



Durham County Council  
Tree Management Policy  
March 2024



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# 1. Introduction

## Summary

- 1.1 Trees are important features of both our countryside and our urban areas. They make an enormous contribution to the character, beauty and heritage of our landscapes and townscapes and are a cornerstone of their biodiversity. They store carbon in their biomass and soils and the timber they produce, create shade to reduce urban heating, intercept airborne pollutants and help regulate the flow of water through catchments, reducing flooding and the pollution of watercourses. The ecosystem services they provide make them an important part of our natural capital and contribute to the resilience of the landscape to climate change.
- 1.2 We recognise the human and environmental benefits of having healthy, sustainable and well-managed trees and woodlands, and the role they play in our response to the climate emergency and the ecological crisis.
- 1.3 We also recognise that trees can sometimes cause problems, ranging from minor nuisance or inconvenience to more serious risk of harm to people and property.
- 1.4 We have a legal duty of care to manage the risk from our trees. That duty requires that we should be reasonable, proportionate, and reasonably practicable when managing the risk. There is a balance we need to strike between the many benefits trees provide, the risk and the costs of managing the risk. We also need to ensure that our trees do not cause a legal nuisance by interfering with neighbouring properties.
- 1.5 This policy sets out our approach to tree management. We aim to inspect and manage our trees in a manner which allows us to fulfil our duty of care and legal responsibilities. We aim to provide a high quality of tree care in line with arboricultural best practice to maintain and expand our tree resource.
- 1.6 We receive many enquiries and requests for works to trees from customers. We aim to deal with those requests in a manner which is fair and consistent and reflects the council's priorities for managing its finite resources.
- 1.7 We have legal powers and duties as a local authority to deal with other trees affecting public safety and to protect trees on private land when it is in the public interest to do so. We aim to fulfil those duties and exercise those powers in a fair and consistent manner.
- 1.8 We aim to stay up to date with the latest policies and guidance relating to trees and developments in arboricultural best practice and to share and promote that knowledge with other parties.

## The scope of this policy

- 1.9 The policy applies to how we manage trees under our ownership or within our responsibility.
- 1.10 It applies to how we deal with trees in private ownership which pose a risk to public safety where we have powers/duties to intervene.
- 1.11 It applies to how we deal with trees on private land where we have powers/duties to protect them.
- 1.12 Although we believe this policy to be as comprehensive as possible, we acknowledge it does not cover every situation. We will exercise discretion in its application when this would be in the best interests of the council and its residents.

## 2. Background

### The benefits of trees

- 2.1 Trees are important features. They provide many benefits to society including:
  - providing natural forms that soften the hard lines of buildings in urban areas:
  - providing amenity value & seasonal interest through their foliage, flowers, fruits and autumn colours:
  - bringing character and local distinctiveness to landscapes and townscapes
  - contributing to the setting of historic buildings and streetscapes:
  - contributing to biodiversity and providing habitat for a wide range of other species:
  - storing carbon in their biomass and soils, and producing oxygen:
  - improving air quality by filtering airborne dust & pollutants and helping reduce the formation of smog and ozone:
  - absorbing traffic noise in built-up areas:
  - reduce temperature extremes by providing shade in hot weather and shelter in cold weather:
  - reducing energy use and costs of air conditioning and heating:
  - providing screening of eyesores and privacy in residential areas:

- intercepting rainfall, reducing urban run-off, flooding and pollution of watercourses:
- improve our health & well-being by reducing stress, mental fatigue, and create a healthy environment for outdoor activities, exercise and informal recreation:
- increase local property values and desirability attracting investment:
- reducing crime and anti-social behaviour.

## Threats to trees

2.2 Urban areas can be a challenging and hostile environment for trees which can suffer from the conditions they are growing in or be damaged or lost through changing land use. Common issues include:

- poor soil quality, lack of soil volume or rooting space, compaction, poor site drainage:
- pollution & contamination; winter salt damage:
- seasonal drought stress or periodic flooding:
- trenching works by utilities companies:
- poor pruning practices which may permanently damage and disfigure trees:
- pests and disease outbreaks, especially where newly introduced from around the world:
- climate change, resulting in more frequent high winds/ storm damage, changes in seasonal weather patterns:
- vandalism, antisocial behaviour or accidental damage:
- highway maintenance works and road improvement schemes:
- new development and re-development:
- physical damage to trees and their rooting environment during construction work.

Trees can be affected by combinations of these factors, many of which can be prevented or minimised through good quality tree care, sustainable work practices and education.

## Common Law

2.3 Common law is the system of laws based on customs and court decisions which, combined with written laws made by parliament, forms the basis of the legal system in England. Common law often forms the basis of resolving disputes between landowners, establishing the principles of where their responsibilities and liabilities lie.

- 2.4 There are many common law judgements and precedents that relate to trees and help establish rights and responsibilities for issues such as overhanging branches, trespassing roots, falling leaves, obstruction of light, harm to people and damage to property. These inform how the council deals with these matters. Two key concepts are 'nuisance' and 'negligence'.

#### Nuisance

- 2.5 In common law a nuisance may occur where there is an unreasonable and substantial interference in the use and enjoyment of a person's property. To be a legal nuisance this needs to be a nuisance that is actionable in law, for example in the case of trees where they are touching buildings and causing direct damage. This generally excludes lesser nuisances in the everyday sense, such as shading, leaf litter, debris, etc which would be regarded as inconveniences that would not normally require preventive or remedial action by the tree owner.

#### Negligence

- 2.6 Negligence occurs where one person (such as the owner of a tree) owes another a duty of care and they do, or fail to do, something that a reasonable person would do, or would not do and which causes them injury or loss as a result. Failure to inspect and maintain a tree appropriately may result in negligence. Landowners are not liable for damage or injury caused by a tree if it was not reasonably foreseeable or reasonably preventable (sometimes referred to as Acts of God). An example of this would be damage caused due to the failure of an otherwise sound tree branch in stormy weather.

#### Legislation

- 2.7 There are a number of Acts of Parliament, regulatory processes and legal controls that effect the management of trees and woodlands which the council must have regard to.

#### Occupiers Liability Act/s 1957/84/2000

- 2.8 The Occupiers Liability Act imposes a duty on landowners to take reasonable care to avoid acts or omissions that could cause a reasonably foreseeable risk of injury to persons or property. An owner of land on which a tree stands has a responsibility for the health and safety of those on or near their land and has potential liabilities arising from the falling of a tree or branch if they are found to be negligent in their legal duty of care.

#### Health and Safety at Work Act 1974

- 2.9 The health and safety at work act imposes a duty on employers to ensure employees and members of the public are not put at risk when managing trees, for example, by undertaking operational work in accordance with all



relevant legislation regulations, industry codes of practice and safe work procedures.

#### The Town and Country Planning Act 1990 (TCPA)

- 2.10 The TCPA places a duty on the council to ensure, whenever it is appropriate, that in granting planning permission for any development, adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. It also sets out the council's powers and duties in relation to Tree Preservation Orders and trees in conservation areas.

#### Natural Environment and Rural Communities Act 2006 (NERCA)

- 2.11 Section 40 of the NERCA places a duty on the council to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

#### The Forestry Act (1967)

- 2.12 The Forestry Act controls the felling of certain trees and woodland through a licensing process.

#### The Hedgerow Regulations (1997)

- 2.13 The Regulations control the removal of certain hedges through a notification process.

#### Anti-social Behaviour Order Act (2003)

- 2.14 Part 8 of the Act gives Local Authorities the powers to deal with complaints or disputes about high hedges affecting residential properties.

#### Local Government (Miscellaneous Provisions) Act 1976

- 2.15 The Act (s. 23-24) gives powers to local authorities to serve notice and if necessary, to enter land to abate a legal nuisance or risk of harm to the public.

#### Highways Act 1980

- 2.16 The Highways Act sets out the main duties and powers of Highway Authorities. In particular it imposes a duty under Section.41 to maintain highways maintainable at public expense. As a highway authority the council is responsible for ensuring that trees within the highway boundary and trees outside the highway boundary but within falling distance of it, do not pose an unacceptable risk of harm to road users. Section 154 empowers the authority to deal, by notice, with hedges, trees and shrubs growing on adjacent land which overhang the highway and to recover costs. Section 96A imposes a duty of local highway authorities in England to consult members of the public before felling street trees.

### [Wildlife and Countryside Act 1981 \(as amended\).](#)

- 2.17 The act provides protection for nesting birds.

### [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#)

- 2.18 The regulations provide protection for certain species and habitats including bats and their roosting sites, which may include trees.

### [The Environment Act 2021](#)

- 2.19 The Act seeks to provide a new framework for environmental protection in response to growing public awareness of climate and environmental issues. The Act introduces a duty of local highway authorities to consult before felling street trees as an amendment to Section 96 of the Highways Act 1980 (above).

## [Policy and guidance](#)

### [England Trees Action Plan 2021 – 2024](#)

- 2.20 The England Trees Action Plan sets out the government’s long-term vision for the treescape it wants to see in England by 2050 and beyond. In respect of trees in our towns and cities it states that:

“Well sited tree planting, with appropriate management, can make places where people live and work more climate resilient, healthy and attractive. Obtaining the expert services of local tree officers is recommended to help ensure trees and woodlands are planted and managed effectively and in helping to create, implement and monitor local tree and woodland strategies.

People place great value on trees and green spaces in their local communities, which also provide connections in our fragmented treescapes and vital habitat for threatened biodiversity. Yet they often slip through the gaps between funding mechanisms, contributing to their long-term neglect and decline. We need to reclaim our neglected public land, create tree-based community green spaces and encourage new trees in non-woodland settings, for people and nature.

We want to make sure trees in the urban environment are no longer seen as a management liability because of the costs, rather that they are seen as an important asset”.

### [Keepers of Time: ancient and native woodland and trees policy in England](#)

- 2.21 Keepers of Time (KOT) is the Government’s policy for ancient and native woodland and ancient and veteran trees in England. It sets out strategic

objectives for the protection, conservation and management of ancient and native woodland and ancient and veteran trees.

#### 6<sup>th</sup> Carbon Budget Report

- 2.22 The 6<sup>th</sup> Carbon Budget Report (2020) published by the Climate Change Committee includes among its key recommendations:

“By 2035, 460,000 hectares of new mixed woodland are planted to remove CO<sub>2</sub> and deliver wider environmental benefits. 260,000 hectares of farmland shifts to producing energy crops. Woodland rises from 13% of UK land today to 15% by 2035 and 18% by 2050”.

#### County Durham Climate Change Strategy and Emergency Response Plan 2022-24

- 2.23 The Climate Change Strategy and Emergency Response Plan sets out the council’s response to the climate crisis. It’s actions for the natural environment include creating new native broadleaved woodlands, increasing County Durham’s woodland cover whilst ensuring that trees are grown in the right place. Conserving and increasing the county’s urban and rural tree and woodland resource and managing it appropriately will form part of the council’s response to the climate crisis.

#### County Durham Ecological Emergency Action Plan 2022

- 2.24 The council declared an Ecological Emergency on 6 April 2022. An Ecological Emergency Action Plan was adopted on 14th December 2022. As part of that action plan a Local Nature Recovery Strategy is being produced by the County Durham Partnership, specifically the Ecological Emergency workstream of the Environment & Climate Change Partnership. Conserving and expanding the county’s urban and rural tree and woodland habitats and managing them appropriately will form part of the council’s response to the ecological emergency.

#### County Durham Landscape Strategy (2008)

- 2.25 The County Durham Landscape Strategy (CDLS) is the councils adopted strategy for the landscape. It includes strategic objectives for the county’s green infrastructure and for woodland management and creation.

#### North East Community Forest Partnership (NECFP)

- 2.26 The council is a member of the North East Community Forest Partnership (NECFP). The Community forest covers a substantial area in the north and east of the county, together with areas in neighbouring authorities to the north. The NECFP was established in 2021 with the long term goal of increasing canopy cover across the area to 30% by 2050.

### County Durham Plan (CDP)

- 2.27 The CDP contains a range of policies against which development proposals affecting trees are considered. Policy 40 deals specifically with trees, woodlands and hedges. It references this Policy in the way it deals with applications to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, stating that they will be determined in accordance with the Tree Management Policy (or any subsequent revisions).

