reasons due to the Council having to prioritise scarce resources for work considered to be of a higher priority, or work that may perhaps have health and safety implications.
- 4.2 Under these circumstances, Cabinet is asked to approve updates to the Council's Tree Management Policy that clarify that the Council will allow private resident(s) to fund work to trees on highways or other Council land.
- 4.3 It is stressed that in order to be considered, the work to the trees must firstly comply with the Council's Tree Management Policy. Approval would therefore, for example, not be given to requests to carry out tree work for any of the following reasons :-
- Tree work to reduce leaves falling on to private property
  - To improve television reception
  - To increase light and reduce shading
  - To reduce the mess caused by bird droppings or aphid residue
  - Increasingly, to allow more light to solar panel installations
- 4.4 The risks associated with this decision are that not all residents in a particular area would wish to have the work done. However, as any work needs to be in accordance with the Tree Management Policy, it is in any case unlikely to be anything more than minor pruning or height reduction of trees. Trees would not, for example, be felled or removed under this scheme.
- 4.5 Consideration could be given to consulting the local residents by means of notices on the trees in question for up to one month in advance. The minor costs of any such consultation work would be included in the quotation provided by the Council to those funding the work.
- 4.6 Residents or Neighbourhood Boards funding the work may also wish to employ an Arboricultural contractor of their choice to carry out the work. It is recommended that they are not given this option. To adequately safeguard the Council's tree stock, residents should be required to have the full approval of the Council's Arboricultural section to carry out the work and it is further recommended that the work would only be done by the Council, or an approved contractor managed by, and working on behalf of the Council, in order to ensure the Council's liabilities are protected

## CAVAT

- 4.7 Whenever mature trees are lost as a result of necessary development works or perhaps criminal damage, the Council needs to have a recognised method of placing a value on the tree(s) in order that the Council and the community affected by the loss can be adequately and properly compensated. The amenity value of a mature tree far outweighs the cost of simply planting a juvenile replacement tree.
- 4.8 The Council has in the past used the Capital Asset Value for Amenity Trees (CAVAT) system in order to establish a value of the trees under threat. Major developers and utility companies have accepted CAVAT as a credible system and have agreed to compensate the Council in accordance with the CAVAT valuation.
- 4.9 A report by the Forestry Commission recommends that CAVAT is the most appropriate system for valuation of large tree stock such as those managed by local authorities and it has been officially adopted by a number of local authorities such as Bristol and Islington.
- 4.10 CAVAT is also used in the Joint Mitigation protocol - an agreed process between the Insurance Industry and the London Tree Officers Association and other Local authorities for processing Insurance claims as the system used for valuing trees.
- 4.11 The Arboricultural Section has already been informally using CAVAT for a number of years and has received compensation payments based on CAVAT valuations from organisations such as Tesco, the Gas Alliance, BT and Balfour Beatty.
- 4.12 Cabinet is therefore asked to agree updates to the Council's Tree Management Policy that formally specify CAVAT as the Council's approved method of valuing trees that will be lost through development works. This will help to avoid any doubt or dispute during future negotiations with developers.
- 4.13 Cabinet is asked to consider whether to make a commitment to use all compensation payments purely for beneficial tree works across the city. This is in any case often a condition that developers attach to their willingness to make the payments as it enhances their reputation as an environmentally sympathetic developer.

## OTHER OPTIONS CONSIDERED

- 5.1 In relation to the CAVAT proposal, other valuation systems are available, but for the reasons outlined in sections 4.9 to 4.11 above, CAVAT is the preferred option.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Stephen Teasdale Mandy Fletcher Jayne Stutt Tim Clegg
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<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 Approving the funding of tree works by private residents may help to resolve disputes and in doing so, ease pressure on Council budgets

**Legal**

- 2.1 None

**Personnel**

- 3.1 None

**Equalities Impact**

- 4.1 The funding of tree works by private residents may arguably allow residents in more affluent areas of the city to achieve their aims, as opposed to residents in more deprived areas of the city who may not be able to afford to pay for the work to be done.

**Health and Safety**

- 5.1 None

**Environmental Sustainability**

- 6.1 The adoption of CAVAT helps to safeguard the city's tree stock and maintain the environmental benefits that trees bring to the city.

**Asset Management**

- 7.1 CAVAT represents an additional tool that the Council can use in it's asset management.

**Risk Management**

- 8.1 None

**Corporate objectives and priorities for change**

- 9.1 A better built and natural environment

