

Natural Environment Team

# Tree Safety Management Policy

Norfolk County Council

Adopted 29 October 2009

Version 3 - November 2015



Natural Environment Team  
[www.neti.norfolk.gov.uk](http://www.neti.norfolk.gov.uk)



**Norfolk** County Council



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# Tree Safety Management Policy Statement

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

The Policy will ensure:

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

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



## Introduction

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

Owners of trees have a legal duty of care and are obliged to take all reasonable care to ensure that any foreseeable hazards can be identified and made safe. Although it is not possible to completely eliminate the risk of a tree failing\*, there are often indications that a tree may be in decline, have structural faults or be suffering from decay or pests and diseases. Many of these signs can be recognized by trained inspectors who can then instigate further investigations by a qualified arboriculturist.

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

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

- Trees play a vital role in urban and rural ecosystems by helping to support a great variety of wildlife
- Studies of patients in hospital found that they recovered more quickly with a view of trees and nature from their windows (Ulrich 1984). Two reports, sponsored by RSPB, published in 2004 and 2007 outlined the benefits to physical and mental health arising from contact with the natural environment. These included the reductions in obesity, heart disease, diabetes, cancer, stress, ADHD, aggression and criminal activity, amongst others
- A large beech tree can provide enough oxygen for the daily requirements of ten people
- Property in tree lined streets is worth 18% more than in similar streets without trees
- Trees intercept water, store some of it and reduce storm runoff and the possibility of flooding; a 5% increase in tree cover can reduce runoff by 2%
- Trees help to lock up the carbon emissions that contribute to global warming. For example, 1 hectare of woodland grown to maturity and looked after forever would absorb the carbon emissions of 100 average family cars driven for one year (Climate Care/Trees for Cities estimate)
- Trees have a positive impact on the incidence of asthma, skin cancer and stress-related illness by filtering out polluted air, reducing smog formation, shading out solar radiation and by providing an attractive, calming setting for recreation
- Trees can save up to 10% of energy consumption through their moderation of the local climate

The importance of trees has been emphasised by a number of Government reports including a national survey of England's urban trees and their management in 2008 entitled Trees in Towns II. In December 2011, the National Tree Safety Group released its guidance on how tree owners should approach tree safety management – see page 4.

\*Tree failure – failure can be defined as a decline in strength or effectiveness – in the case of trees this would be as a result of the breakage or splitting of the whole or part of a tree.

## National Tree Safety Group

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

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

The NTSG guidance is underpinned by 5 key principals:

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

The NTSG has produced three documents:

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

These are downloadable free from the [NTSG](#) website.

**Norfolk County Council's Tree Safety Management Policy conforms to, and does not exceed the guidance recommended by the NTSG.**



