

Date: Thursday 13 June 2024 at 4.30 pm

Venue: Jim Cooke Conference Suite, Stockton Central Library, Church Road,
Stockton-on-Tees TS18 1TU

Cllr Paul Rowling (Chair)
Cllr Mrs Ann McCoy (Vice-Chair)

Cllr John Coulson
Cllr Jason French
Cllr Barbara Inman
Cllr Alan Watson

Cllr Richard Eglington
Cllr Shakeel Hussain
Cllr Sylvia Walmsley

AGENDA

- 1 Evacuation Procedure** (Pages 7 - 8)
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Minutes**
To approve the minutes of the last meeting held on 25 April 2024. (Pages 9 - 10)
- 5 Action Plan for Agreed Recommendations - Review of Outdoor Play Provision** (Pages 11 - 16)
- 6 Monitoring the Impact of Previously Agreed Recommendations - Tree Asset Management**
Progress report for the previously completed Tree Asset Management review. (Pages 17 - 86)
- 7 Scrutiny Review of Welcoming and Safe Town Centres**
To consider and agree the scope and project plan for the review. (Pages 87 - 92)
- 8 Chair's Update and Select Committee Work Programme 2024-2025** (Pages 93 - 96)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: , Senior Scrutiny Officer, Gary Woods on email gary.woods@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance

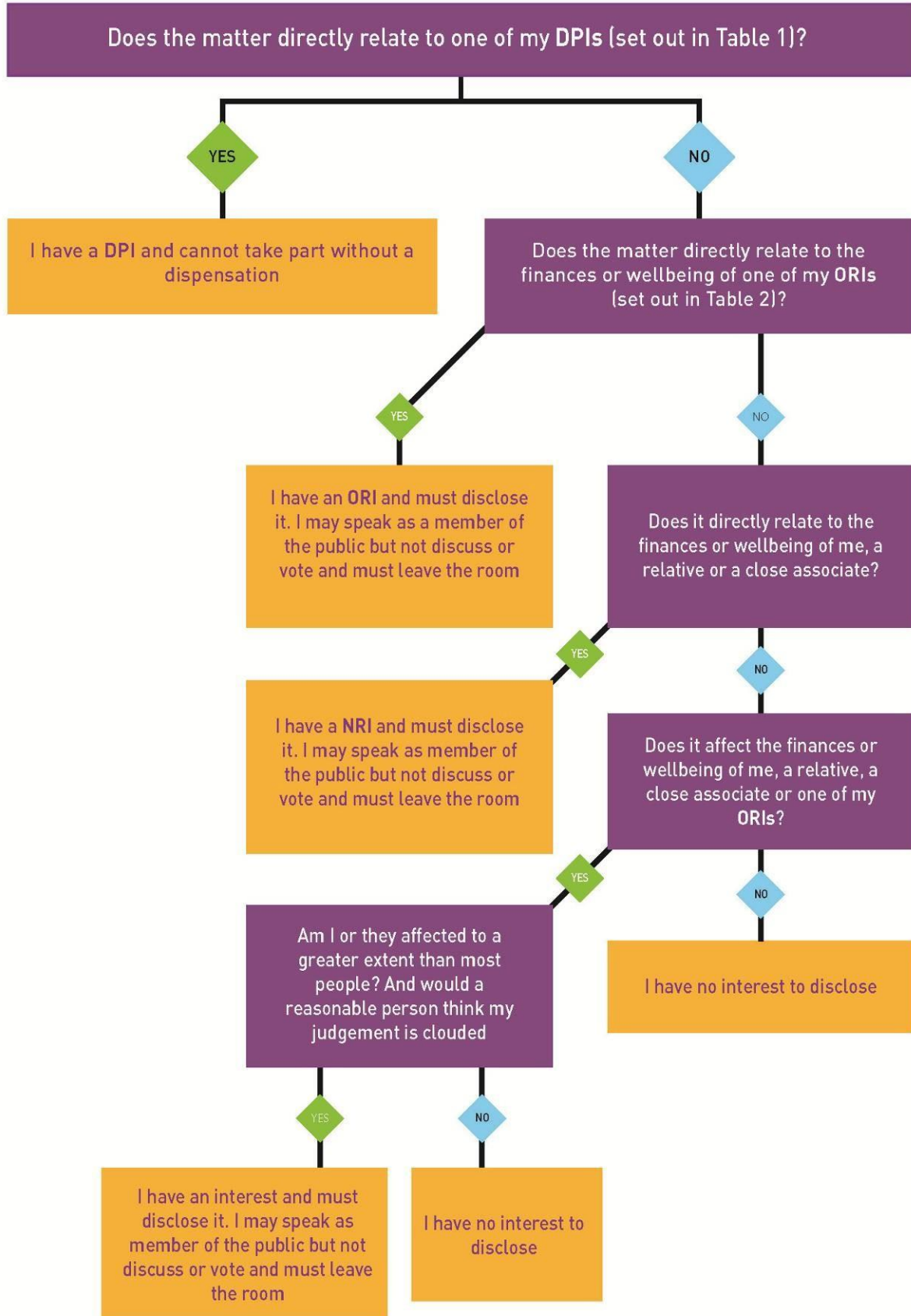


Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Jim Cooke Conference Suite, Stockton Central Library **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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Community Safety Select Committee

A meeting of the Community Safety Select Committee was held on Thursday 25 April 2024.

Present: Cllr Paul Rowling (Chair), Cllr Mrs Ann McCoy (Vice-Chair), Cllr John Coulson, Cllr Richard Eglinton, Cllr Jason French, Cllr Shakeel Hussain, Cllr Barbara Inman, Cllr Sylvia Walmsley, Cllr Alan Watson

Officers: Neil Mitchell (CS,E&C); Gary Woods (CS)

Also in attendance: Cllr Marc Besford, Cllr Clare Gamble (Cabinet Member for Environment and Transport), Cllr Steve Nelson (Cabinet Member for Health, Leisure and Culture), Cllr Norma Stephenson OBE (Cabinet Member for Access, Communities and Community Safety)

Apologies: None

1	<p>Evacuation Procedure</p> <p>The evacuation procedure was noted.</p> <p>Prior to the continuation of the agenda, thanks were given to the previous Committee Chair who had relinquished the role in early-April 2024. The new Committee Vice-Chair was welcomed to the group.</p>
2	<p>Declarations of Interest</p> <p>There were no interests declared.</p>
3	<p>Minutes</p> <p>Consideration was given to the minutes of the Crime and Disorder Select Committee meeting which was held on 21 March 2024 for approval and signature.</p> <p>AGREED that the minutes of the Committee meeting held on 21 March 2024 be approved as a correct record and signed by the Chair.</p>
4	<p>Scrutiny Review of Outdoor Play Provision: Quality and Distribution, Maintenance, and Physical Accessibility</p> <p><i>Cllr Mrs Ann McCoy (Billingham), Cllr John Coulson (Yarm), Cllr Richard Eglinton (Thornaby) and Cllr Sylvia Walmsley (Thornaby) wished it to be recorded for transparency purposes only that they were currently members of their respective Town Councils as well as Ward Councillors.</i></p> <p>Consideration was given to the draft final report for the Committee’s Scrutiny Review of Outdoor Play Provision. Specific attention was drawn to the following draft recommendations:</p>