### County Durham Plan trees Woodlands and Hedgerow Supplementary Planning Document (SPD)

- 2.28 The SPD contains detailed guidance and advice on trees and development which also apply to the council when developing its own land.

### Arboricultural best practice

- 2.29 We will also have regard to current arboricultural best practice relating to the inspection and management of trees. This includes for example.
- British Standard 3998: 2010 Tree Work – recommendations
  - European Tree Pruning Standard 2021
  - British Standard 5837: 2012 Trees in relation to design, demolition & construction – recommendations
  - British Standard 8545: 2014 Trees – from nursery to independence in the landscape – recommendations
  - ISO31000 (2018) – Risk Management guidelines
  - HSE SIM – Management of the Risk from falling trees 2007
  - National Tree Safety Group - Common sense risk management of trees
  - VALID Tree Risk-Benefit Assessment
  - National Joint Utility Group Publication 4 – Guidance for the planning, installation and maintenance of utility apparatus in proximity to trees (2008)
  - Government Circular ROADS no. 52/75
  - Well Managed Highway Infrastructure (October 2016) – A code of Practice.
  - Tree Species Selection for Green Infrastructure: A guide for Specifiers 2018
  - Technical Publications produced by professional bodies such as the Arboricultural Association, International Society of Arboriculture, Institute of Chartered Foresters, European Arboricultural Council, Trees & Design Action Group

## 3. Tree Risk Management

### Background

- 3.1 Common Sense Risk Management of Trees published by the National Tree Safety Group (NTSG) is the nationally recognised approach to tree risk management. It sets out the basic principles for managing tree risk in the public interest. It can be downloaded from the NTSG website: <https://ntsgroup.org.uk/>.
- 3.2 The council's approach to managing risk is based on that advice. We have adopted the VALID Tree Risk-Benefit Management & Assessment system which follows the guidance given in Common Sense Risk Management of Trees. The principles underlying that approach are:
- Trees give us many benefits that we need:
  - The overall risk from trees and branches falling is extremely low:
  - We can't entirely remove the risk, and trees are living structures that sometimes shed branches or fall over, usually because of severe weather:
  - We have a duty of care to be reasonable, proportionate, and reasonably practicable when managing the risk:
  - We're going to manage the risk to an Acceptable or Tolerable level.
- 3.3 A summary of VALID is given in Appendix 1 and more information can be found on the website.
- [Tree Risk-Benefit Management & Assessment | VALID \(validtreerisk.com\)](#)
- 3.4 Compared to other everyday risks we readily accept, the overall risk to us from branches or trees falling is extremely low. Given the number of trees we live with and how many of us pass them daily, being killed or injured by a tree is a rare event; one that usually only happens during severe weather.
- 3.5 Trees are living structures that sometimes shed branches or fall over. This usually happens because of severe weather, or because they have an obvious risk feature. Since we need the many benefits from trees, we have to accept that we can't remove all of the risk.

### Duty of care

- 3.6 We have a duty of care to manage the risk from our trees. That requires us to be reasonable, proportionate, and reasonably practicable when managing the risk. There is a balance we need to strike between the many benefits trees

provide, the risk, and the costs of managing the risk. By taking a balanced approach, we don't waste resources by trying to reduce risk - and losing benefits - when the risk is already acceptable or tolerable.

- 3.7 Most deaths and injuries from tree failure happen during or just after severe weather. When a severe weather warning is forecast, you can manage your exposure to the higher risk by not going out and by being watchful just after. We're all expected to act reasonably and responsibly. If we go out, we're choosing to accept some of the risk.

### ISO 31000 Risk Management

- 3.8 ISO 31000 Risk Management is the internationally recognised standard for risk management.

### Tolerability of Risk Framework

- 3.9 The 'Tolerability of Risk Framework' is an internationally recognised approach to making risk management decisions. It is adopted by the Health and Safety Executive. It can be used by duty holders where they manage a risk to the public. The Framework defines 'Broadly Acceptable' and 'Unacceptable' levels of risk. Between them is a region where the risk is 'Tolerable' if it is 'as low as reasonably practicable'. Put simply this means the risk is tolerable if the costs of the risk reduction are much greater than the value of the risk reduction.

### Risk Ratings

- 3.10 VALID applies the 'Tolerability of Risk Framework' and 'ISO 31000: Risk Management' to tree risk-benefit assessment and management. In ISO risk terms, our 'objectives' are to grow, maintain, and conserve trees because of the many benefits they give us that we need, and to manage the risk from tree failure to an 'acceptable' or 'tolerable' level. Valid uses four traffic light coloured risk ratings to show how we manage the risk.

Red Not Acceptable risks will be reduced to an Acceptable level.

Amber Not Tolerable risks will be reduced to an Acceptable level, but with a lower priority than red Not Acceptable risks.

Amber Tolerable risks will not be reduced but may require an increased frequency of assessment than green Acceptable risks.

Green Acceptable risks will not be reduced.

### Assessment

- 3.11 We are going to manage the risk by a combination of 'passive assessment' on all land that we are responsible for and 'active assessment' in those areas

where high levels of use in all weathers coincide with the presence of larger trees. We call these 'areas of high confluence'. They are zones where in risk management language the highest categories of 'likelihood of occupancy' and 'consequences' merge; with 'likelihood of failure' being the third component of the risk. Where we don't have enough information on trees to identify 'areas of high confluence' we will use active assessment in 'areas of high use'.

## Passive Assessment

- 3.12 When a tree has a risk that might not be acceptable or tolerable it will usually have an obvious risk feature you can't help but notice. Passive assessment is simply picking up on these obvious features when we pass by trees whilst going about our day-to-day routines.
- 3.13 Passive Assessment is a multi-layered, high volume and low effort approach to managing the risk. Any trees with a risk that's not acceptable or not tolerable are most likely to be picked up by passive assessment long before active assessment. Passive assessment is our most valuable risk management asset because:
- trees with the highest risk are the easiest to find:
  - anyone can do it, from trained assessors to members of the public:
  - it's happening in all zones of use, day in day out, at no additional cost:
  - high-use zones are being assessed more frequently than lower use zones because they're visited more often:
  - we're doing it after storms when trees that are damaged might now have a risk that's not acceptable or tolerable:
- 3.14 Recognising obvious risk features does not require specialist knowledge. VALID's 'Obvious Tree Risk Features Guide' is an easy to understand photographic reference that helps people identify risk features they come across (see Appendix 2).
- 3.15 Any obvious risk features identified during normal daily activities, in any location, can be reported to the council for further assessment and/or action as required. Trees picked up by passive assessment will be logged and those that need a closer look will be put through the active assessment process.

## Council Staff

- 3.16 In line with ISO 31000 guidelines and principles, to manage the risk, we will carry out passive assessment at all levels of our organisation. People in our organisation pass thousands of trees that we manage every week. All these trees are being passively assessed, day in day out.

**Validators** are qualified arborists who have the highest level of training. In addition to the active assessments they carry out they are also passively assessing trees they drive by, or walk past, whilst carrying out their work.

**Basic Validators.** Members of staff who work outdoors – such as Rangers, Clean and Green tree teams, Senior Forestry Officer, Highway Inspectors and Public Rights of Way Officers - will be given training to help them recognise obvious tree risk features they might come across as they go about their daily duties.

**Other staff.** We will promote awareness of the Obvious Tree Risk Features Guide amongst other staff, including grounds maintenance staff, school caretakers and other site managers and encourage them to let us know about trees they come across that concern them.

### The public

- 3.17 Members of the public can report any trees that have obvious tree risk features to us by contacting customer services on 03000 26 0000 or emailing [help@durham.gov.uk](mailto:help@durham.gov.uk)
- 3.18 The council is only directly responsible for trees on land that it owns and / or manages. Obvious tree risk features on land owned or managed by other parties should be referred to the relevant landowner. An exception to this is trees potentially affecting the highway which can be reported through the council's website:

<https://www.durham.gov.uk/highwayobstructions>

### Active assessment

- 3.19 Active Assessment involves looking for risks that might not be acceptable or tolerable. It has 3 levels: basic, detailed, and advanced. It includes assessment by Validators (qualified arborists) either as part of regular programmed inspections or where passive assessment has picked up a tree that needs a closer look. It also includes assessment by other staff trained as Basic Validators when they are undertaking other types of programmed inspections as part of their work which will include a basic level of active assessment for obvious tree risk features. They don't make risk rating decisions but can flag emergency work.

**Basic assessment** involves looking for trees with obvious risk features. We assess trees from easily accessible ground, by foot, bike, or from a vehicle. If a tree doesn't have a feature to trigger carrying out a more detailed assessment, the risk is considered acceptable.

**Detailed assessment** is carried out on trees identified as needing a closer look. It involves a more detailed assessment of health, condition and risk.



Where the level of risk needs more detailed analysis, we will use VALID's Tree Risk App.

**Advanced assessment** is carried out if we need more information about the likelihood of failure. This may include further testing using specialist equipment such as drill testing, sonic tomography or aerial inspection to take a closer look at the upper stem and branches.

3.20 More information on inspection procedures can be found in section 4.

### Prioritising work

3.21 VALID is a tree risk-benefit management tool. Management of the council's tree resource as a whole is influenced by a range of additional considerations. We need to manage our trees for the wider benefits they bring to the community. In order to do that we need to inspect trees in areas which might not warrant active assessment just on the grounds of risk – for example in areas where a high level of arboricultural management might be expected. We also need to carry out work to trees in order to:

- deal with other risks such as low branches, obscured road signs and sightlines:
- deal with other issues such as trees causing a legal nuisance:
- manage trees in accordance with good arboricultural practice.

3.22 Risk reduction work will take priority over other tree maintenance works. Emergency work will be given the highest priority. Outside of that, we'll deal with the highest risks first and carry out the work in a sensible order to make the best use of our budget.

### Emergency work

3.23 If a tree has a very high likelihood of failure and it's in a high use zone, these 'not acceptable risks' are 'emergency work'. We'll get a tree team or contractor there as soon as we can to deal with any emergency work.

### Not acceptable risks

3.24 We will make 'not acceptable' risk reduction work the priority. We also need to deal with other safety related work such as dealing with low branches, obscured road signs and sightlines. We will coordinate this kind of risk reduction work wherever possible to make the best use of our budget.

### Not tolerable risks

3.25 Where possible, risk reduction work for risks that are 'not tolerable' will be organised alongside other tree maintenance works. If there's not enough

budget to carry out the risk reduction and other maintenance works, we'll prioritise risk reduction.

#### Other factors

- 3.26 There are other factors we need to consider along with risk when setting priorities. We need to take action when a tree is causing a legal nuisance to neighbouring properties. We need to undertake works to facilitate county projects such as developments and highway works that are driven by their own deadlines. We need to carry out routine maintenance works to keep trees clear of paths and buildings. These types of work need to be prioritised over non-essential works.

#### Service requests

- 3.27 Service requests relating to safety risks and legal nuisance will be assessed and any works programmed according to the priorities for that type of work. Service requests relating to other desirable but non-essential works consistent with good arboricultural practice will be of a lower priority and will only be undertaken where resources allow.
- 3.28 Requests for non-essential work that isn't consistent with good arboricultural practice will not be actioned.
- 3.29 The following categories will be used to prioritise tree works.

Priority	Description
Urgent	Emergency work that needs to be undertaken as soon as possible.
Priority 1	High priority but non-emergency works. Risks identified as 'not acceptable'. Other health & safety-related work such as obstruction of highways, junctions and signage.
Priority 2	Risks identified as 'not tolerable'. Work to abate a legal nuisance and other essential tree maintenance works. Work required to meet project deadlines.
Priority 3	Risks identified as 'tolerable'. Non statutory but recommended work in line with arboricultural best practice. Desirable but non-essential work arising from service requests subject to resources.
No action	Risks identified as acceptable. Work that is unnecessary, not in accordance with good arboricultural practice, or contrary to this policy.

### Management systems

- 3.30 We will ensure that the systems that we have in place to manage tree works are robust so that when risks are reported the work is actioned and that there is a clear audit trail in place of how they have been managed.

### Monitoring and review

- 3.31 We will monitor how risk reduction work priorities are being carried out and review our processes if we can make improvements in the way we work.