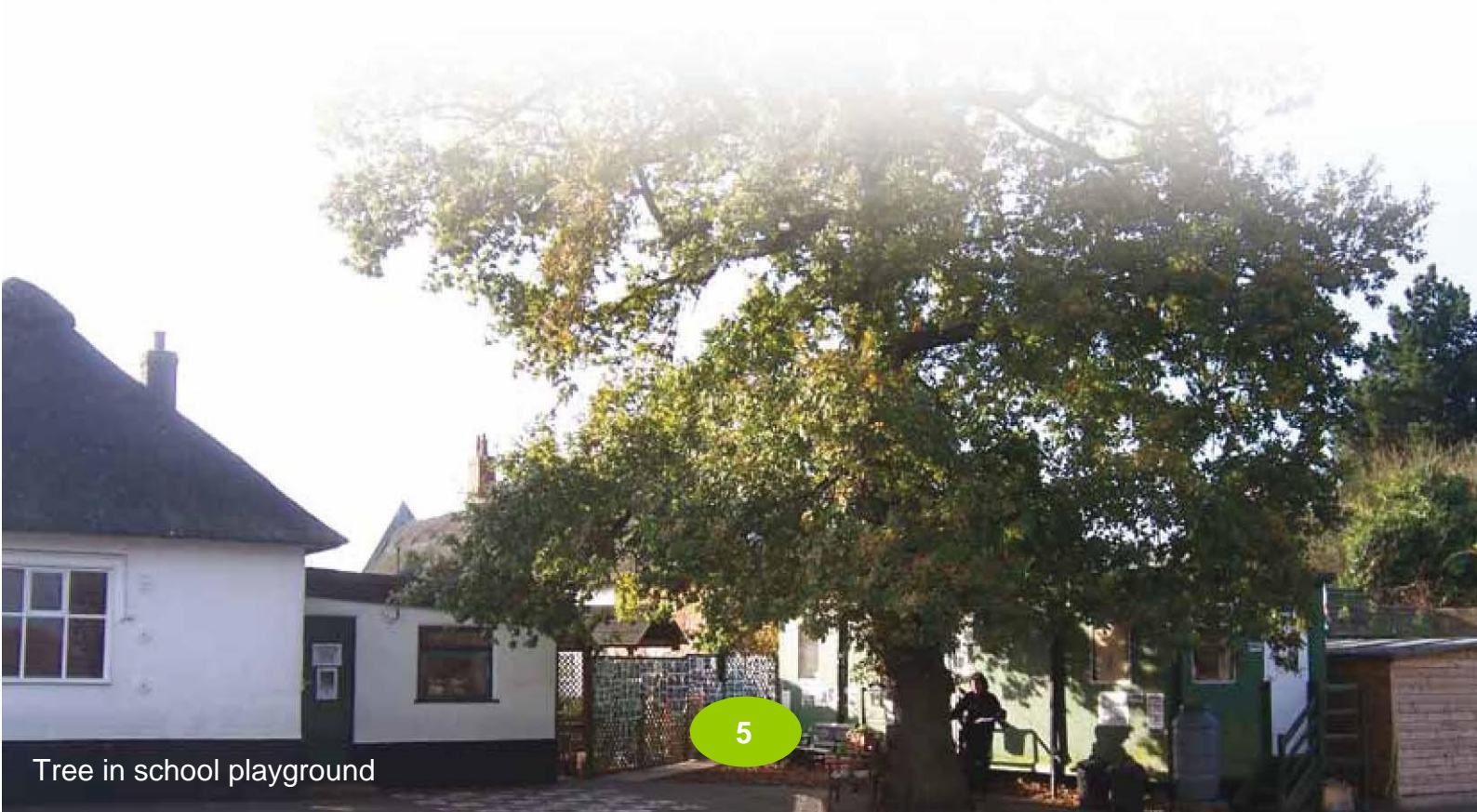
Burlingham Estate, County Farms



Street tree, Kings Lynn

## 1. The County Council Estate

- 1.1 This Tree Safety Management Policy outlines the base level inspection regime required for trees in Norfolk County Council ownership.
- 1.2 If an establishment or department considers there is a need for a full tree survey, inspection regime and safety policy for an individual site, there are private services and consultants available who can do this. Details are shown in Appendix 8.
- 1.3 The inspection of privately owned trees within falling distance of Norfolk County Council property is referred to in Appendix 7.
- 1.4 For ease of reference and management, Norfolk County Council's estate has been divided into 3 broad areas:
  - Establishments (for example schools, social services premises, field study centres)
  - Highways
  - County Farms, woodlands, public open spaces
- 1.5 Each of these service areas have designated one or more responsible officers whose duty will be to ensure that the correct procedures are followed to fulfil the policy requirements.
- 1.6 Each of these service areas has produced draft working documents following the adoption of this policy. The documents demonstrate how the inspection regime will be achieved for the land each service area is responsible for, dictated by the site zoning regime in Appendix 1.
- 1.7 Adequate records of tree inspections (as per Appendices 2 and 3) will be retained and there will be an adequate budget available for ongoing tree maintenance as a result of the inspections.



Tree in school playground

## 2. Planned tree inspections

Three types of planned tree inspections will be used by the County Council - Highway Tree Inspection, Level 1 Tree Inspection and Professional Tree Inspection.

### 2.1 Highway Tree Inspection

This type of inspection is restricted to the highways area of the County Council's estate. The inspections will be carried out by Highways Inspectors as part of the highway inspection process using the Highways Management System (HMS). The frequency of inspections will be dictated by the site zoning regime in Appendix 1.

Highway Inspectors are trained to Level 1 and have gained the Level 1 Tree Inspection Certificate. The procedure will consist of a "drive-by" inspection by 2 people (one being a dedicated driver), or a walked inspection consistent with current highway inspection procedures. The Inspector will observe the trees within the highway on both sides of the road. The Inspector will systematically look for the obvious defects that are identified in the Level 1 Tree Inspection training day (see section 2.4). When carrying out a drive by inspection, if a defect is seen that requires closer investigation, the Inspector will stop the car and carry out a more detailed inspection of the defect on foot.

### 2.2 Level 1 Tree Inspection

This inspection procedure will be carried out at all other County Council sites - establishments, County Farms, woodlands and open spaces. The frequency of inspections will be dictated by the site zoning regime in Appendix 1. The persons carrying out the inspection will have attended the Level 1 Tree Inspection course, passed the assessment and gained the Level 1 Tree Inspection Certificate. The procedure will consist of a walked inspection of trees on a site, viewing them from all sides and using a systematic process to look for the obvious defects that are identified in the Level 1 Tree Inspection training day (see section 2.4).

### 2.3 Professional Tree Inspection

This will be undertaken by the Arboricultural and Woodland Officers who have training and experience and can demonstrate competence to undertake systematic expert tree inspection, in order to identify and recommend remediation for hazards arising from impaired condition or structural integrity in trees. These inspections will be undertaken following identification of significant defects by Highway Tree and Level 1 Inspections. Professional Tree Inspections will also be carried out in response to reactive Level 1 Inspections (see Section 3). Systematic inspections of high risk trees identified by the Arboricultural and Woodland Officers will be carried out at the designated times (see Section 5.4). The information on inspections will be available for staff to view on the mapping browser, based on the information in the tree database.



## 2.4 Level 1 Tree Inspection Course

The Council will ensure the provision of a Level 1 Tree Inspection Course based on the Lantra Basic Tree Inspection Course. This one day course is designed for people with limited or no arboricultural knowledge such as land managers, highway engineers, tree wardens, rangers, premises managers, head teachers, caretakers, etc. It is also a preliminary course for tree surgeons, dedicated tree inspectors, assistant and principal arboricultural officers wishing to complete a higher level programme. There is an assessment at the end of the day. A certificate is awarded to those candidates who pass the assessment.

On the course, the candidates are trained to look for obvious defects, record them, assign a hazard rating and provide a report of their findings. The types of defects that a candidate is trained to look for are detailed below:

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

## 2.5 There can be only 3 outcomes of a Norfolk County Council Level 1 inspection:

- i. The tree has no observed significant defects and therefore requires no action
- ii. The tree requires a more detailed inspection, or the inspector needs further advice or clarification from the Arboricultural and Woodland Officers. The inspectors will be trained to assign a priority of low, medium or high on the form so that the professional tree inspection can be programmed accordingly
- iii. The work is an emergency (such as a hanging branch over a highway or footpath or a tree in imminent danger of collapse). In emergency situations the Level 1 inspector can order the work directly with a tree contractor. Due to the wildlife and European Protected Species legislation (see Appendix 5) the work ordered must be carried out by a tree surgeon from the List of Tree Surgeons on Norfolk County Council’s Framework for the Maintenance and Cutting of Trees, Grips and Hedges (see Appendix 4, Section 5) **and must include the statement in Appendix 5xii.** Although emergency work is exempt from the Tree Preservation Order and Conservation Area legislation, it would be courteous to inform the relevant District Council where work has been carried out

Depending on the competence and confidence of individual employees, Level 1 Tree Inspection training may need to be refreshed. However, the skills learnt on the course will be applied regularly through inspection and the employee will learn informally from the Arboricultural and Woodland Officers as and when further advice is sought. It is therefore possible that refresher training will be rendered unnecessary. This will be monitored through feedback received by the Arboricultural and Woodland Officers. For Council employees it can be highlighted as a need through the appraisal process.

### 3.1 Reactive Tree Inspections

In addition to the planned inspections detailed in sections 2.1 to 2.3, there are situations where reactive Level 1 Tree Inspections will be carried out within all 3 areas of the County Council Estate. These could be routine inspections as a result of customer complaints, concerns and enquiries or as a result of damage to a tree or its root system from accidental or environmental causes. Please refer to Appendices 4 and 5 that detail the Council's policies on pruning and felling trees, wildlife and legal constraints.