	<ul style="list-style-type: none">• <u>Recommendation 3</u>: Following feedback from SBC Planning Services, it was proposed to extract element 'a)' and include this as a standalone recommendation that was not linked to developer proposals:<ul style="list-style-type: none">○ <i>SBC considers support of existing play areas before any additional outdoor play spaces are agreed / approved.</i> <p>The second element of this recommendation would be retained, though the reference to 'b)' would be removed.</p> <ul style="list-style-type: none">• <u>Recommendation 7</u>: Again, following feedback from SBC Planning Services, it was proposed to add '<i>for information only</i>' to the end of this recommendation. <p>The Committee supported the proposed amendments as presented and was informed that the updated version of the final report would be presented to Cabinet in May 2024.</p> <p>AGREED that the Scrutiny Review of Outdoor Play Provision final report, including the amendments identified, be approved for submission to Cabinet.</p>
5	Chair's Update and Select Committee Work Programme 2024-2025 <u>Chair's Update</u> The Chair had no further updates. <u>Work Programme 2024-2025</u> Consideration was given to the Committee's current work programme (2024-2025). The next meeting was due to take place on 23 May 2024 where the next update on progress of outstanding actions in relation to the previously completed Tree Asset Management review was scheduled. It was also anticipated that the draft scope and plan for the Committee's next in-depth review of Welcoming and Safe Town Centres would be presented for approval. AGREED that the Community Safety Select Committee Work Programme 2024-2025 be noted.

Community Safety Select Committee

13 June 2024

ACTION PLAN FOR AGREED RECOMMENDATIONS – REVIEW OF OUTDOOR PLAY PROVISION

Summary

Members are asked to consider the proposed Action Plan setting out how the agreed recommendations from the review of Outdoor Play Provision will be implemented and target dates for completion.

Detail

1. The Committee's final report of the review of Outdoor Play Provision (see link below) was considered by Cabinet in May 2024. Cabinet accepted the recommendations contained within.

<https://moderngov.stockton.gov.uk/documents/s7562/Committee%20Report%20-%20Outdoor%20Play%20Provision.pdf>
2. These are now subject to the procedure for monitoring the implementation of agreed recommendations. An Action Plan has been drawn up and is attached at **Appendix 1**. This sets out how the relevant departments will be taking forward the agreed recommendations and includes target dates for completion.
3. Members should consider and agree the Action Plan. The Committee will receive a detailed progress update on the implementation of recommendations approximately 12 months (or sooner if specifically requested) after the Action Plan has been agreed.

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APPENDIX 1

ACTION PLAN: Review of Outdoor Play Provision

No.	Recommendation	Proposed Actions / Progress	Success Measures	Responsibility	Due Date
1	SBC ensures both revenue and renewal considerations are an intrinsic part of any existing and future outdoor play space proposal within the Borough to maximise the long-term sustainability of such sites.	Calculate estimated costs for inspections, maintenance and renewal/replacement of equipment and surfacing - for all SBC play areas and informal sport facilities (e.g. MUGAs).	Estimated costs identified to ensure SBC can ensure long-term sustainability of sites.	Tony Raine (with support from Steve Bowerbank / Keith Jackson)	30 December 2024
2	To encourage a greater sense of community ownership, consideration be given to approaching relevant Town / Parish Councils and the local business community within the vicinity of existing outdoor play spaces to potentially support the development / maintenance of a site.	Approach Town and Parish Council to determine whether they are willing to provide additional financial support to maintain / develop play provision in their local area. Business sponsorship / involvement to be discussed with individual organisations and within forum opportunities.	Third parties contribute towards costs of maintaining, renewing or developing outdoor play provision.	Neil Mitchell	At draft Strategy stage (see 7)
3	Regarding future proposals by developers for new outdoor play spaces, SBC does not adopt any site installed by a developer which contravenes the key outcomes from this review.	Liaise with Planning to ensure developers are aware of these requirements (<i>note: SBC currently would request a commuted lump sum to cover maintenance and replacement after 25 years, but timber equipment may need replacing in 15yrs</i>).	Terms for adoption agreed via strategy.	Graham Clingan / Keith Mathews	At draft strategy
4	SBC considers support of existing play areas before any additional outdoor play spaces are agreed / approved.	To be discussed with Planning in the Stakeholder Group which is to be established as part of this review process.	Principles agreed via strategy.	Graham Clingan / Neil Mitchell	At draft strategy
5	Regarding inequality of outdoor play provision across the Borough, SBC clarifies where it is deemed there is little / no provision and possible steps to address these inequalities (including, in exceptional cases, the provision of new play spaces).	To be addressed through the proposed Strategy (see 7).	Principles agreed via strategy.	Graham Clingan	At draft strategy