## 4. Tree Inspections

- 4.1 Our procedures for tree inspections are set out in Annex 1. They have been established to manage risk, to meet our legal duties, and to manage our tree resource in accordance with good arboricultural practice. They are currently under development and subject to review. They are summarised below.

### Zonal Inspections

- 4.2 We have mapped a series of settlement zones across the County. These are urban areas where the council owns or manages land. These will form the basis for programmed area-based or zonal inspections.
- 4.3 There is currently not enough data on the presence of large trees to map 'zones of high confluence' within these settlements (areas where high use by people and larger trees coincide) but we have mapped 'zones of high use'. We will refine these to identify 'zones of high confluence' as data is collected.
- 4.4 Within these settlement zones the council's land will be classified into appropriate asset types such as schools, public open space, parks & recreation grounds, cemeteries and crematoria, woodlands etc. Asset types will be assigned to an active or passive assessment regime based on whether they are, or lie within, an area of high use or an area where a higher level of arboricultural management is appropriate.
- 4.5 All land identified for active assessment within a settlement zone will be subject to regular programmed inspections by qualified arborists (Tree Officer / Tree Inspector) on a minimum 5 year cycle.

### Highway tree Inspections

- 4.6 Highway Tree Inspections have in the past been carried out on all rural roads irrespective of levels of use on a three year cycle. We are implementing a new regime of inspections based on the risk management principles of VALID. This will allow us to focus our active inspections and our resources for tree works on zones of high confluence – those areas where larger trees lie close to our busier roads.

- 4.7 All of the county's highways are inspected on a regular basis by Highway Inspectors who will identify some tree-related risks including obstruction of the highway or signage and trip hazards. They have been given training in recognising tree failure risks and will be given further training as Basic Validators in recognising obvious tree risk features in order for them to carry out a basic level of active assessment as they undertake their inspections.
- 4.8 There is currently insufficient data on the presence of large trees to map 'zones of high confluence' for the highway network, but we have the data to identify high levels of use. All of the busier roads will be subject to active assessment in the form of regular programmed Highway Tree Inspections by qualified arborists (Tree Officer / Tree Inspector) on a 5 year cycle.

### Public Rights of Way

- 4.9 Public Rights of Way form part of the public highway. Due to generally low levels of occupancy during severe weather they will generally be the subject of passive assessment. Access and Rights of Way Officers will receive training as Basic Validators and will be able to identify obvious tree risk features as they go about their duties. A small number of very well-used routes are currently subject to regular safety inspections. Officers undertaking those inspections will carry out a basic level of active assessment for obvious tree risk features. Some busier routes within settlement zones will be identified for active assessment as part of Zonal Tree Inspections by Tree Officers.

### Schools

- 4.10 Local Authority Maintained Schools have a legal duty of care to ensure all trees on land within their management responsibility are subject to an adequate system of inspection and maintenance. The council offers Tree Inspection Services to maintained schools under a Service Level Agreement (SLA) to ensure that trees are inspected to a satisfactory standard in accordance with best practice to help them meet their legal duties. The level and frequency of inspection will be subject to the terms and conditions detailed within the SLA. Maintained schools not entering into an SLA with the council will be expected to evidence their own arrangements for tree inspections and maintenance works.
- 4.11 Academy schools also have a legal duty of care to ensure all trees on land within their management responsibility are subject to an adequate system of inspection and maintenance. The council also offers Tree Inspection Services to academy schools under a Service Level Agreement (SLA). Academy Schools not entering into an SLA with the council will be responsible for making their own arrangements for tree inspections and maintenance works in accordance with their independent legal responsibilities.

## Rural sites

- 4.12 Rural sites including woodlands, country parks, railway paths and local nature reserves generally have low levels of occupancy during severe weather. They will largely be subject to passive assessment. Staff involved in managing these will receive training as Basic Validators in VALID and will be able to identify obvious tree risk features as they go about their duties. Land managed by the Countryside Team is subject to annual inspection. Staff trained as Basic Validators will carry out a basic level of active assessment for tree risk features as part of those inspections. Some sites, or parts of sites, with potential for higher levels of use – for example those crossed by busy urban footpaths, or containing large numbers of older trees, or close to buildings - will be identified for active assessment as part of Zonal Tree Inspections by Tree Officers.

## Other inspections

- 4.13 Other tree inspections will be undertaken where necessary. These might include:
- checking trees following extreme weather events (high winds/storm damage):
  - prior to organised events in public places:
  - as part of baseline tree surveys associated with projects and development proposals
  - in response to customer enquiries and other service requests:
  - ad hoc inspections by tree officers while undertaking other site-based work:
  - inspections undertaken under Service Level Agreements with other organisations.
- 4.14 We will only undertake inspections on land we own and / or are otherwise responsible for. We will not undertake inspections on land we own but where responsibility for inspection and management of trees lies with another party other than under a service level agreements or other specific arrangements.

# 5 Managing our trees.

## Tree Maintenance

- 5.1 There is a common perception that trees need to be managed actively and particularly through regular pruning. In reality trees are generally 'self-optimising', responding to their environment in a manner that maintains a balanced and healthy structure. Trees do not become dangerous simply because they grow naturally or grow large. In many cases the best way to manage a tree is through minimal intervention.

5.2 There are nevertheless situations where trees become dangerous and need to be felled or need to be managed to maintain their health and condition, for example by pruning to remove dead or diseased branches or to prevent obstruction, encroachment or nuisance. In some cases trees may need to be removed if they are in poor condition or unsuitably located. Trees in groups and woodlands may need to be thinned to allow individuals to develop a better form.

5.3 As part of our inspections we will aim to identify and programme all statutory or essential tree maintenance work and to address other tree management issues where necessary and where resources allow. This will include works to trees to comply with our legal duties and responsibilities or as part of sustainable, arboricultural best practice, for example:

- pruning or felling of trees where it is necessary to ensure they don't pose an unacceptable risk of harm to the public:
- pruning trees to maintain adequate clearance above highways and footpaths to ensure they don't cause obstructions or obscure road signs, street lighting, signals and vehicle sight lines or cause damage to infrastructure:
- pruning of low branches in public open spaces to maintain clearances for grass cutting vehicles and maintain visual openness and surveillance:
- undertaking works to trees found to be causing damage to property or other forms of legal nuisance that results in unreasonable interference with use and enjoyment of land:
- undertaking works to trees in the interests of their long-term, sustainable management, such as cyclical pruning where appropriate:
- establishment maintenance of young trees including watering, mulching, formative pruning and tree stake management:
- works to prevent or repair damage to infrastructure or to maintain surfacing around trees in built-up areas:
- works to enhance the long-term health & condition, visual amenity or biodiversity value of trees:
- works to manage woodlands through thinning and felling operations:
- works to manage countryside and wildlife sites through pruning or felling of trees and scrub for habitat management.

5.4 The majority of our tree maintenance work will result from programmed inspections or programmed woodland or habitat management. Other works will be carried out in response to:

- incident reports or emergency call out works (e.g. storm damage, vandalism, accidental damage to trees):
- ad-hoc inspections by Tree Officers and other council staff:
- service requests from Customers:
- enquiries received from County and Parish Councillors:
- requests from utility companies:
- work required as part of council led projects, highway improvement schemes or other works.

5.5 We have finite resources for tree works and therefore works will be prioritised as set out in section 3 above.

5.6 We will aim to undertake all tree work to a high professional standard in accordance with arboricultural best practice with particular reference to British Standard 3998: 2010 Tree Work – Recommendations and the European Tree Pruning Standard 2021.

### Consultation on felling trees.

5.7 Section 96A of the Highways Act 1980 imposes a duty of local highway authorities in England to consult members of the public before felling street trees. This came into force on November 30<sup>th</sup>, 2023. The duty to consult only applies to trees on urban roads: those covered by a 30mph or 40mph speed limit or ‘otherwise a street in urban area’. It only applies to street trees and not to other trees that are on publicly owned or managed land next to or adjacent to a highway, such as parks and council housing estates, or trees that are next to un-adopted roads.

5.8 The duty only applies to felling, and only to trees with a diameter of 8 centimetres (measured at 1.3m above ground level). It does not apply where the tree is dead or dangerous, covered by an order under the Plant Health Act 1967, or authorised by planning permission. It does not apply where a tree is felled because it is causing an obstruction in order to comply with a duty in the Equality Act 2010. Defra are producing guidance on consultation procedures and how the requirements of the duty should generally be interpreted. The guidance will be available on the government website. The council will follow that guidance. The majority of street trees felled by the council are removed for safety reasons where there is an exemption from the duty to consult. We

will keep a record of all trees removed including the reason for removal and evidence of any exemption.

- 5.9 For trees other than street trees, where large scale tree works are to be undertaken, we will consult with as wide a range of community representatives as practicable and where necessary undertake a public consultation / information exercise to ensure widespread understanding and awareness of the actions to be taken. Essential and routine tree maintenance, such as pruning, or removing smaller trees in poor health & condition will be undertaken without consultation. Where a tree needs to be felled at short notice for Health & Safety reasons there will be no public consultation and no right of objection.

### Trees on unregistered land or uncertain ownership

- 5.10 The council is not responsible for trees on land that is unregistered or where a private owner is unknown or absent. There are some cases where the ownership of or responsibility for public open spaces is unknown, unclear or undocumented and we may decide it is in the public interest to undertake essential health and safety related works to trees.
- 5.11 We will not otherwise carry out work on private land unless we consider it necessary in exercising our duties under the Highways Act or the Local Government (Miscellaneous Provisions) Act (see Section 9).

### Woodland Management

- 5.12 The council owns approximately 1800ha of woodland across 170 sites throughout the county, which is 10% of the County's total woodland resource. Over 300ha of this woodland is ancient.
- 5.13 The woodlands are diverse in nature, ranging from ancient woodland in the denes to coniferous or mixed plantations connected to the coal industry and more recently planted broadleaved woodlands using native species. The majority are small in size (under 10ha).
- 5.14 Appropriate management of these sites offers opportunities to increase their amenity value, benefit wildlife conservation and enhance the quality and range of timber products and other ecosystem services that woodlands can provide. It also presents an opportunity to improve the carbon performance of woodlands and their role in tackling climate change.
- 5.15 Many of the woodlands owned by the council have Forestry Commission approved management plans and we will revise these when required so that they remain extant and eligible for grants and incentives.



- 5.16 We will seek to extend and buffer existing woodlands – and particularly ancient woodland - into adjacent land owned by the council where appropriate.
- 5.17 We recognise the importance of the role that local people and volunteer groups can play in the management of our woodlands through the work of projects such as Durham Woodland Revival. We will continue to develop and strengthen existing and new community woodland groups across the County through the council’s newly created Woodland Volunteer post.
- 5.18 The council is not responsible for woodland management on land that is unregistered or privately owned. We are consulted in some cases by the Forestry Commission on forestry operations on private land which are subject to felling licences (see Section 14). In responding to consultations we will have regard to the amenities of the area and good woodland management practices.

### Ancient Woodland and Ancient and Veteran Trees

- 5.19 Ancient woodlands are areas of woodland that have been wooded continuously since at least 1600 AD. Many will have existed for centuries before that. As a result of their relative stability as habitats they support unique and complex communities of plants, fungi, insects and other microorganisms. They are also important for their cultural, historical and landscape value, the capture and storage of carbon in their soil and biomass, their role as a bank of genetic diversity, and their contribution to recreation, health and well-being.
- 5.20 The council owns around 300 Ha of ancient woodlands and most of these are covered by Forestry Commission Management Plans. We recognise the importance of our ancient woodlands and will seek to manage them sensitively and positively in accordance with best practice to maintain their unique value.
- 5.21 Ancient and veteran trees are those which, because of their age, size and condition, are of exceptional biodiversity, cultural or heritage value. Some of these are recorded on the Woodland Trust’s Ancient Tree Inventory.

<https://ati.woodlandtrust.org.uk/>

- 5.22 There are a number of ancient and veteran trees on land owned or managed by the council. We recognise their importance and will seek to manage them sensitively and positively in accordance with best practice to maintain their unique value.