### 3.2 Emergency tree inspections and High Winds

Each County Council Estate area must (through the department's own procedures and guidance) have a procedure in place to respond to emergency situations such as gale force winds. It will be necessary for non highway sites to be inspected after high winds for windblown or potentially hazardous trees, particularly if the sites are not being regularly visited by officers for other reasons. This will apply, for example, to woodlands in the moderate or low risk zones of Appendix 1. **Please refer to the high winds guide on iNET and the [schools website](#) for more information.**



## 4. Procedure for Level 1 Tree Inspections and Highway Tree Inspections

This procedure is summarised in the flowchart on page 11.

### 4.1 Recording of data

#### Highway Tree Inspections

When a Highway Tree Inspection is carried out according to the frequency determined in Appendix 1, a record of the inspection will be retained within the Highways Management System (HMS). The use of FORM A will therefore not be required.

Where a tree with significant defects is identified, a Tree Defect Report Form, FORM B (Appendix 3) will be filled in. One FORM B is required for each tree with a defect.

However, where there are a number of trees with defects at one site, the Multiple Trees Defect Report Form, FORM B2 (Appendix 3A) can be used.

#### Level 1 Tree Inspections

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

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

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

#### Guidelines for Hazard Ratings on FORM B and B2

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

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

**LIKELIHOOD OF FAILURE** – This is a matter of informed judgement, based on the Level 1 training and experience gained from feedback from the Arboricultural and Woodland Officers.

**TARGET** – This is dependent on the location of the tree and the usage of the area – for example, a high target could be a tree next to a school entrance, a tree within falling distance of queuing cars at traffic lights or a tree with a bench below it.