APPENDIX 1
ACTION PLAN: Review of Outdoor Play Provision

No.	Recommendation	Proposed Actions / Progress	Success Measures	Responsibility	Due Date
6	<p>As part of a required rationalisation process in relation to the existing outdoor play offer:</p> <p>a) Informed by the recent (March 2024) RoSPA assessments and an analysis of the distribution of existing outdoor play provision, proposals for the removal / repurposing of sites be developed with the aim of reducing pressure on the overall parks budget.</p> <p>b) Complementing sub-section a), SBC undertakes a piece of work around those sites requiring more urgent attention to ascertain costs of either removing the play area or raising it to an appropriate standard.</p> <p>c) Further detail be provided around the anticipated longer-term maintenance requirements of the new Stockton waterfront park and the impact that this may have on the available funds for maintaining other existing outdoor play spaces.</p> <p>d) With due regard to the SBC <i>Powering Our Future</i> initiative, appropriate consultation (particularly with Stockton Parent Carer Forum and SBC Ward Councillors) is conducted around any proposed changes to existing outdoor play provision.</p>	<p>Recommendations to be formulated on the basis of that analysis and to form part of the proposed strategy (see 7).</p> <p>List of sites requiring urgent attention to be compiled (and note of sites already earmarked for refurbishment, e.g. Newham Grange Park).</p> <p>Costs to be identified and potential impact on other play spaces to be assessed.</p> <p>Appropriate consultation to be carried out in relation to current planned developments.</p> <p>Consultation process for changes identified in proposed strategy to be developed as part of the process for strategy delivery.</p>	<p>Analysis of distribution.</p> <p>Overlay financial breakdown.</p> <p>List compiled which feeds into analysis and strategy development.</p> <p>Provision of information which clearly demonstrates long term maintenance obligations including warranty consideration.</p> <p>Ongoing, fully developed process.</p> <p>Process confirmed as part of strategy development.</p>	<p>Graham Clingan</p> <p>Steve Bowerbank</p> <p>Town team</p> <p>Keith Mathews</p> <p>Graham Clingan</p>	<p>31 July 2024</p> <p>31 December 2024</p> <p>Compiled list by 30 June 2024</p> <p>Compiled and submitted by September 2024</p> <p>N/A</p> <p>Dec 2024 - Feb 2025</p>

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ACTION PLAN: Review of Outdoor Play Provision

No.	Recommendation	Proposed Actions / Progress	Success Measures	Responsibility	Due Date
7	<p>Reflecting the main outcomes from this review, SBC develops and publishes an outdoor play provision strategy which includes the following elements:</p> <ul style="list-style-type: none"> • The Council's aims in relation to the provision of outdoor play spaces. • The locations and assessments of existing and outdoor play provision, as well as any planned developments. • The key challenges associated with providing these spaces. • How the Council will seek to address these key challenges (including guiding principles). • Timelines for action and who will be accountable. 	<p>Develop draft strategy for internal consultation.</p> <p>External consultation / engagement regarding any major changes to play area provision.</p> <p>Final strategy published.</p>	<p>Draft strategy circulated for comment.</p>	<p>Graham Clingan</p>	<p>28 Feb 2025</p> <p>31 March 2025</p> <p>31 May 2025</p>
8	<p>This final report be shared with the SBC Planning Committee for information only.</p>	<p>Share final Action Plan and Strategy with SBC Planning.</p>	<p>Circulated strategy document.</p>	<p>Gary Woods</p>	<p>June 2024</p>

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Community Safety Select Committee

13 June 2024

PROGRESS UPDATE ON PREVIOUSLY AGREED RECOMMENDATIONS – TREE ASSET MANAGEMENT

Summary

Members are asked to consider the evidence and assessments of progress contained within the attached Progress Update on the implementation of previously agreed recommendations in relation to the review of Tree Asset Management (see <https://moderngov.stockton.gov.uk/Data/Cabinet/202302231630/Agenda/att44329.pdf> for the final report).