## Biosecurity / pest and epidemic management

- 5.23 The term biosecurity refers to precautions that aim to prevent the introduction or spread of harmful non-native organisms such as pathogens, pests and other invasive species.
- 5.24 There are increasing threats to trees and woodlands from the introduction of new pests and diseases. As a responsible landowner we will follow best practice, guidance and advice published by organisations such as Defra, the Forestry Commission and the Arboricultural Association. The most up to date advice in relation to trees is contained in Arboricultural Association Guidance Note 2: Application of Biosecurity in Arboriculture.
- 5.25 We will report any dangerous tree pests and diseases to the Forestry Commission through their online reporting tool, TreeAlert.

<https://www.forestryresearch.gov.uk/tools-and-resources/fthr/tree-alert/>

## Ash dieback

- 5.26 Ash dieback is caused by a fungal pathogen affecting ash trees. It spreads through fungal spores that can travel large distances and once trees become infected they can rapidly decline and die. Symptoms often include blackened or shrivelled branch tips, wilted black leaves, brown veins on the leaves, diamond shaped lesions on the stem and general dieback throughout the tree canopy.
- 5.27 There is no cure for the disease. There is good evidence that a proportion of Ash trees (around 5%) have a genetic resistance to it and it is also possible that some trees with lower infection rates can recover to good health. Site conditions and local tree cover also play a role in the extent to which trees are affected. Research suggests that whilst the possibility of 100% mortality in natural forests within 30 years can't be ruled out, mortality between 50% and 75% in the general population may be more likely.
- 5.28 There are no restrictions on the movement of ash timber, branches or leaves, but a plant health order made in 2012 prohibits all imports of ash seeds, plants and trees into Great Britain, and all inland movements within Great Britain of the same material.
- 5.29 The presence of ash dieback, and particularly in its early stages, does not mean that a tree poses an immediate risk of harm or that it should necessarily be pruned or felled. Each situation needs to be assessed on its merits, taking account of the health & condition, location and importance of the tree/s in question and the level of any risk.

- 5.30 Forestry Commission advice is that with the exceptions of felling for public safety or timber production there should be a general presumption against felling living ash trees.
- 5.31 Ash is a widespread species with high landscape and biodiversity value and it is therefore important to retain trees where possible. This allows individuals which survive exposure to the fungus to form the basis of a more disease - tolerant population in the future. It reduces the impacts of the disease on other species that depend on ash, and particularly dead-wood invertebrates. It also helps to slow down the pace of landscape change, allowing for the planting and establishment of replacement trees.
- 5.32 As ash is a very common tree, pruning or felling all affected trees would place a substantial and unnecessary financial burden on the council. A targeted approach is therefore required based on the proportionate management of risks and benefits.
- 5.33 Our approach to ash dieback will therefore be to retain trees where possible. Pruning or felling of trees will only be undertaken where they pose an unacceptable risk of harm to people or risk of damage to property, or as part of woodland management operations. We will not remove dead or diseased trees where risks are assessed as being tolerable. We will not fell or prune trees purely for aesthetic purposes unless there are clear benefits which would justify the costs.
- 5.34 We are undertaking surveys of the County's highways to assess the extent and significance of ash dieback and to monitor its impacts to inform future actions and policies.

### [Service requests for tree works.](#)

- 5.35 All enquiries regarding trees on council land be directed to our Customer Services on 03000 26 0000.
- 5.36 We receive many enquiries relating to trees, including complaints about tree related issues and requests for tree work. It is important that individual cases are dealt with consistently and fairly and that balanced decisions are taken having regard to:
- any adverse effects the trees may have:
  - the contribution they make to the amenity of local communities and the wider environment:
  - their health, condition and sustainability in that location:

- the practicality of any remedial action and whether it conforms to good arboricultural practice:
  - the resources available to the council and its priorities for allocating them.
- 5.37 We have limited resources to manage our trees therefore priority will always be given to essential works to manage risk and to abate legal nuisance. We will not therefore undertake works to trees that in our judgement are not necessary, or contrary to good arboricultural practice, or works that, even if desirable, we can't afford to do within our budget limits.
- 5.38 Requests for works of that nature, or which would conflict with the principles of this Policy, will be refused. The customer will be advised of the reasons for the decision not to action the request. Should the customer not be satisfied they can appeal the decision. The case will be reviewed by appropriately qualified and experienced staff and the customer will be informed of their decision.
- 5.39 There will be circumstances in which works are proposed that we would consider to be desirable but non-essential, and that are in line with good arboricultural or forestry practice, but which we can't allocate resources to. We will consider undertaking such works if they can be separately financed. We can't authorise members of the public or their agents to undertake work on council land due to health and safety, insurance and other considerations.
- 5.40 The following section outlines our policies in relation to common tree management issues and damage caused by trees. They will inform our response to service requests and other enquiries received.

## 6 Common management issues

### Overhanging branches

- 6.1 We will not normally prune the branches of trees that overhang neighbouring properties unless they:
- are dead or damaged and present an unacceptable risk of harm:
  - are causing or likely to cause an actionable nuisance through risk of damage to the property (walls, fences, roofs, windows, gutters, garages etc) or otherwise causing substantial interference with its use and enjoyment (see 2.5).
- 6.2 Pruning overhanging branches is likely to have only temporary and often short lived effects. Heavy pruning is contrary to good arboricultural practice and can lead to vigorous regrowth which is likely to require repeated costly work in future.

- 6.3 In circumstances where we do consider it appropriate to prune overhanging branches to prevent or remedy an actionable nuisance, we will do so in accordance with good arboricultural practice and we will only do what is necessary to mitigate the nuisance.
- 6.4 We will consider undertaking works that may address this issue where they would form part of the longer-term sustainable management of our trees. This may include pruning or removing diseased, poorly formed or leaning trees growing close to a boundary with potential to cause a legal nuisance in the near future. Works of this nature will generally be given a low priority (Priority 3) and will be subject to the availability of resources.
- 6.5 We will also have regard to this issue when carrying out programmed woodland management operations such as routine thinning. This will be subject to the work programme and the availability of resources. Only work that is in accordance with good woodland management practice will be undertaken.
- 6.6 Landowners have a Common Law entitlement to cut overhanging vegetation back to, but not beyond, their boundaries. Where trees are protected by Tree Preservation Orders permission will be required before undertaking such work. Where trees are located within a Conservation Area the council must be notified of the work in advance (see Section 13).
- 6.7 All works undertaken by other parties should be carried out in accordance with good arboricultural practice. If the neighbouring landowner is unable to carry out the work themselves it will normally be expected that they employ a suitably qualified arborist, at their own expense, to undertake the works on their behalf.

## Obstruction

- 6.8 Where necessary, we will prune trees and other vegetation to remove obstructions to roads, footways, public rights of way, signs, street lights, traffic signals, sightlines, or to maintain pedestrian access in public open spaces. Standard clearances are set out in the table below.

Clearance height	Location
5.0m	Roads
3.0m	Cycle paths, multi-user routes
2.5m	Footways, public footpaths, parks and formal open spaces where pedestrian access is required

- 6.9 Wherever possible pruning will be done in a manner that maintains the health and natural form of the tree. In the case of rural hedgerows, trimming will generally be undertaken using a tractor mounted flail as part of seasonal cyclical maintenance.

### Shading and loss of light

- 6.10 We will not normally prune or remove our trees to improve light levels at neighbouring properties. Pruning for these purpose is rarely effective or beneficial without the work being excessive. Its effects are often temporary and short lived. Heavy pruning is contrary to good arboricultural practice and can lead to vigorous regrowth which can exacerbate the problem and is likely to require repeated costly work in future.
- 6.11 We will consider undertaking work where in our judgement the amount of shade cast is exceptional and overbearing and particularly where it effects elderly, infirm or disabled persons who spend a significant amount of time within the area affected. We will take into account the value of the tree/s to the locality and the wider community. We will only do works that are consistent with good arboricultural practice and that can improve the situation sustainably without compromising the health and amenity value of the tree/s. Works of this nature will generally be given a low priority (Priority 3) and will be subject to the availability of resources.
- 6.12 We will also consider undertaking works as described in 6.4 above.

### Loss of view

- 6.13 We will not prune or fell trees to restore or improve private views or views of businesses or commercial signs or advertising. Trees will only be pruned or removed to restore or improve important public views, or where there is potential to bring about significant public benefit and/or enhance the local landscape or townscape. Historical records may be used to determine the level of management required. Pruning will only be undertaken if it is in accordance with good arboricultural practice.

### Trees affecting reception (television / satellite) or solar panels

- 6.14 We will not normally prune or fell trees to allow or improve television reception. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a Booster. Residents are advised to contact their satellite or TV provider for specialist advice. These measures are likely to provide better long term solutions than pruning.
- 6.15 We will not prune or fell trees to improve light available to solar panels. Whilst we recognise the benefits of renewable energy sources, trees also play an important role in mitigating climate change as well as providing other

environmental benefits. In the case of medium and larger scale developments the location and layout of solar panels should respond to the presence of existing trees as a constraint and allow for their future growth potential.

- 6.16 In both cases the effects of pruning are generally temporary and short-lived. Heavy pruning and topping are contrary to good arboricultural practice (see Section 10) . They can also lead to vigorous regrowth which can exacerbate the problem and require repeated costly work in future.
- 6.17 We may at our discretion consider undertaking works as described in 6.4 and 6.5 above.

### Overhead cables / telephone wires

- 6.18 Utility companies have certain legal rights to carry out works to public or privately owned trees to maintain clearances between trees and their apparatus to ensure continuity of supply and to deal with any health and safety issues. They will therefore normally be expected to undertake any works needed to trees affecting their services. The relevant service provider should normally be contacted in the first instance to report any issues with trees rather than the council.
- 6.19 Where works by utility companies are needed, they will often need to consult with us and we will seek to achieve the most appropriate forms of intervention having regard to tree health, visual amenity and the effect on local tree cover (see also Section 12).
- 6.20 The council will not normally prune or fell trees to prevent interference with overhead cables, unless this includes minor pruning around telephone wires that can be done at the same time as other scheduled works; or is required to provide 24-hour care call services to residential homes.
- 6.21 Problems caused by branches interfering with privately owned telephone wires can usually be eliminated through appropriate pruning, and tree removal would not usually be considered.

### Minor / seasonal nuisances

- 6.22 We will not fell or prune trees solely to alleviate problems caused by natural or seasonal phenomena. There are a variety of potential nuisances associated with trees, many of which are commonplace, relatively minor, and considered to be acceptable consequences of living near trees. This includes for example:
- falling leaves, twigs, sap, blossom, fruit, nuts, bird and insect droppings
  - insects associated with trees (spiders, wasps, flies etc)

- suckers or germinating seedlings in gardens
  - leaves falling into gutters, drains or onto flat roofs
  - the build-up of algae on fences, paths or other structures.
- 6.23 These types of nuisances are not regarded in Law as 'legal or actionable nuisances' that place an obligation on a tree owner to take remedial action. Instead, the law regards them as 'inconveniences' which should normally be dealt with by individual landowners as part of routine property maintenance.
- 6.24 Clearing of leaves from gutters and pathways and weeding of seedlings are considered to be normal seasonal maintenance which property owners are expected to carry out. Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. We will not therefore undertake tree pruning or removals to seek to alleviate the effects of these common types of nuisance.
- 6.25 With regards to trees or other plants that are known to bear poisonous fruit or foliage (such as laburnum or yew), we will not prune or remove trees without sufficient justification there is an unacceptable risk of harm. For example, in some cases where unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will consider appropriate management options to reduce the associated risks.

### Large trees.

- 6.26 Concern is often expressed that trees or woodlands are 'too tall', 'unmanaged' or 'overgrown' and requests are sometimes made that they should have their height reduced. In most circumstances the normal management of trees is to allow them to grow to their natural size and form without intervention.
- 6.27 Reducing the size of a tree by a substantial amount is undesirable in most cases as it can introduce disease and decay into the upper parts of the canopy, increasing the risk of branch failures in the longer term and thereby increasing rather than reducing the risk of harm (see 'Crown reduction', 'Topping' and 'Pollarding' in Section 10 below).
- 6.28 We will not prune or fell a tree simply because it is considered to be 'too big', for its surroundings. Being large does not in itself make a tree dangerous. In assessing risks posed by trees we will take into account the relationship of trees with their surroundings as well as their health, condition and future growth potential. These factors, taken together, will determine whether or not trees are suitable for long term retention or require any management. We understand that these factors are not always obvious to residents who may be anxious about the size and proximity of trees. Where the level of risk needs



detailed analysis, we will use VALID's Tree Risk App to assess it and share those findings.