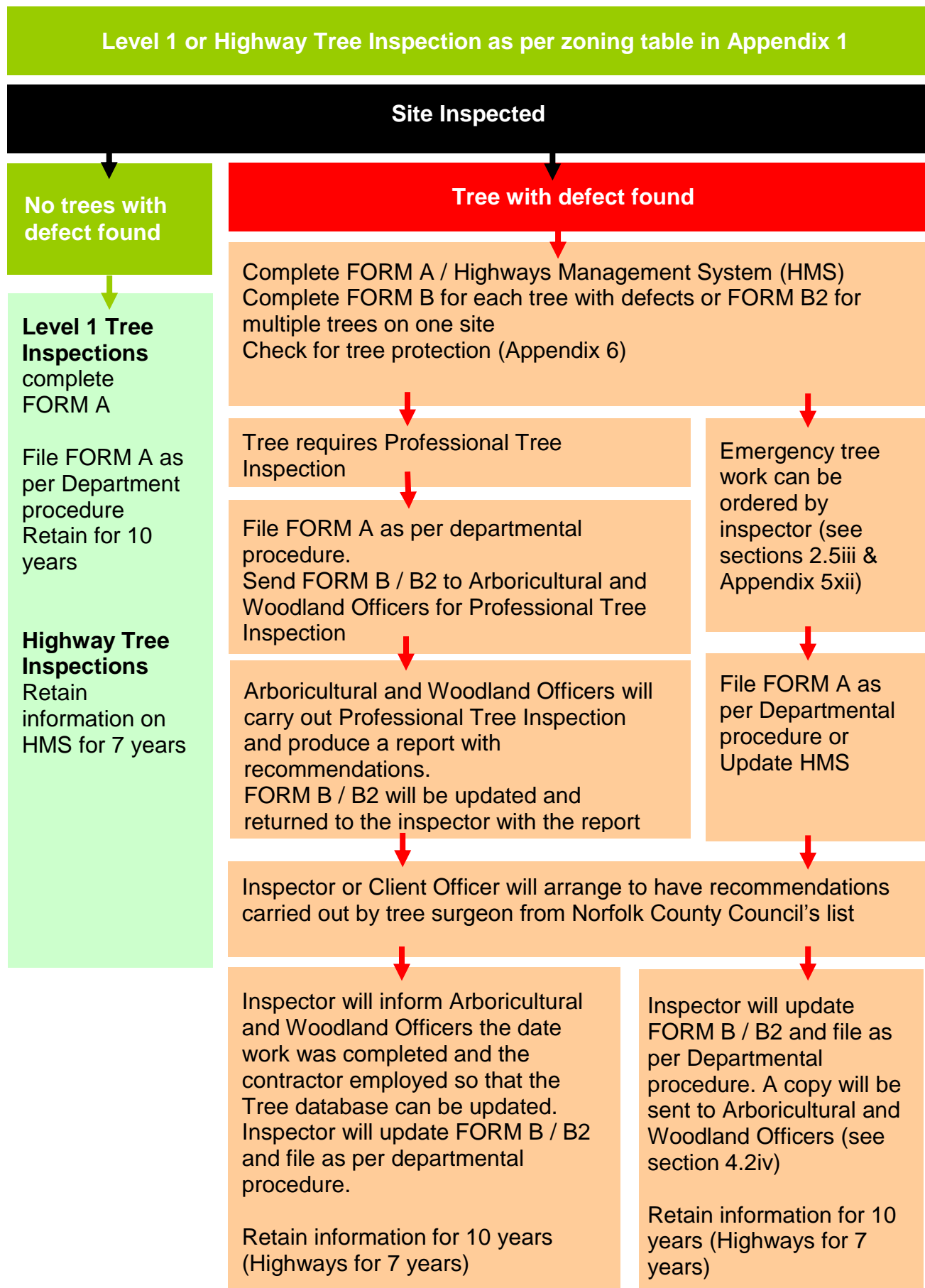
## 4.2 Action

- i. If no further Professional Tree Inspection is required, FORM A should be filed as per departmental procedure. For Highways the site visit details will be saved on the highways inspection system. The designated responsible officer for the site will ensure that all inspection forms and site inspection information are retained for 10 years (except Highways where the retention period is 7 years) to ensure that Norfolk County Council has an accountable system in place
- ii. Where the Highway Tree Inspector or Level 1 Inspector decides that a tree needs a professional inspection, FORM B or B2 will be completed and a copy will be sent to the Arboricultural and Woodland Officers so that a Professional Tree Inspection can be carried out
- iii. FORM B / B2 will be returned to the inspector by the Arboricultural and Woodland Officers after the Professional Tree Inspection has been carried out. The Inspector then needs to fill in the final section of the form, stating the date the tree surgery was completed and the name of the contractor that carried out the work. This information must be passed to the Arboricultural and Woodland Officers before FORM B / B2 is filed
- iv. If a tree requires emergency action that can be organised by the inspector (see examples in section 2.5iii), FORM B or B2, should be filled in accordingly showing the actions that were taken. The work must be carried out by a contractor who is listed on Norfolk County Council's Framework for the Maintenance and Cutting of Trees, Grips and Hedges (see Appendix 4, Section 5) and the works order must contain the statement in Appendix 5xii. FORM B / B2 must show the name of the tree surgeon that carried out the work and the date it was completed. This information must be passed to the Arboricultural and Woodland Officers either by phone or email before FORM B / B2 is filed. It will then be entered onto the tree database for audit purposes.



Level 1 Tree Inspection candidates

# Flowchart to show procedure for Level 1 Tree Inspections and Highway Tree Inspections



## 5. Procedures for Professional Tree Inspections

### 5.1 Recording

The Arboricultural and Woodland Officers will carry out a systematic inspection of a tree, recording significant defects and assessing the tree's physiological and structural condition. If remedial work will be required, an assessment will also be made as to whether the tree is a likely habitat for a European Protected Species (see Appendix 5). In particular, the Arboricultural and Woodland Officers will look for signs that may indicate the presence of bats. Details of Professional Tree Inspections will be recorded on the tree database. The database will hold historical information on all inspections, work and management recommendations.

### 5.2 Reporting

A professional report will be produced and sent to the appropriate Level 1 Tree Inspector, Highway Tree Inspector or Client Officer as appropriate, detailing any remedial works required. The degree of remedial work required for a tree will depend both on the hazard and the level of risk. The safety considerations may also be linked to the landscape, wildlife and cultural value of a tree. Recommended actions may include further detailed tests such as a Picus tomograph, which uses ultrasound to map the amount of decay within a trunk or branch; or may be a request to Natural England for a licence where works would otherwise risk breaching legislation relating to protected species using the tree. Work specified will be prioritised according to urgency. Identified actions must then be followed through. This will require clear lines of communication between the Arboricultural and Woodland Officers and those responsible for ordering the tree work. FORM B / B2 will be updated by the Arboricultural and Woodland Officers and returned to the appropriate officer or Tree Inspector.

### 5.3 Action

Work will be ordered by the relevant Client Officer within the timescale recommended by the Arboricultural and Woodland Officers. Tree contractors asked to quote for work will be selected from Norfolk County Council's Framework for the Maintenance and Cutting of Trees, Grips and Hedges (see Appendix 4, Section 5). It will be the responsibility of the Client Officer who authorises the work to inform the Council's Arboricultural and Woodland Officers of the date the work was completed and the contractor who did the work. FORM B / B2 must be updated to show this information. The information must be passed to the Arboricultural and Woodland Officers either by phone or email or via a copy of the completed FORM B / B2 before the form is filed. It will then be entered onto the tree database for audit purposes.

### 5.4 High risk trees identified by the Arboricultural and Woodland Officers

The site zoning regime in Appendix 1 sets out the base standard for the inspection of trees on Norfolk County Council sites. However within these identified risk zones, there may be reasons why certain sites or trees may need to be inspected on a more frequent basis. Examples include well used cycle routes through areas of mature trees, or trees that due to their species, size, condition or location may pose a higher risk. Veteran trees in particular may require more frequent inspections (see Appendix 4, Section 6i). The inspection regime for identified high risk trees will be determined by the Arboricultural and Woodland Officers. Future re-inspection dates for Professional Tree Inspections on particular high risk trees will be flagged up by the tree database at the required time, and will be carried out by the Arboricultural and Woodland Officers.

## 6. Monitoring

In order to ensure adherence to the Tree Safety Management Policy, services and departments must ensure that adequate records are kept for 10 years (however the highways system can only retain records for 7 years) and that systems demonstrating compliance with the Policy are put in place. These may be subject to periodic internal audit.

The Senior Arboricultural and Woodland Officer will ensure that the Tree Safety Management Policy is kept under constant review and is formally reviewed every 5 years.



# Appendix 1

## Site zoning regime for Norfolk County Council

Risk Zones	County Council Sites
<p><b>High risk</b></p> <p>Highway or Level 1 Inspection every 18 months</p>	<ul style="list-style-type: none"> <li>▪ <u>Street trees in defined town centre inspection areas (includes Category 1 footways)</u></li> <li>▪ <u>Street trees on Category 2 footways</u></li> <li>▪ <u>Street trees on urban Category 2 &amp; 3 roads (40mph and below)</u></li> <li>▪ Schools &amp; Social Services (high use areas) *</li> <li>▪ Field Study Centres &amp; Outdoor Education Centre</li> <li>▪ Play areas</li> <li>▪ Sites or trees identified by the Arboricultural and Woodland Officers as high risk (see paragraph 5.4)</li> <li>▪ Park and Ride sites</li> </ul> <p>* High use = &gt; 36 people per hour</p> <p><u>Sites to receive Highway Tree Inspections are marked in blue and underlined</u></p>
<p><b>Moderate risk</b></p> <p>Highway or Level 1 Inspection every 2 1/2 years</p>	<ul style="list-style-type: none"> <li>▪ <u>Street trees on Category 2 &amp; 3 rural routes (over 40mph)</u></li> <li>▪ Schools &amp; Social Services (all other areas)</li> <li>▪ Public buildings and sites</li> <li>▪ Works depots</li> <li>▪ Woodlands (moderate use) **</li> </ul> <p>** Moderate use = 1 – 36 persons per hour</p> <p><u>Sites to receive Highway Tree Inspections are marked in blue and underlined</u></p>
<p><b>Low risk</b></p> <p>Highway or Level 1 Inspection every 5 years</p>	<ul style="list-style-type: none"> <li>▪ <u>Street trees on remaining roads, detached footways or cycle ways</u></li> <li>▪ Norfolk County Council owned trees on public footpaths</li> <li>▪ County Farms hedgerow trees</li> <li>▪ Other woodlands and open spaces</li> <li>▪ Surplus land</li> </ul> <p><u>Sites to receive Highway Tree Inspections are marked in blue and underlined</u></p>