Detail

1. Following the Cabinet consideration of scrutiny reports, accepted recommendations are then subject to a monitoring process to track their implementation.
2. Two main types of report are used. Initially this is by means of Action Plans detailing how services will be taking forward agreed recommendations. This is then followed by a Progress Update report approximately 12 months after the relevant Select Committee has agreed the Action Plan (unless requested earlier). Evidence is submitted by the relevant department together with an assessment of progress against all recommendations. Should members of the Select Committee agree, those recommendations which have reached an assessment of '1' are then signed off as having been completed.
3. If any recommendations remain incomplete, or if the Select Committee does not agree with the view on progress, the Select Committee may ask for a further update.
4. The assessment of progress for each recommendation should be categorised as follows:

1	Achieved (Fully)	The evidence provided shows that the recommendation has been fully implemented within the timescale specified.
2	On-Track (but not yet due for completion)	The evidence provided shows that implementation of the recommendation is on track but the timescale specified has not expired.

3	Slipped	<p>The evidence shows that progress on implementation has slipped.</p> <p>An anticipated date by which the recommendation is expected to become achieved should be advised and the reasons for the delay.</p>
4	Not Achieved	<p>The evidence provided shows that the recommendation has not been fully achieved.</p> <p>An explanation for non achievement of the recommendation would be provided.</p>

5. To further strengthen the monitoring process, from August 2020, the Progress Update report will also include references on the evidence of impact for each recommendation.
6. For progress update reports following the completion of a review, the relevant Link Officer(s) will be in attendance.
7. **Appendix 1** (Review of Tree Asset Management) sets out the outstanding recommendations for this Committee and is supplemented by **Appendix 1a** ((Draft) SBC Tree Management Policy – May 2024) and **Appendix 1b** (revised Tree Preservation Orders – A Simple Guide). Members are asked to review the update and indicate whether they agree with the assessments of progress.

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PROGRESS UPDATE: Review of Tree Asset Management

SCRUTINY MONITORING – PROGRESS UPDATE	
Review:	Tree Asset Management
Link Officer/s:	Dale Rowbotham / Mark Nozedar
Action Plan Agreed:	March 2023

Updates on the progress of actions in relation to agreed recommendations from previous scrutiny reviews are required approximately 12 months after the relevant Select Committee has agreed the Action Plan. Progress updates must be detailed, evidencing what has taken place regarding each recommendation – a grade assessing progress should then be given (see end of document for grading explanation). Any evidence on the impact of the actions undertaken should also be recorded for each recommendation.

Recommendation 1:	Stockton-on-Tees Borough Council (SBC) refreshes its tree and woodland management policy and procedures, and as part of this:
	a) Reaffirms its mandatory (minimum) service requirements and where work is prioritised (e.g. high-use public areas).
Responsibility:	<ul style="list-style-type: none"> • Service Manager – Community Services & Transport • Communications
Date:	October 2023
Agreed Action:	Publication of the key message that essential maintenance works to maintain public safety of trees and woodland is our high priority, with other service requests itemised with an appropriate priority rating and timescale.
Agreed Success Measure:	Communications plan to disseminate information from revised policy.
Evidence of Progress (March 2024):	The team have produced a draft of the refreshed policy with changes being made prior to completion of final draft. At that stage the relevant governance process will begin to make the draft current policy. This element of the action plan had slipped due to delays in the service review of 2023, which also delayed the recruitment of the business support officer. The business support officer was a key element to free up time of the principal tree and woodlands officer.
Assessment of Progress (March 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (March 2024):	Once introduced as policy residents will have a detailed understanding of service requirements of the authority and how work is prioritised.
Evidence of Progress (June 2024):	Draft policy now produced and shared with committee for feedback (see attached Appendix 1a).