### Dangerous trees

- 6.29 We will review all reports of 'dangerous trees' based on the information received at the time and take action that is necessary. A site inspection or emergency call out will only be undertaken if the information provided indicates that the tree/s pose an unacceptable or immediate risk of harm or damage to property. This may include reports of storm damage, signs of breakage, structural defects, dead/diseased or damaged trees, or hazardous obstructions.
- 6.30 Call-out inspections will not be undertaken in response to more general concerns such as the 'tree is too big / moving in the wind / taller than the house'.

### Personal Medical Complaint

- 6.31 We will not normally prune or fell a tree where a request has been made to do so because of a personal medical complaint. We will only consider carrying out works where it can be clearly established that the presence of a tree is causing a significant detriment to the health of a resident, and there is reasonable scope for mitigation consistent with good arboricultural practice. Request for work of this nature will be reviewed on a case-by-case basis, considering any supporting information provided.

### Effects of trees on horses and other livestock

- 6.32 We will not normally prune or remove trees to remove effects on grazing animals on adjacent land as it is generally considered to be the landowners responsibility to manage their land and livestock appropriately.
- 6.33 The leaves, twigs, bark, seeds or seedlings of some trees can be toxic to horses and other livestock in some circumstances. Atypical Myopathy, otherwise known as 'Sycamore poisoning' or 'seasonal pasture myopathy' is a notable condition which can be fatal to horses. It is associated with them eating sycamore seeds, leaves and seedlings that contain a toxin called Hypoglycin-A (HGA).
- 6.34 We will follow the guidance published in the joint policy statement issued by the Arboricultural Association and British Horse Society. The guidance can be summarised as follows.
- 6.35 Felling of trees is not recommended as an appropriate first course of action as it offers no guarantee of prevention and can result in the unnecessary loss of trees. It can also result in a mass increase of seedlings in the place of trees

that have been removed, with the possibility of seeds continuing to blow in and establish from trees on nearby sites several 100's of metres away.

- 6.36 It is advised that graziers should ensure that pasture conditions are adequate and appropriate for the number of horses so they are less likely to consume sycamore seeds, seedlings or leaves. This may include, for example, ensuring pasture is not overstocked and that good management practices are in place such as regular weed control, and/or reducing exposure to the seeds, seedlings or leaves by providing supplementary forage away from the trees or by stabling overnight.
- 6.37 It is also strongly advised to undertake an HGA test to determine the toxicity of sycamore plant material found on site and the potential risk to horses: interpretation of HGA test results will range from a 'below limit of detection' through to a 'high rating' which can then inform the need for further action. In the latter case, for example, horses may need to be removed from the field where the submitted plant material was collected. Alternatively, where a 'below limit of detection' result is given and therefore no evidence of HGA, there may be no significant risk and therefore no action required. Further details on testing can be obtained from the Royal Veterinary College, [www.rvc.ac.uk](http://www.rvc.ac.uk)
- 6.38 Further information can be found on the websites of the Arboricultural Association and British Horse Society: [www.trees.org.uk](http://www.trees.org.uk) and [www.bhs.org.uk](http://www.bhs.org.uk)
- 6.39 Similar issues can arise from horses consuming plant material from other tree species such as Oak, Horse chestnut or Yew. Horse owners are advised to contact their vet if they are concerned about their horse's health.
- 6.40 Tree pruning or removal will not normally be considered as an appropriate solution unless, in exceptional cases, there is sufficient justification for taking action. This will be assessed on a case-by-case basis.

## 7 Damage caused by trees.

- 7.1 Occasionally trees can cause damage to property or there is concern about potential future damage. Where damage is alleged, we will assess the situation and determine what action, if any, we consider appropriate.
- 7.2 Where a tree is implicated in damage, pruning or removal will not always be the most appropriate solution and alternative forms of mitigation will need to be fully explored.
- 7.3 In deciding on a course of action we will take into account the asset value of the tree/s using the 'Capital Asset Valuation For Amenity Trees' (CAVAT) method. This will provide a value expressed in monetary terms which will influence how retention or removal is balanced against the costs of alternative

measures. More information on CAVAT can be found on the London tree Officer's Association website: <https://www.ltoa.org.uk/resources/cavat>

## Root invasion in gardens

- 7.4 We will not normally fell or prune trees to prevent roots spreading into neighbouring gardens. Tree roots in gardens are a natural and common occurrence. Landowners have a common law right to cut them back to their boundary, providing that this would not lead to the death or instability of the tree and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area
- 7.5 The owner of a tree is not obliged to take preventive or remedial action to control the growth of tree roots unless it is considered necessary to abate a legal nuisance. Normally the extent of nuisance would have to result in unreasonable interference with use of land sufficient to give rise to an action for damages, such as causing structural damage to a building (see below).
- 7.6 This excludes the lesser forms of nuisance that can be addressed as part of general property maintenance. A neighbouring landowner can be reasonably expected to undertake minor works such as dealing with surface rooting or sucker growth in lawns, shrub or flower beds etc.

## Damage to boundary walls and fences

- 7.7 It is often possible to rebuild or repair walls and fences to take account of adjacent trees. This can be achieved in a number of ways - for example by installing a section of railing, using bridging lintels around the base of a tree, or using ground anchors to strengthen a retaining wall. In many cases it is more appropriate to repair, rebuilt or modify boundary features than to remove a tree. Each case will need to be assessed on its merits.
- 7.8 Removing trees may be appropriate in some circumstances, for example:
- where trees are of low value:
  - where trees were planted or self-sown after the wall or fence was constructed and are in an unsuitable / unsustainable location:
  - where the structure is irreplaceable or of exceptional importance, for example a retaining wall or wall of historical interest:
  - if there is a risk to public health in leaving the tree, and the damage or risk could not otherwise be mitigated.
- 7.9 In the case of walls of historical interest, mature trees themselves have historic interest and often make an important contribution the significance or setting of heritage assets. A balanced view needs to be taken having regard

to the relative importance of the structure and the tree and the potential for mitigation measures that allow for the retention of both.

### Damage to paths, driveways and patios

- 7.10 It is normally possible to build or repair paths, driveways or patios to take account of adjacent trees and their roots. Often surface displacement, cracking or other damage is caused where construction methods and choice of materials have not considered future tree growth. This commonly involves the use of shallow sub-bases and a lack of strength or flexibility in the final surface. Ground compaction impedes natural air and water movement below the surface and encourages shallower and larger tree roots to develop that will often exert enough pressure to displace surface materials.
- 7.11 Damage can also be caused by normal wear and tear and the result of seasonal ground movement such as frost heave, drying shrinkage of underlying clay, vehicle loading, surface weathering, excess moisture, inadequate construction methods etc.
- 7.12 The solution in most cases is to repair or replace the surfacing on a deeper or reinforced sub-base, for example, using a loose granular, interlocking stone fill that allows natural aeration and drainage (preferably gravel with no fines) and/or use of a geo textile membrane that can contain the sub-base materials and reinforce the final surface. This can be often combined with some careful localised root pruning beforehand, to remove existing/ problematic surface roots and thereby reduce the likelihood of damage in future.
- 7.13 We will only remove trees in exceptional cases where they are considered to be unsuitably located and unsustainable in their immediate surroundings. This may include, for example, self-sown or unsuitably large tree species that are likely to cause excessive, recurring damage to the property despite appropriate design and construction methods being adopted and where no reasonable alternative solution is available.

### Damage to public footpaths and other infrastructure

- 7.14 As part of our ongoing highway inspection and maintenance regime, we will undertake appropriate repairs and maintenance of public footpaths to make safe any unacceptable trip hazards or defects. This will often involve minor localised repairs and may occasionally require root pruning of adjacent trees as described in the previous section.
- 7.15 In some situations and where appropriate, it may also involve alternative design and construction methods that aim to accommodate trees more effectively and to provide more durable and sustainable solutions. For example, use of flexible surfacing, geotextile membranes, alternative materials and reprofiling of levels close to trees. It may also involve increasing

the space around trees by modifying path layouts or increasing openings around tree pits in hard surfaced areas. Appropriate remedial options will be considered in each case with a view to repairing or improving the surfacing and taking reasonable care to minimise damage to trees.

- 7.16 Removal of trees will only be considered where there is an unacceptable risk to public safety which cannot be otherwise mitigated.

### Damage to drains or water pipes

- 7.17 Trees generally do not cause damage to drainage systems that are well maintained and in serviceable condition. There is no evidence to suggest that tree roots can actively penetrate or break into otherwise intact pipes or drains that are adequately sealed. However fibrous roots will commonly exploit defects in older pipework that has deteriorated over time such as cracks, broken seals, or other openings which can then result in a blockage or leakage.

- 7.18 In these situations, the owner of the drain should have it cleared, repaired/ resealed or replaced at their own expense and, if necessary, prune any nearby roots directly interfering with the pipe work. We will not normally consider tree removal in these circumstances.

- 7.19 There may be situations where a tree is unsuitably located directly on top of, or sufficiently close to, an existing service that the expansion of its root plate is causing direct physical damage or displacement of the pipe work. Cases such as this will be assessed on an individual basis with consideration given to options for remedial works taking into account potential costs, the amenity and asset value of the trees and their future sustainability in that location.

### Installation of dropped kerbs and drives

- 7.20 The installation of dropped kerbs and drives crossing verges and pavements can cause damage to the roots of nearby trees, or in some cases require their removal.

- 7.21 If you need to drive over the pavement or verge to park on your property, you need to apply for a licence to have a properly constructed crossing. You also need to apply if you are wanting to extend an existing crossing. Details on how to apply for a licence can be found on the council's website.

### [Vehicle access over kerbs - Durham County Council](#)

- 7.22 Each case will be considered on an individual basis. An assessment will be undertaken in liaison with Tree Officers to consider the potential impact on any nearby trees and where appropriate, recommend suitable design options

and tree protection requirements. Proposals that would require the removal of, or significant damage to trees of value to the locality will not be supported.

### Tree related Subsidence and other structural damage

- 7.23 Although trees are commonly implicated as being a cause of damage to property, there are also many other possible causes of structural failure. This may include for example:
- inadequate or shallow foundations:
  - differential foundation depths between buildings, extensions or conservatories:
  - structural design faults:
  - major works or internal alterations to adjacent properties:
  - deterioration of building materials such as wall ties, brickwork or lintels:
  - changes in site drainage or localised seepage from broken or poorly maintained water pipes:
  - unstable or made ground, landslip:
  - vibration damage from busy traffic.
- 7.24 Modern research indicates there is an overall low risk of tree-related subsidence, with less than 1% of urban trees reported to be involved in structural damage claims. Most trees do not cause this type of damage and the likelihood of it occurring is therefore not reasonably foreseeable or inevitable simply because a tree is close to a building.
- 7.25 Tree-related subsidence can generally only occur where trees and buildings are located on shrinkable clay soils as this is the only soil type that will shrink or swell, depending on its moisture content. Naturally there are seasonal and cyclical changes in soil volume between summer and winter due to changes in seasonal rainfall and temperature.
- 7.26 Trees and other types of vegetation can increase the amount of soil drying and ground shrinkage during the summer months when they are in full leaf and actively growing. This is normally only a problem when the amount of water use exceeds the water being replaced by seasonal rainfall and a significant soil water deficit occurs, for example in prolonged periods of drought.
- 7.27 The amount of drying shrinkage and fluctuation in soil volumes is normally greatest nearest the surface and diminishes with depth, therefore modern building foundations are typically placed deep enough to where conditions are more stable. In extreme cases or where properties are built on shallow

foundations, the building may be unable withstand the extent of seasonal movement which then results in structural damage.