The timing of high and moderate risk inspections is designed to ensure that trees are seen at different times of year, both in the winter and when in leaf. This will give a better overall indication of a tree's physiological and structural condition. It would be an advantage if the low risk inspections are carried out at different times of the year for the same reason. **In addition to the inspections above, sites must be checked for hazardous trees or branches after strong winds. Please see Section 3.2 on Page 8.**



## Appendix 2 FORM A Site Tree Inspection Form

<b>Location</b>	
If the inspection only covers part of the site, please state which areas are included (e.g. this situation may occur where a larger site has been sub divided into different risk zones according to usage)	
<b>Map included</b> Yes / No	
<b>Type of Inspection</b> (e.g. planned as per the site zoning inspection regime, after storms, or reactive)	
<b>Date</b>	<b>Time</b>
<b>Inspector's Name</b>	
<b>Findings (Please state if no significant defects are found)</b> Please continue on other side or separate sheet if necessary	
If a tree with significant defects is found, FORM B must be filled in for each tree or FORM B2 for multiple trees on a site and sent to the Arboricultural and Woodland Officers for a Professional Tree Inspection.	

## Appendix 3 Form B Tree Defect Report Form

<b>Location</b>		<b>Grid Reference</b>	
		<b>Map, photo, email or sketch attached? Yes / No</b>	
<b>Date</b>	<b>Time</b>	<b>Tree Ownership (if known)</b>	
<b>Inspector's Name</b>			
<b>Species (if known)</b>		<b>Age (please circle or highlight)</b> Young / Semi-mature / Mature / Veteran	
<b>Condition/Defects</b> (Please continue on other side or separate sheet if necessary)			
<b>Hazard Rating</b> <b>See section 4.1 for explanation of terms</b> (Please circle or highlight)			<b>Total Hazard Rating</b>
			<b>Total</b> (Target + Hazard + Likelihood)
Target	3 = High	2 = Medium	1 = Low
Hazard	3 = High	2 = Medium	1 = Low
Likelihood of failure	3 = High	2 = Medium	1 = Low
			8+ = <b>High</b>
			5-7 = <b>Medium</b>
			1-4 = <b>Low</b>
<b>Total Hazard Rating Key</b>			
<b>High</b> = Professional tree inspection required within 7 days / work required within 7 days			
<b>Medium</b> = Professional tree inspection required within 28 days / work required within 3 months			
<b>Low</b> = Professional tree inspection required within 50 days / work required within 6 months			
<b>Follow up action by Inspector and date</b> (e.g. passed to Arboricultural and Woodland Officers / emergency work order)			
<b>Unless the tree requires emergency work (see section 2.5iii), it must be referred to the Arboricultural &amp; Woodland Officers for arboricultural &amp; protected species / EPS assessment</b>			

<b>This section is to be filled in by the Arboricultural and Woodland Officers and the form will then be returned to the Inspector</b>	
Date of professional tree inspection	Inspected by
Date report sent back to Inspector	
Date tree surgery work completed	
Contractor employed	
NB: This information must be passed to the Arboricultural and Woodland Officers before this form is filed.	

## Appendix 3A Form B2 Multiple Tree Defect Report Form

Inspectors Name	Date	Time	Grid Ref:	Site	Date Prof. Tree Inspection & Inspector	Date tree surgery completed and name of contractor employed

Location / Tree Number	Tree Ownership (if known)	Age / Class * Y, S/M, M, V	Species (if known)	Condition / Defects	Hazard Rating ** High Medium Low	Follow up action ***	Map, photo or email attached Yes / No

\* Young, Semi Mature, Mature, Veteran

\*\* **Hazard Rating: Target:** 3 = High 2 = Medium 1 = Low **Hazard:** 3 = High 2 = Medium 1 = Low **Likelihood of failure:** 3 = High 2 = Medium 1 = Low

8+ = **High** - Professional tree inspection required within 7 days

5-7 = **Medium** - Professional tree inspection required within 28 days

1-4 = **Low** - Professional tree inspection required within 50 days/

**Form B2 Multiple Tree Defect Report Form (Side 2)** (Form B2 is a double sided sheet)

Location / Tree Number	Tree Ownership (if known)	Age / Class * Y, S/M, M, V	Species (if known)	Condition / Defects	Hazard Rating ** High Medium Low	Follow up action ***	Map, photo or email attached Yes / No

\*\*\* Unless the tree requires emergency work (see section 2.5iii) it must be referred to the Arboricultural and Woodland Officers for Arboricultural and protected species / EPS assessment

## Appendix 4

# Norfolk County Council's Tree Management Guidelines

### Tree Management Objectives

The Arboricultural and Woodland Officers within the Natural Environment team will:-

- Protect, maintain and enhance Norfolk's tree population as part of the wider green infrastructure, for the benefits it provides to residents and visitors. This is in line with the Council's priority for good infrastructure, to fulfil its Duty of Care and conform with the Natural Environment and Rural Communities Act (2006)
- Increase awareness of the values of trees both to Council Officers and members of the public
- Encourage best industry practice through planning legislation and adherence to the relevant British Standards and National Guidelines
- Support real jobs in local businesses by promoting local tree surgery companies through Norfolk County Council's Framework for the Maintenance and Cutting of Trees, Grips and Hedges. These are contractors who have demonstrated that they work to industry best practice and have the correct certification and insurance