- 7.28 The damage can be temporary or seasonal with signs of recovery through the winter months when nearby trees become inactive, before initiating a further cycle of damage the following summer. It can also sometimes be progressive and become worse over time. For example, where young trees increase their annual water demand as they grow each year and where there are successive dry summers or low annual rainfall.
- 7.29 The removal of trees that are significantly older than a nearby building can also cause damage via 'heave' as the soil progressively rehydrates each year and increases in volume. The expansion may cause upward movement of the foundations and cause visible cracking in the building, often being more pronounced adjacent to where the nearest trees were removed.
- 7.30 Due to the many possible causes of structural damage and the potential for a combination of interacting factors, tree removal may not always be the correct or most appropriate solution. It is therefore essential that professional, technical investigations are undertaken to carefully evaluate the most likely cause/s of damage before determining the most appropriate solution. For example, engineering solutions such as structural repairs or underpinning may be more appropriate than removing trees, or in some cases may need to be combined with works to trees.

#### Providing technical evidence of tree related damage.

- 7.31 Where an allegation is made that a council owned tree has caused damage to a third-party structure through subsidence or other mechanisms, an officer will visit the site to make an initial assessment and provide further advice.
- 7.32 Where there is insufficient evidence, or no clear and unambiguous correlation between the reported damage and the effects of the tree(s), it will be necessary to provide professional technical evidence in support of any claims for damages/repairs or requests to undertake works to trees. This must be sufficient to identify the most likely cause/s of damage and enable appropriate remedial options to be evaluated. Technical evidence should normally include the following.
- Structural Engineer's report providing a comprehensive assessment of the nature, extent and type of damage that has occurred.
  - Crack and/or level monitoring records as appropriate for at least 1 year to clearly show patterns of cyclical movement that corresponds with seasonal root activity from nearby trees.
  - An evaluation of the potential causes of structural movement, the mode of damage, and possible remedial options.

- The Category of Damage as per Building Research Establishment (BRE) classifications.
  - An Arboricultural report to assess all relevant trees and vegetation within the theoretical 'zone of influence' of any reported damage.
  - Formal identification of live roots of the same family or species found below the level of the foundation.
  - Geo-technical survey indicating location of trial pits/boreholes, soil profiles; moisture contents; evidence of desiccated shrinkable clay soil; This must also include a control trial hole that is remote from the influence of nearby implicated trees.
  - Details of foundation design, depth below ground level and whether the building was constructed before or after the tree/s was planted.
  - Other evidence may be required in some circumstances, such as a drain survey, or other types structural assessments where appropriate, eg contour /distortion survey.
  - Photographic evidence of any visible damage believed to have been caused by implicated trees.
- 7.33 Tree Removal or other associated works will not normally be considered without sufficient evidence to show that the tree/s in question are a significant contributory factor in the reported damage and their removal is necessary to enable effective repairs to be carried out.
- 7.34 In some situations we will remove or prune trees where we consider that:
- there are clear visible signs of direct damage caused by the tree/s in question which cannot reasonably be remedied by other means:
  - the tree/s is not suitable for continued or long-term retention with regard to its location, the species of tree, its potential mature size and growth characteristics:
  - it is highly likely the implicated trees will cause continuing or recurring damage irrespective of alternative remedial works.
- 7.35 We will not normally consider removal of trees where design or building methods failed to take into account trees present at the time of construction.
- 7.36 Alternative options for remedial works and tree management will be considered in each specific case before determining further action.
- 7.37 In some cases where trees are removed, replacement planting may be undertaken with alternative, more suitable tree species that are less likely to cause similar damage.



## Damage from falling trees and branches

- 7.38 Where trees owned by the council, or their branches, cause damage by falling, the council will normally only be liable if this was reasonably foreseeable and reasonably preventable. This would not be the case, for example, where an otherwise healthy tree or branch failed in severe weather (see Paragraph 2.6).
- 7.39 Claims relating to damage or harm will be determined by insurers on a case by case basis.

### Insurance claims

- 7.40 If you have suffered damage or injury where you believe we are liable, you can report it, and we will investigate the incident. You can do this online through our website: [Council insurance claims - Durham County Council](#)

Alternatively, you can contact the Customer Services team who can give you advice on the process: email [help@durham.gov.uk](mailto:help@durham.gov.uk), or telephone 03000 260000.

## 8 Anti-social behaviour

### Trees

- 8.1 If a council owned tree / woodland is the focus of a nuisance leading to anti-social behaviour, options to reduce the problem will be considered in consultation with Neighbourhood Wardens. This may include pruning trees or other vegetation to increase visibility at the site or to deal with any immediate health and safety issues.
- 8.2 We will determine the nature and extent of any action to be taken on a case-by-case basis. Works that would have a negative impact in the health or amenity value of trees will only be considered in exceptional circumstances where the benefit would clearly outweigh the harm.

### Vandalism and damage to council owned trees

- 8.3 Vandalism to trees can have a significant negative impact on the local community as well as significant cost implications. It commonly includes damage to young, newly planted trees, unauthorised, inappropriate works to established trees, or deliberate physical damage, poisoning or removal of trees without permission.
- 8.4 In some cases, damage to trees can be accidental, as in the case of vehicle accidents, however where it is deliberate it constitutes criminal damage to council property.

- 8.5 We will investigate any reports of vandalism or damage to trees within our ownership and seek to undertake appropriate remedial works wherever possible. This may include pruning or removing excessively damaged trees, replacement of trees or other measures as appropriate, having particular regard to public safety.
- 8.6 Where possible we will take legal action against the person(s) causing the damage. Serious acts of vandalism to trees or other unauthorised works will be reported to the police for further investigation.
- 8.7 Where appropriate we will seek compensation that is proportionate to the level of damage caused. We will calculate the asset value of the trees in question using the 'Capital Asset Valuation For Amenity Trees' (CAVAT) method. This will provide an asset value expressed in monetary terms which will be used to assess the level of harm and the level of compensation required. More information on CAVAT can be found on the London tree Officer's Association website: <https://www.ltoa.org.uk/resources/cavat>
- 8.8 Rope swings, other structures or fixings such as signs, bird boxes, tree houses and other such items should not be attached to council owned trees without permission. Where found, these will normally be removed for general health and safety reasons.
- 8.9 Further information regarding dealing with anti-social behaviour and related issues can be found on the council's web site [Anti-social behaviour - Durham County Council](#)

## High Hedges

- 8.10 The council has the power, under the Anti-social Behaviour Act 2003 and the High Hedges Regulations 2005, to deal with complaints about high hedges which affect residential properties. The legislation only applies to hedges of over 2m in height, made up of a line of 2 or more trees or shrubs, of mostly evergreen or semi-evergreen spaces that form a barrier to light or access. It does not cover individual trees, even if they are multi-stemmed.
- 8.11 Householders wishing to make a complaint need to submit a planning enforcement complaint form to the council. They will need to demonstrate that all reasonable attempts have been taken to resolve the dispute before involving us. We will not normally accept an application where there is no substantiated evidence that the negotiation process has been pursued. A fee is payable for this service, to be paid by the complainant.
- 8.12 Our role is not to mediate or negotiate between the complainant and the hedge owner but to adjudicate on whether, in the words of the Act 'the hedge is adversely affecting the complainant's reasonable enjoyment of their property'. In doing so, we must take account of all relevant factors and must

strike a balance between the competing interests of the complainant and hedge owner, as well as the hedge owners' amenity and that of the wider community.

- 8.13 Any complaints relating to hedges owned by the council will be dealt with impartially. Complaints will be handled by a team which is not responsible for maintaining the hedge.
- 8.14 If we consider that the circumstances justify it, a formal 'remedial notice' will be issued to the hedge owner, which will set out what they must do to the hedge to remedy the problem and to prevent it recurring. It's an offence to fail to do what a remedial notice requires. Such an offence is punishable with a fine of up to £1,000, and the council also can enter the land and carry out the required work where it considers it appropriate.
- 8.15 More information can be found on the council and Government websites.

[High hedges - Durham County Council](#)

<https://www.gov.uk/government/publications/high-hedges-complaining-to-the-council/high-hedges-complaining-to-the-council>

## 9 Trees on private land presenting risks to the public

### Trees affecting the highway.

- 9.1 If a privately owned tree is causing:
- i) a danger to a highway including a Public Right of Way:
  - ii) an obstruction to a highway including a Public Right of Way:
  - iii) impairing visibility at a road junction, to a traffic signal, street light or street sign, or:
  - iv) damage to a pavement:

we will use powers which exist under the Highways Act to require that the owner makes safe / removes the obstruction. If they do not, we will undertake the work and recharge the owner.

### Other potentially dangerous trees on private land.

- 9.2 We have powers under the Local Government (Miscellaneous Provisions) Act 1976, Section 23, to deal with trees in private ownership that are dangerous. This legislation only allows us to become involved when trees pose an imminent threat to people or property. It does not empower us to get involved in private disputes between neighbours.

- 9.3 These powers are discretionary and would only be considered where:
- there is a high probability of the tree causing significant damage or injury, and
  - the tree's owner has been made aware of the risk and is unable or unwilling to mitigate the risk or ownership cannot be established.
- 9.4 We can serve notice on a tree owner to carry out specified safety works within a period of not less than 21 days. Where the specified safety works are not carried out, we do have powers to enter the land, carry out the works and reclaim from the land owner any reasonable costs incurred.
- 9.5 Where it is considered appropriate, we will undertake one of the following actions depending on the level of risk and the site location and conditions:
- secure the affected area to prevent public access and notify the tree owner of the risk posed and action to be taken:
  - undertake work from a position within council owned / managed land where safe to do so:
  - as a last resort, enter the property and carry out remedial works to remove the risk.

## 10. Tree pruning techniques

- 10.1 Trees are living organisms that are subject to change as they grow and respond to their local environment. There are therefore many situations, particularly in urban areas, where they need to be pruned to remove a risk feature, prevent or remedy a legal nuisance, maintain clearance over roads and footpaths or to maintain their health, condition and amenity value.
- 10.2 In carrying out our own work, and in evaluating tree works proposed by others, we will seek to ensure that all works are undertaken in accordance with arboricultural best practice and British Standard: BS3998:2010 Tree Work – Recommendations. The main forms of tree pruning works referred to in the British Standard are summarised below.

### Formative pruning

- 10.3 Formative pruning is carried out to improve the form of young trees and encourage the formation of good stem and branch structure. It involves the removal of dead, diseased potentially weak or damaged branches, together with any undesirable low branches or epicormic growth at the base of the main stem. Formative pruning can reduce the need for pruning later in the life of the tree by encouraging good branch structure at the early stages of a

tree's development. It is generally carried out on young trees to produce a tree which at maturity will be free from any major physical weakness and will be compatible with the future site management objectives. This type of pruning normally involves removal of small diameter branches and stems, using hand tools such as secateurs, loppers and pull saws or bowsaws.

### Crown Lifting



Crown lifting before and after

- 10.4 Crown lifting involves the removal of the lowest branches of a tree to achieve a desired height clearance above ground level. This may be undertaken for many reasons, such as to enable vehicle or pedestrian access under a tree, enhance clearances from nearby structures or to allow more light under the canopy.
- 10.5 Excessive pruning should be avoided as this can be damaging to the tree's form and structure by creating an unbalanced crown or by making the tree top heavy. Ideally it should not exceed 15% of the original crown volume or 1/3 of the tree's top height. Pruning should be limited to small diameter, secondary branches wherever possible and not include the removal of larger structural branches back to the main stem. This will greatly reduce the risk of stem decay that can be caused by leaving large pruning wounds and will help to retain a balanced and attractive crown structure.

## Crown thinning



Crown thinning: before and after

- 10.6 Crown thinning involves the removal of a proportion of branch material from within the crown of the tree without affecting its overall shape. This operation is usually undertaken to reduce crown density and to form an evenly spaced and balanced branch structure by removing dead, diseased, weak or damaged branches and to allow more light through the canopy.
- 10.7 The percentage of leaf bearing twig structure to be removed in crown thinning should be kept to a minimum and normally be limited to between 10 and 25% crown volume. Material should also be removed systematically from throughout the tree rather than from the inner crown only to prevent 'lion-tailing' of branches. Many tree species evolve a canopy density for adaptive reasons to cope with varying degrees of light and exposure and uneven thinning or over-thinning can increase the likelihood of branch failures due to increased exposure and turbulence within the tree. If the objective is to reduce wind loading this should normally be achieved by crown reduction to reduce overall leverage.