#### 1. Felling

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

Felling is unlikely to be recommended in the following circumstances

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

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

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

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

## 2. Replanting

- i. Any tree that is felled must be replaced with one or more new trees of an appropriate species (also stated within the Highways Corridor Document 2005). The number of replacements will be at the discretion of the Arboricultural and Woodland Officers but would generally follow the rule of a 1 for 1 replacement of young and semi-mature trees, 2 for 1 for medium sized trees and 3 or more replacements for mature trees. The species and location are to be agreed with the Council's Arboricultural and Woodland Officers or Green Infrastructure Officers. The new tree or trees do not have to be replaced in exactly the same site as the original. This will depend on the site characteristics and usage and the presence of services above and below ground
- ii. The replacement tree will receive at least 3 years establishment maintenance to include formative pruning, stake and tie adjustment, weeding and at least 2 years watering. The cost for this maintenance must be made available at the time of ordering the planting
- iii. Tree planting contracts for the Council can be arranged by the Arboricultural and Woodland Officers or Green Infrastructure Officers who can provide planting specifications and draw up establishment maintenance contracts
- iv. All tree planting and young tree maintenance will be specified in accordance with the British Standard BS8545 (2014) Trees: from nursery to independence in the landscape
- v. Where the removal of trees or hedges has been approved to facilitate a development, the developer will be expected to provide a landscape plan showing adequate mitigation planting and a 5 year planting and maintenance specification in agreement with the Arboricultural and Woodland Officers or the Green Infrastructure Officers who are consultees in the planning process
- vi. Parish Councils and schools will be encouraged to undertake tree planting and to ensure aftercare maintenance
- vii. The Arboricultural and Woodland Officers will investigate ways to secure additional funding for tree planting on Norfolk County Council sites
- viii. The Arboricultural and Woodland Officers will encourage planting of native trees and trees of local provenance where appropriate, particularly in rural areas and on designated sites. However resilience to climate change and pests and diseases will be an increasing consideration when selecting planting stock. It will be important to diversify the number of genera within tree populations to ensure that new diseases that attack a particular species or genus (such as *Chalara fraxinea* - Ash Dieback) do not decimate a whole area. Reference tools are available to help landowners make their tree populations more resilient such as the Forestry Commissions [Ecological Site Classification Decision Support System](#) (ESC-DSS). These tools can be used by the County Council to assist in species choice

- ix. The Arboricultural and Woodland Officers will continue to actively source new species, genera and varieties of street trees in urban areas both to increase biodiversity and provide a more dynamic adaptable population. The forms chosen should have low future pruning requirements and consideration will be given to genera and varieties that are likely to be able to adapt to changing climatic conditions, that are tolerant of restricted space both above and below ground, wounding, pruning, road salt and herbicides. The guidance contained within the Trees and Design Action Group Guidelines "[Trees in Hard Landscapes, A Guide for Delivery](#)" (2014) will be promoted, referenced and specified by the Arboricultural and Woodland Officers and the Green Infrastructure Officers

### 3. Tree pruning

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

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

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

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

- xii. Where trees require pruning to remedy storm damage, mutilation or vandalism to make them safe and encourage a good crown structure
- xiii. Where coppicing or similar silvicultural operations are required to maintain or develop woodland or groups of trees in accordance with an agreed management plan

### 3.1 Standard of Pruning

All pruning of the Council's trees will be specified and must be carried out in accordance with British Standard BS3998:2010 Tree Work Recommendations unless otherwise directed by the Arboricultural and Woodland Officers.

### 3.2 Timing of pruning

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

### 3.3 Height Reductions and Topping

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

The International Society of Arboriculture has produced the guideline entitled ['Why Topping Hurts Trees'](#)



### 3.4 Pollarding

This is the practice of removing branches at a set height above ground level (often 4 to 6 metres) to promote a dense head of foliage. In the past, the re-growth was used either as animal fodder or wood, depending on the length of time between cutting. The height of cutting prevented grazing damage of the new growth. True pollarding is a practice that has to be carried out to trees from an early age; however, similar growth forms can be created by cutting or topping older trees, but can lead to decay as stated above. The Council maintains a number of trees that have been managed as pollards all of their lives, such as the roadside willows that were planted to stabilise the roads in the Broads and marshy areas. These are pollarded on a rolling 3 year cycle.

### 4. Tree roots, root protection and root pruning

- i. The Arboricultural and Woodland Officers and the Natural Environment Team work closely with highways designers and engineers through the Environmental Checklist consultation process. This early input into the design process ensures that schemes that are delivered are cost effective, on schedule and have the least impact on the natural environment. Guidelines on working close to trees are provided on iNET and are part of the Environmental checklist form
- ii. The Arboricultural and Woodland Officers will promote and ensure compliance by all staff and contractors with Volume 4 of the National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) and BS 5837:2012 - Trees in relation to design, demolition and construction. The 'Prevention of Damage to trees and the NJUG Guidelines' section on Tree Information on iNet provides more information
- iii. Norfolk County Council requires any contractors carrying out works to the highway (such as developers in developer designed highway schemes) also adhere to both the NJUG Guidelines and BS5837:2012 where trees are present on or within falling distance of the highway
- iv. No root pruning is to be carried out without full consultation and agreement with the Arboricultural and Woodland Officers. Cutting tree roots is highly undesirable and root pruning will only be agreed if all other alternative options have been considered and that pruning will not compromise the health and structural integrity of a tree. Pruning of buttress and main supporting roots can make a tree unstable. Severance of more than 30% of a tree's root system is likely to cause slow dieback and eventual death of a mature tree
- v. Where a tree root is causing damage to a footway and repairs are necessary, the path level should be raised to accommodate the tree roots. Where repair cannot be carried out by building up the footpath to remove the trip hazard, the Arboricultural and Woodland Officers must be consulted so that a solution can be achieved that will not compromise the tree's structural integrity
- vi. If agreed with the Arboricultural and Woodland Officers, root pruning must be carried out by a tree surgeon from the List of Tree Surgeons on Norfolk County Council's Framework for the Maintenance and Cutting of Trees, Grips and Hedges (see Appendix 4, Section 5). Where required, a watching brief will be provided by the Arboricultural and Woodland Officers or by an agreed external arboricultural consultant

- vii. Although removal of roots less than 25mm in diameter is acceptable under the NJUG Guidelines, removal of a substantial area of these roots around a tree will adversely affect its ability to take up sufficient water and nutrients to maintain its health. Therefore, under these circumstances, guidance must be sought from the Arboricultural and Woodland Officers