## Dead-wooding or crown cleaning

- 10.8 This operation is similar to crown thinning except that only dead, diseased, weak or damaged branches are removed to improve the health and appearance of the tree and reduce the risk of harm from any falling material. The dieback and shedding of branches are natural processes within the development and aging of trees and deadwood provides valuable habitat for a wide range of species of flora and fauna.
- 10.9 Removal of deadwood is normally only recommended where it presents an unacceptable risk of harm or where it is otherwise appropriate to maintain the health and condition of the tree. Removal of deadwood should be done

carefully to avoid injury to living bark or sapwood as this can result in the ingress of decay or disease into otherwise sound tissues. Crown cleaning may include removal of deadwood but will also include removal of deleterious material such as invasive climbing plants, inappropriate objects such as wires, clamps or other fixings.

#### Crown reduction and reshaping



Crown reduction and reshaping: before and after

- 10.10 Crown reduction involves reducing the size of a tree's crown area in proportion to its original shape. This normally involves pruning back the outermost branches and leaders back to subordinate lateral branches that are large enough to assume a terminal role (at least one third the diameter of the cut stem). It will often be undertaken to allow retention of a tree in a confined space; maintain clearances from buildings or other structures, or to balance an asymmetrical crown. It can be specified on the whole tree or limited to parts of the crown or selected branches as required.
- 10.11 The aim should be to maintain or create a balanced structure by carefully pruning back to suitable branch junctions. It should also limit the volume of leaf area to be removed to within an acceptable limit considering the species of tree, its age and vitality and its ability to withstand the treatment. It should not normally be combined with other pruning operations due to the potentially negative effects of excessive leaf loss and branch wounding.
- 10.12 Specifications for crown reduction are often given as a percentage, however this should also be clarified with reference to length, height or spread in metres to avoid ambiguity. For example a 30% reduction of a tree with a 10m crown height and spread is equivalent to a 1.2m branch reduction all round. Crown reduction up to a maximum of 30% may be acceptable to semi-mature trees however pruning volume should be reduced in older mature trees to 15-

20% as it can have an increased negative impact on their health and condition.

- 10.13 Crown reduction pruning should only involve the shortening or removal of smaller diameter branches not exceeding 75mm diameter, not main structural branches or older mature wood over this size. Inappropriate or excessive pruning should also be avoided as this can permanently disfigure a tree and adversely affect its health and long term viability. Excessive pruning can also result in a proliferation of dense re-growth which can be counterproductive and increase the need for future ongoing maintenance.

### Pollarding



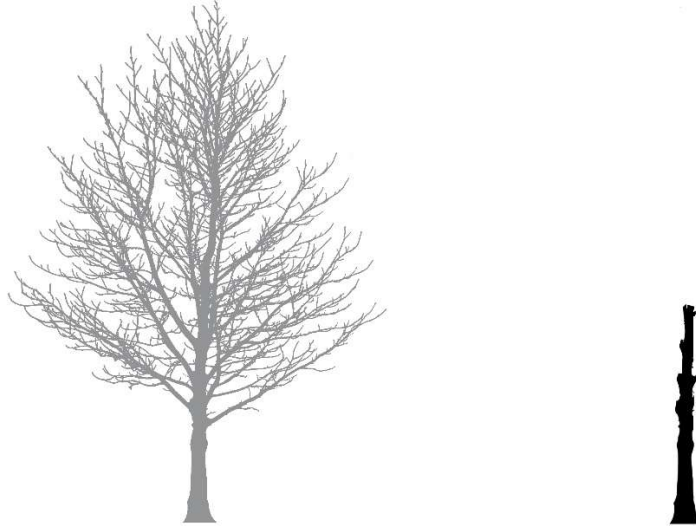
Pollarding: before and after

- 10.14 Pollarding is an ancient way of maintaining trees, typically in pasture where the timber of the tree was harvested in a cyclical fashion above the height where livestock could browse. It has been adapted as a specialised form of management for some urban trees where it is used to contain height and spread while maximising leaf cover.
- 10.15 It is done by cutting back a young tree to create a branch framework that supports a dense head of branches and foliage, which is then cut back to the original pruning positions on a regular cycle. The regenerating shoots are typically cut back on a cycle of between one and five years depending on the extent of regrowth and other site management objectives.
- 10.16 There are very few traditional pollards in County Durham and only certain species will tolerate this type of pruning. It is a specialised and labour-intensive form of management that requires regular repeat pruning of a specific trained form of tree. It is generally not an appropriate form of management for trees which have not been grown and managed as pollards,



however it may sometimes be undertaken as a last resort to management option to deal with trees in an advanced state of decline that have suffered major branch dieback.

### Monolithing



Monolithing: before and after

- 10.17 A monolith tree is created when the entire crown is purposely removed back to the main stem or short stubs of limbs (storm damaged trees that snap to leave a standing stem/s are often referred to as 'snags'). This is normally only carried out where trees are in very poor condition and would otherwise be felled. It allows the retention of the main stem as a habitat which is particularly useful for species that depend on decaying wood and cavities. Monolith trees should be subject to periodic inspection to ensure that they remain sufficiently stable and do not present a risk of harm.

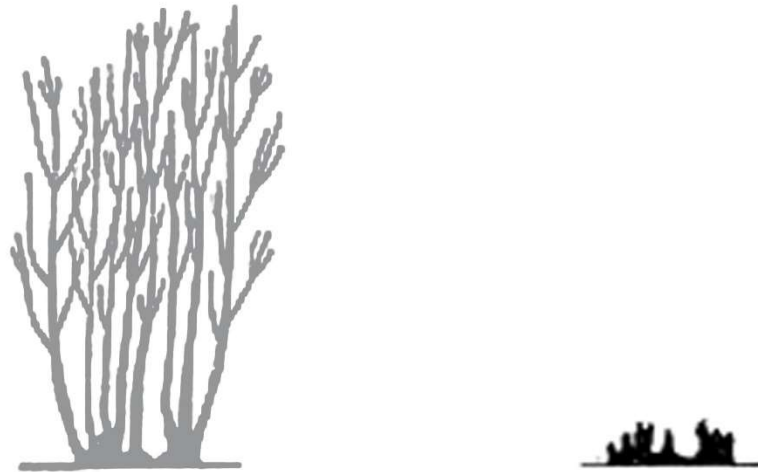
### Topping

- 10.18 Topping' involves the heavy cutting back of a tree to reduce its height and to remove most or all of the major branches. Topping is not considered good arboricultural practice as it severely affects the health and amenity of the tree, often leading to a much reduced lifespan or sometimes death of the tree. As with other inappropriate or excessive pruning it creates large pruning wounds, which can introduce decay and disease into the tree and generate a flush of weakly attached new shoot growth which is increasingly prone to failure as it increases in size.
- 10.19 Where height reduction is considered necessary or desirable, an appropriate, lesser amount of crown reduction pruning (see above) is normally preferred. Where a tree has previously been topped it may be necessary to prune it back to the previous pruning points purely to reduce the risk of branch failures and

allow continued retention of the tree. Where a tree is in poor health and structural condition and may pose a risk of harm but its retention is desirable for biodiversity, it may be possible to undertake 'monolithing' as an alternative to felling the tree (see above).

### Coppicing

- 10.20 Coppicing is a traditional method of managing trees to produce a regular supply of small roundwood timber. It involves initially cutting back a maiden stem to just above ground level, and subsequently cutting back arising stems to just above the height of the last cut on a regular cycle (typically 5 – 7 years). Coppicing is normally only undertaken to maintain an established coppice tree but may also be used to regenerate hedges or trees that have become tall and spindly.



Coppicing: before and after

### Tree Stumps

- 10.21 Where a tree is to be felled an appropriate stump management option will be chosen, taking account of the future use of the site and the possible advantages or disadvantages of each option. This may include for example, the potential for trip hazards, pest and disease management, aesthetics or making space for a replacement tree or new landscaping.
- 10.22 Stumps will either be ground out to below ground level using a machine, dug out by hand or by mechanical means, winched out, chemically treated or left in situ. Most broadleaved tree species and a few other coniferous species will produce new shoots when stumps are retained after felling. Such regrowth might be desirable in some situations, however if left unchecked the shoots will have potential to develop into mature trees of similar proportions as the original trees. The chosen method will also be influenced by access constraints, level or risk or site disturbance involved.

- 10.23 Chemical treatment, where selected, will normally be applied directly to the stump surface as soon as possible after felling. All herbicides will be applied in strict accordance with the manufacturers recommendations and with extreme caution where there is a risk of other plants being affected or possible exposure to humans, pets or livestock.
- 10.24 Stump grinding is preferable to digging out or winching as it is less disruptive, however any hole or void left should be filled with soil or other material in consideration of future site usage and to avoid leaving a trip hazard.
- 10.25 Stumps can also be retained in some situations to provide habitat or a carved or sculptural feature.

## 11. Tree planting

- 11.1 As part of the management of the council's tree resource we need to plant new trees and woodlands to replace those that are lost and to increase tree cover in our urban and rural landscapes for the benefits that brings to the amenity of local communities and to the ecological and climate resilience of our environment.
- 11.2 We will seek to increase urban and rural tree cover by planting trees and creating woodlands on our own land and we will work in partnership with others to support and encourage planting by other parties.
- 11.3 In selecting sites and planting trees we will have regard to the adopted County Durham Landscape Strategy (2008) and Landscape Guidelines, and the principles set out in the County Durham Plan Trees Woodlands and Hedgerows Supplementary Planning Document (SPD).
- 11.4 In choosing sites for urban tree planting we will seek to prioritise those which deliver the greatest benefits and particularly areas where tree cover is currently deficient or of poor quality or affected by diseases like Ash Dieback.

### Species selection

- 11.5 We will seek to plant 'the right tree in the right place' having regard to site conditions, context, and the long term growth potential and form of the species.
- 11.6 In selecting and locating trees we will have regard to the ultimate size, spread and growth characteristics of the species to ensure they will remain compatible with their surroundings. We will take into account factors such as the shedding of honey-dew, production of fruit or berries, creation of heavy shade or development of pendulous branches which may make some species inappropriate in some locations.

- 11.7 Consideration will be given to physical and environmental factors to ensure that new trees are suited to the planting site. This will include an assessment of ground conditions, soil type, exposure, climatic conditions, drainage and pollutants and the requirements and tolerances of the tree species.
- 11.8 We will generally avoid planting single species monocultures to reduce the risks from harmful, pests and diseases and increase the resilience and sustainability of new tree planting schemes.
- 11.9 We will plant species native to the County and characteristic of the area wherever this is appropriate for the benefits they bring to biodiversity and nature recovery. This will be particularly the case when planting in rural situations, the countryside on the edge of towns and villages, and in natural greenspace, wildlife and green infrastructure corridors within urban areas. Native species or their ornamental cultivars will also be planted in more formal urban spaces where appropriate.
- 11.10 We will plant selected non-native trees in urban situations where they are appropriate either because of their aesthetic qualities as specimen trees or because their growth characteristics and other adaptations make them more suited to urban environments; for example a compact form or tolerance of dry or wet conditions, shallow soils, air pollution, road salt etc.
- 11.11 When restocking woodlands following felling operations or storm damage, we will use natural regeneration where appropriate.

#### Replacement trees

- 11.12 Where trees are removed, we will aim to plant replacement trees at or near the original location, provided it is appropriate to do so and subject to available resources.

#### Specification and aftercare

- 11.13 Tree planting will be undertaken in accordance with good practice and with particular reference to British Standard 8545: 2014 Trees -From Nursery to Independence in the Landscape - Recommendations.

## 12. Trees and development

### Planning applications

- 12.1 The Town and Country Planning Act 1990 places a duty on the council to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

- 12.2 We will determine planning applications against policies in the Development Plan. The County Durham Plan (2020) contains a number of policies relevant to trees, primarily Policy 40: Trees Woodlands and Hedges, Policy 26 Green Infrastructure and Policy 29 Sustainable design. Neighbourhood plans form part of the development plan and may contain policies dealing with trees or green infrastructure.
- 12.3 We are producing detailed guidance on trees and development in the County Durham Plan Trees Woodlands and Hedgerows Supplementary Planning Document (SPD) which we will have regard to in considering applications.