## 5. Tree Contractors

- i. It will be stipulated on all tree works orders that the tree pruning must be carried out in accordance with BS 3998:2010 Tree Work - Recommendations. In rare cases where this is not achievable, the Arboricultural and Woodland Officers will specify how the pruning should be carried out
- ii. Tree contractors who work on Norfolk County Council owned land must be on the List of Tree Surgeons on Norfolk County Council's Framework for the Maintenance and Cutting of Trees, Grips and Hedges. This is used by Norfolk County Council, District Council Tree and Landscape Officers and any other company or Parish Council who wishes to sign up to use the framework. The list is available on the Tree Information webpage on iNet. Schools can access the list using the link to the Tree Information page on the [Norfolk Schools](#) website
- iii. The Arboricultural and Woodland Officers work in partnership with the District Councils and tree contractors to ensure that working practices are in accordance with current research findings and accepted arboricultural practice, that pruning is of the highest standards and that the correct tools are used for the correct jobs to promote the health and longevity of the existing tree population

## 6. Wildlife and Biodiversity

- i. Veteran trees on Norfolk County Council owned land will be identified by the Arboricultural and Woodland Officers. They will be recorded on the tree database and details will also be sent to Norfolk Biodiversity Information Service (NBIS). They will be managed on behalf of the council departments to ensure they are retained in a manner that promotes their continued longevity and that they pose as low a risk as is reasonably practical. They will be logged on the NBIS database for future reference
- ii. Dead trees – where the risk posed is low, dead trunks that are upright and stable will be reduced and retained as wildlife habitats to promote biodiversity. They will be left at an appropriate height specified by the Arboricultural and Woodland Officers, with most or the entire branch framework reduced to stubs
- iii. Where feasible, felled trunks will be left in situ on the ground
- iv. The removal of dead wood from a tree will be specified when essential for health and safety reasons. Where possible it will be recommended that dead branches are stabilised by shortening them to a point where they no longer pose a risk so that they can be retained as a wildlife habitat
- v. Where site conditions allow, deadwood should be left on site below the tree
- vi. Where possible branch wood will be retained on site and left stacked or in habitat piles for wildlife
- vii. Pruning cuts to benefit wildlife will be specified where appropriate, for example in woodlands and natural areas. Contractors will be asked to carry out coronet cuts or allow natural tears to branches and standing stumps to encourage decay

- viii. Cable bracing may be specified to reduce the risk of harm where a tree may have the potential to fail due to compression forks or decay. Non-invasive cabling techniques will be recommended in the majority of cases. Cable bracing is an expensive option that does not remove the risk of tree failure and will usually only be recommended where a tree merits retention due to its cultural, wildlife or landscape value
- ix. Ivy is beneficial for wildlife and biodiversity but obscures potential structural defects. Therefore when it is growing on trees that need to be inspected its removal will be recommended. A guidance note can be found on the Tree Information pages on iNet and [Norfolk Schools](#) website

## 7. Biosecurity and New Pests and Diseases

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

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

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

The County Council currently has no contingency procedure in place for a major pest and disease outbreak; however, addendum appendices to this policy will be produced to explain how to recognise the pest or disease and will set out procedures to follow if they differ from the standard procedures in the Tree Safety Management Policy.

Information in the addendums will be regularly updated to ensure the County Council complies with National Guidance and advice from Defra and the Forestry Commission.

The [biosecurity measures](#) recommended by the Forestry Commission will be adhered to by County Council employees.

## Appendix 5

### Wildlife Legislation relating to trees

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

#### Best Practice Guidance for Norfolk County Council

- vii. Data sets of EPS in Norfolk can be obtained from the Norfolk Biodiversity Information Service – email [enquiries.nbis@norfolk.gov.uk](mailto:enquiries.nbis@norfolk.gov.uk) Website [www.nbis.org.uk](http://www.nbis.org.uk). The information available on current known distribution of EPS and other protected species in Norfolk is used by the Arboricultural and Woodland Officers when producing reports for Client Officers and Level 1 Inspectors
- viii. If possible, medium and low priority tree work should be done outside of the bird nesting season. The main nesting season is between 1 March and 31 July. If nests are known to be present, work should be delayed until the chicks have fledged. Where a tree is imminently dangerous, interim remedial works to make a tree safe or fencing a site or tree off may be acceptable to reduce the risk until fledging has occurred
- ix. The optimum time to carry out tree work to avoid nesting birds and to avoid periods when bats are vulnerable is between September and November

- x. Arboricultural and Woodland Officers will assess potential for bat roosts in trees and will refer to current records held by NBIS and BS8596:2015
- xi. All tree surgeons on the List of Tree Surgeons on Norfolk County Council's Framework for the Maintenance and Cutting of Trees, Grips and Hedges will also be aware of the signs to look for to determine if bats are using a tree. However, bats may offer little or no evidence of their occupation
- xii. The following statement must be attached to any emergency work order sent by an inspector where no Professional Tree Inspection has been carried out

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

**If birds are nesting, work must cease until the chicks have fledged. If bats are found, or if there is evidence of a roost (e.g. the presence of urine staining), the Emergency Bat Helpline number must be called immediately – 0345 1300 228. The Arboricultural and Woodland Officers must also be notified so that agreement can be reached on how to deal with the situation.**

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

- xiii. Norfolk County Council's guidance leaflet 'Trees and Bats' is available on the Tree Information page on iNet and [Norfolk schools](#) website

## Useful links

The Bat Conservation Trust have produced a leaflet called [Bats and Trees](#).

The British Standards Institute have produced a non-specialist's micro-guide to the new British Standard BS8596 [Surveying for Bats in Trees and Woodland](#).

Details on bats and trees are available from the [Bat Conservation Trust](#) website.

Information on bats is provided by [Natural England](#).

[Guidance on EPS and Woodland operations](#) is available on the Forestry Commission website.

The Forestry Commission has also produced the leaflet '[Woodland Management for Bats](#)' which highlights the indicators for the presence of bats in woodlands in Table 1 on page 6.



Tree with known bat roosts accessed via old woodpecker nest holes

## Appendix 6

### Guidance on other legislation relating to trees

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

#### 1. Tree Preservation Orders (TPOs)

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

#### 2. Trees in Conservation Areas

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

#### Useful links

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

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

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

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

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

### 3. Hedgerows Regulations 1997

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

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

### 4. High Hedges

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

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

In Norfolk, it is the District Councils who deal with complaints about high hedges. The charges for this service vary. The Act states that councils can only intervene once it has been demonstrated that all other avenues for resolving a hedge dispute have been exhausted. A council has the power to decide whether a hedge is adversely affecting the reasonable enjoyment of an adjacent property and, if so, can issue a formal notice setting out what must be done to remedy the problem. A council does not have the power to require a hedge to be removed (only reduced in height) and therefore cannot guarantee access to uninterrupted light.

### 5. Felling Licences

It is unlikely that a Level 1 tree inspector will need to have detailed knowledge of felling licence legislation as this would be flagged up by the Arboricultural and Woodland Officers at the time of a Professional Tree Inspection. It is sufficient to know that you only need a felling licence if you want to cut down trees containing more than five cubic metres of wood in any calendar quarter. This includes trees within the highway boundary. There are exceptions to this rule which are set out in the Forestry Act 1967 and Regulations made under that Act. For example, you do not need a licence for felling trees in gardens. For more information, contact the Council’s Arboricultural and Woodland Officers or the [Forestry Commission](#)

### 6. The Natural Environment and Rural Communities Act (2006)

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

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

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

Section 40(3) of the Act explains that

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

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

More information on the NERC Act can be found on the [Defra](#) website

## 7. Sites of Special Scientific Interest (SSSIs)

SSSIs are areas of land that are considered to be of special interest for their flora, fauna or geology. Sites are designated and administered in England by Natural England. The designation is intended to protect the particular interest of a SSSI from harm by development, damage or neglect. The County Council would have to apply for permission to carry out any tree work in a SSSI and gain written consent from Natural England before proceeding with the work. SSSIs are shown on the mapping browser and will be flagged up by the Arboricultural and Woodland Officers when a professional tree inspection is undertaken.

## Planning Legislation

### 8. Planning Conditions

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

### 9. Section 38

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



## 9. Section 278

A Section 278 Agreement (of the Highways Act 1980) is a legal agreement between a council and a developer which describes proposed modifications or improvements to the existing highway network to facilitate or service a new development. Examples of such works could be the construction of new accesses, junction improvements or safety related works such as traffic calming or improved facilities for pedestrians and cyclists. Section 278 works often involve the removal of existing trees and new planting schemes. The Natural Environment Team works closely with highways design colleagues and developers to deliver schemes that protect and enhance the existing trees and landscaping.

## 10. Section 106

As part of the planning process a local planning authority and a developer may enter into a legal agreement to enable any adverse impacts of a development to be offset, to enhance the physical environment or to contribute to local facilities where this is not possible through planning conditions.

This agreement, known as a Section 106 agreement (the legislative basis for planning obligations is Section 106 of the Town and Country Planning Act 1990) is a delivery mechanism for the matters that are necessary to make a development acceptable in planning terms and is directly related to a specific development. This can include the provision of open space and tree planting.

## 11. Community Infrastructure Levy (CIL)

Since April 2010, local authorities have been able to charge developers a Community Infrastructure Levy (CIL). The regulations that allow them to do this are The Community Infrastructure Levy Regulations 2010. CIL may be levied on new residential and commercial development new builds and extensions above 100 square metres to contribute towards funding infrastructure needed to support development. CIL revenue may be spent on any infrastructure needed, anywhere in the borough, not necessarily in the vicinity of any particular development.

## Appendix 7

### Privately owned trees

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

- i. The safety of trees within falling distance of the highway is covered nationally by the Highways Act 1980. The County Council's Highways Inspectors are expected to look for potentially dangerous trees that are within falling distance of the highway when carrying out their routine highway inspections
- ii. It is advisable for Level 1 Tree Inspectors, when looking at trees on the County Council estate, to take account of neighbouring trees within falling distance of County Council land. They should note any trees that may be of concern to them in the course of their planned inspection. They should follow the procedure set out in paragraph 4.1 if they require further advice or assistance from the Arboricultural and Woodland Officers
- iii. Owners are responsible for trees on their property and have a legal duty of care. *"This duty of care is to take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property"* (NTSG 2010). Best practice advice on fulfilling this duty is available from the National Tree Safety Group (NTSG). See page 4 of this Policy for the link to download the guidance documents
- iv. As a responsible land owner, Norfolk County Council, through this Tree Safety Management Policy, has set up system of regular inspection and monitoring of its trees. We will encourage other large landowners to do likewise
- v. We will consider whether neighbouring trees are likely to pose any threat to members of the public using Council property. If we receive reports that a tree or trees are giving rise to concerns, we will carry out a reactive Level 1 or Professional Tree Inspection
- vi. Owners of any trees that are a potential nuisance or danger to the public or to public property will be asked to carry out remedial work. In the event of failure to carry out work, Norfolk County Council can use statutory powers to implement essential works and recharge the costs to the owner
- vii. Norfolk County Council has powers under the Highways Act 1980 and common law to ensure that members of the public are not put at risk when using Council sites. In addition, the District Councils have powers under the Local Government (Miscellaneous Provisions) Act 1976 to deal with unsafe trees.
- viii. Owners of trees that are a potential nuisance or danger will be offered further advice by the Arboricultural and Woodland Officers if this is requested by the relevant department

## Appendix 8

### Services offered relating to tree inspection and management

This policy sets out the basic standards that will be required to ensure that there is an adequate system of inspection of trees that are the responsibility of Norfolk County Council.

However, some individual establishments may choose to go beyond the required standards set out in the Council's Tree Safety Management Policy and have a more detailed inspection, survey or safety policy carried out for their trees. Some establishments may have grounds that are considered large enough to require their own zoning regime. Additional, more detailed policies for a specific establishment are acceptable, as long as the system of inspections, recommendations and tree surgery follow the procedures and guidelines set out in the Tree Safety Management Policy and that an accountable auditable system of records are retained to demonstrate compliance.

#### Private Services available

Appendix 4, Section 5 gives the link to the List of Tree Surgeons on Norfolk County Council's Framework for the Maintenance and Cutting of Trees, Grips and Hedges. Some of the contractors on this list may offer consultancy services such as providing a Tree Safety Policy for a site and carrying out tree surveys, inspections and formulating a site specific inspection regime.

A tree inspection service is also offered by the [Grounds Advisory Service](#), part of [Norse](#).



Willow Pollards, Halvergate



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