<https://www.durham.gov.uk/article/29087/Trees-Woodland-and-Hedges-Supplementary-Planning-Document-SPD-consultation>

Development involving the loss of amenity trees.

- 12.4 For developments involving the loss of amenity trees owned or managed by the council we will establish the value of the trees using the Capital Asset Value for Amenity Trees (CAVAT) method. This will help to determine an appropriate level of mitigation required by expressing the asset value of the trees in monetary terms. More information on CAVAT can be found on the London tree Officer's Association website:

<https://ltoa.org.uk/resources/cavat>

Development by the council

- 12.5 When carrying out development on its own land that may affect trees the department responsible for the work will engage with the council's arboricultural professionals at an early stage in the process to ensure that effects on trees are fully considered and that good arboricultural practices are adopted. We will follow the guidance contained in:

- the County Durham Plan Trees Woodlands and Hedgerows Supplementary Planning Document (SPD):
- British Standard 5837: 2012 Trees in relation to design, demolition & construction – recommendations:
- National Joint Utility Group Publication 4 – Guidance for the planning, installation and maintenance of utility apparatus in proximity to trees (2008).

Trees & Utilities

- 12.6 Trees can easily be damaged by the installation or maintenance of utility apparatus either above or below ground. This often includes root severance or pruning of tree branches to maintain clearances from essential utility services.

- 12.7 Many service providers such as water, gas, electricity, telecommunications have statutory powers under Acts of parliament to undertake works to trees where it is necessary for the installation or maintenance of their apparatus.
- 12.8 The council will seek to co-operate with utility providers and will be guided by best practice as outlined in the National Joint Utility Group Publication 4 – Guidance for the planning, installation and maintenance of utility apparatus in proximity to trees (2008) and Trees and Telecommunications (2022) produced by the Association of Tree Officers.

## 13. Tree Preservation Orders / Trees in Conservation Areas

### Overview

- 13.1 In England, Local Planning Authorities have the power to protect trees by making a Tree Preservation Order (TPO) if they consider it to be expedient in the interest of amenity. They also have a duty to make TPOs as they consider necessary in connection with the grant of planning permissions. Trees are also protected if they are in a conservation area (see below).
- 13.2 A TPO is a legal document made, administered and enforced by us as the local planning authority. It protects specified trees, groups of trees or woodlands and prohibits cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees (including cutting roots) without our written consent.
- 13.3 A TPO can protect anything from a single tree to all trees within a defined group or woodland. There are currently around 700 TPOs in County Durham. As many of these are woodlands or groups, the number of trees protected by them is much greater.
- 13.4 When you are buying a property, the presence of a TPO should be revealed by the search of the local land charges register. You can view an interactive map of TPOs on the council's website:  
<https://www.durham.gov.uk/article/3914/Protected-trees>
- 13.5 If a tree within a Conservation Area has a stem diameter greater than 75mm (3") measured 1.5m from the ground level, you are required to give us six weeks' notice of any tree works that you are proposing. This enables us to assess the proposed works and if necessary, serve a TPO. If no decision is received within six weeks then the works can go ahead.
- 13.6 You can find out whether a tree is in a conservation area in County Durham by viewing an interactive map on the council's website: [Conservation Areas \(durham.gov.uk\)](https://www.durham.gov.uk/conservation-areas)

- 13.7 Anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting permission from the council, or who carries out such work to a tree in a Conservation Area without giving prior written notice to the council, is guilty of an offence and may be fined.
- 13.8 More information on Tree Preservation Orders and trees in conservation areas can be found on the Government website: [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](http://www.gov.uk).
- 13.9 More information on processes and procedures, and on our approach to creating, confirming and reviewing TPOs and dealing with applications for tree works can be found in the County Durham Local Plan Trees Woodlands and Hedgerows Supplementary Planning Document (SPD) which can be found on the council's website. Some of this information is summarised below.

### Creating TPOs

- 13.10 We will make new TPOs where it considered expedient in the interest of amenity and typically:
- Where there is a potential threat to a tree or trees
  - In response to requests from members of the public and local councillors
  - As part of the council's review of existing TPO
  - Where it appears necessary in connection with a grant of permission or a notification of works in a Conservation Area
  - As a result of tree surveys or inspections by Tree Officers
  - To secure replanting of trees or to protect newly planted trees on development sites.
- 13.11 When deciding whether an order is appropriate, we will take into account the amenity value of trees, their potential life expectancy and the circumstances which might make it expedient to make an Order.
- 13.12 We will not normally place Tree Preservation Orders on trees within our ownership or management responsibility as they are already under our control and subject to a professional standard of inspection, maintenance and decision making. There may however be some exceptions where, for example, trees overhang private land or are located on adopted highways or open spaces and could potentially be affected by other landowners wishing to undertake works such as pruning under Common Law rights.
- 13.13 We may review existing TPO's at any time to assess whether it remains appropriate to protect the trees in the present circumstances, or to update any changes arising since the Order was originally made. Where necessary we will either vary or revoke or make a new replacement order to reflect any changes.

## Works on Protected Trees

- 13.14 A landowner is responsible for the management of trees within their ownership, not the council. Our role is purely regulatory in determining whether to grant or refuse permission to undertake works to trees or, where appropriate, apply conditions to define the nature and extent of the work that is permitted.
- 13.15 If you intend to carry out any work to protected trees, you must apply for consent from us first. If you do not own the tree, you must also obtain the owner's permission before carrying out the work. Consent is not required:
- to remove dead branches from a tree, or to prune fruit trees in accordance with good horticultural practice:
  - where the tree is dead (but we should be given five working days' notice before any works are carried out):
  - where works are urgently necessary to remove an immediate risk of serious harm (in this case you should notify us as soon as practicable after the works become necessary):
  - to carry out the minimum work that is necessary to prevent or abate an actionable nuisance:
  - to carry out works to hedges.
- 13.16 Applications should be made using the standard 'Tree Works' application form. Information on how to do so can be found on the council's website: [Protected trees - Durham County Council](#)
- 13.17 Before you apply you can discuss your proposals with the council's Tree Officers who will be able to advise you on the proposed works, on good arboricultural practices, and on the application process. Their advice will be given in good faith and without prejudice to the outcome of any application.
- 13.18 Once an application has been submitted, we may either grant or withhold consent for the works or we may give consent subject to conditions. In determining whether to grant consent we will have regard to the amenity value of the tree and the considerations set out in sections 7.45 – 7.65 of the Trees Woodlands and Hedgerows SPD.
- 13.19 We will normally grant consent (with or without conditions) where the proposed work is deemed to be in line with good arboricultural practice and is not likely to have a negative impact on the long-term health and amenity value of the tree/s in question. Applications will normally be refused if proposed works are inappropriate, unnecessary and / or contrary to good arboricultural practice.



- 13.20 Applicants may also be required to provide independent technical reports to substantiate proposals to fell or prune trees that are claimed to be dangerous or to be causing structural damage to properties. Further Guidance for submitting an application can be found at:

[https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance\\_note-works\\_to\\_trees.pdf](https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-works_to_trees.pdf)

- 13.21 More detail on applications for tree works and how we deal with them can be found in the Trees Woodlands and Hedgerows SPD.

- 13.22 If you have seen felling or pruning work being carried out on a protected tree that you believe may be illegal you can report it through the council's website:

<https://www.durham.gov.uk/article/3914/Protected-trees>

### Works to trees in Conservation Areas

- 13.23 If you wish to do works to a tree in a conservation area, you will need to notify us by using the standard 'Tree Works' application form. Information on how to do so can be found on the council's website: [Protected trees - Durham County Council](#).

- 13.24 The council's decision is limited to whether or not to serve a TPO on all or some of the trees affected by the works. It may:

- make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;
- decide not to make an Order and inform the person who gave notice that the work can go ahead, exactly as specified on the Notice; or
- decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.

- 13.26 Information on exceptions to the need to notify can be found on the Government website: [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](#)

## 14. Other factors constraining work to trees

### Forestry Commission (FC) Felling Licences

- 14.1 In the UK the felling of trees is a legally controlled activity under the Forestry Act 1967 (as amended). A felling licence is normally required from the Forestry Commission if you wish to fell more than five cubic metres of timber

per calendar quarter. More details can be found on the Forestry Commission website:

<https://www.gov.uk/guidance/apply-online-for-a-felling-licence>

or you can contact the Yorkshire and North East Area Office on 0300 067 4900 email: [yne@forestrycommission.gov.uk](mailto:yne@forestrycommission.gov.uk)

## Hedgerow Regulations 1997

- 14.2 Under the Hedgerow Regulations 1997 it is against the law to remove most countryside hedgerows without the permission of the local planning authority. These Regulations do not apply to garden hedges and do not apply to works required for carrying out development for which planning permission has been granted.
- 14.3 To get permission to remove a countryside hedgerow, you must write to your local authority planning department. The way in which the Regulations apply to individual hedges can be quite complex. It is therefore advisable to speak to planning officers before you formally seek permission to remove a hedge. On receipt of a notice to remove a hedge the authority will assess it against criteria set out in the Regulations to discover whether it qualifies as an 'important' hedge.
- 14.4 To qualify as 'important', the hedgerow must be at least 30 years old and at least 20m long (although shorter hedges can be included if linked to other hedgerows) and meet at least one of eight criteria relating to the hedgerow's archaeological, historical, wildlife or landscape value. If the authority decides to prohibit the removal of an 'important' hedgerow, it must let you know within 6 weeks. If you remove a hedgerow without permission, irrespective of whether it would be considered to be an important hedge, you may face an unlimited fine. You may also have to replace the hedgerow.

The Regulations can be found on the government website: [The Hedgerows Regulations 1997 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

## Birds

- 14.5 Under the Wildlife & Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. For birds listed in Schedule 1 it is an offence to disturb them whilst building or using a nest. Tree work involving tree removal / reduction and hedge cutting operations should not normally be undertaken during the bird nesting season, which is considered to be from March 1<sup>st</sup> to July 31<sup>st</sup>, without a nest survey carried out by a competent person.

## Bats

- 14.6 Bats are a European Protected Species and are protected by the Conservation of Habitats and Species (Amendment) Regulations 2012 (also known as the Habitat Regulations) and the Wildlife & Countryside Act 1981 (as amended). Causing damage to or destroying a roost site is a criminal offence which can lead to imprisonment or fine. Trees with suitable features such as holes, cracks, crevices and dense ivy should be risk assessed for their ability to support bats, prior to any works commencing on the tree. Trees, in DCC ownership, displaying signs of roosting bats will be referred to our Ecology team before any work commences. Any trees supporting roosting bats will not be worked on until due process has been followed and a license acquired if necessary.

For further information and advice regarding trees and wildlife contact should be made with the council's Ecology Team: [ecology@durham.gov.uk](mailto:ecology@durham.gov.uk)

## Planning Permission

- 14.7 Where planning permission has been granted, trees may be protected as a condition of that permission. Any works to such trees will require consent from the council and an application for a variation of the planning condition may be required.

## Restrictive Covenants

- 14.8 Occasionally, restrictive covenants attached in the title of a property or conditions in a lease may require the consent of third party prior to carrying out tree work, such as removing trees or hedges. Restrictive covenants bind the land and not an individual owner which means they continue to apply to the land or property even if it is sold to another person. In such cases, it may be necessary to consult with a solicitor prior to undertaking works.

## 15. Document Control

Version	Review date	Comment
Version 1	July 2014	Initial approval: Cabinet 16 July 2014 (key decision NS/25/13 - including public consultation)
Version 2	July 2017	
Version 3	July 2020	

Version 4	March 2024	Endorsed by Cabinet 13 <sup>th</sup> March 2024
Version 4.1	September 2024	Insurance contact details (7.40) amended
Review date	March 2026	

Contact	<a href="mailto:treeofficers@durham.gov.uk">treeofficers@durham.gov.uk</a>
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## Appendix 1 VALID Tree Risk Benefit Management & Assessment

[Tree Risk-Benefit Management & Assessment | VALID \(validtreerisk.com\)](#)

[What is VALID? \(validtreerisk.com\)](#)

## Appendix 2: VALID Obvious Tree Risk Features

[Obvious Tree Risk Features \(validtreerisk.com\)](#)

## Annex 1: Tree Inspection Procedures (January 2024)