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PROGRESS UPDATE: Review of Tree Asset Management

Assessment of Progress (June 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (June 2024):	Prior to going through the formal process of making the draft policy approved policy, and due to the work and input from the committee, it was felt that comments should be sourced from the committee before progressing further.
	b) Reflects within it the realistic cycle of essential maintenance of the Borough's tree stock (and that this be updated as and when required).
Responsibility:	<ul style="list-style-type: none"> Service Manager – Community Services & Transport
Date:	October 2023
Agreed Action:	Maintenance timescales reflective of the current service availability will be delivered within the policy
Agreed Success Measure:	Realistic timescales regarding SBC tree stock maintenance are clearly visible within the revised policy.
Evidence of Progress (March 2024):	The team have produced a draft of the refreshed policy with changes being made prior to completion of final draft. At that stage the relevant governance process will begin to make the draft current policy. This element of the action plan had slipped due to delays in the service review of 2023, which also delayed the recruitment of the business support officer. The business support officer was a key element to free up time of the principal tree and woodlands officer.
Assessment of Progress (March 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (March 2024):	Once introduced as policy residents will have a detailed understanding of maintenance timescales of the authority.
Evidence of Progress (June 2024):	Draft policy now produced and shared with committee for feedback (see attached Appendix 1a).
Assessment of Progress (June 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (June 2024):	Prior to going through the formal process of making the draft policy approved policy, and due to the work and input from the committee, it was felt that comments should be sourced from the committee before progressing further.
	c) Emphasises a key message throughout this review regarding the planting of the correct species of tree in the right places (helping to minimise future maintenance requirements and revenue costs).
Responsibility:	<ul style="list-style-type: none"> Service Manager – Community Services & Transport
Date:	October 2023

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PROGRESS UPDATE: Review of Tree Asset Management

Agreed Action:	The revised policy will highlight that the planting of the correct species of tree relevant to the appropriate area is vital in ensuring future maintenance requirements are aligned with resource.
Agreed Success Measure:	Key links to the Environmental Sustainability and Carbon Reduction Strategy 2022-2032 and detail on how we will identify the right tree based on area.
Evidence of Progress (March 2024):	The team have produced a draft of the refreshed policy with changes being made prior to completion of final draft. At that stage the relevant governance process will begin to make the draft current policy. This element of the action plan had slipped due to delays in the service review of 2023, which also delayed the recruitment of the business support officer. The business support officer was a key element to free up time of the principal tree and woodlands officer.
Assessment of Progress (March 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (March 2024):	This is currently happening and positive links between a number of departments and the arboriculture team continue to grow. This approached, highlighted in the policy, will ensure residents are aware that future tree planting will not impact the ongoing maintenance of the rest of the tree stock.
Evidence of Progress (June 2024):	Draft policy now produced and shared with committee for feedback (see attached Appendix 1a).
Assessment of Progress (June 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (June 2024):	Prior to going through the formal process of making the draft policy approved policy, and due to the work and input from the committee, it was felt that comments should be sourced from the committee before progressing further.
	d) Ensures the updated policy and procedures are published on relevant Council platforms, with an appropriate communications plan to ensure the local population can read its content and understand what future service it can expect.
Responsibility:	<ul style="list-style-type: none"> • Service Manager – Community Services & Transport • Communications
Date:	October 2023
Agreed Action:	Revision to ensure a 'readable' policy and work with the corporate communication team to ensure publication of key messages along with links to the policy within relevant areas of the corporate website.
Agreed Success Measure:	Communications plan to disseminate information from revised policy.
Evidence of Progress (March 2024):	The team have produced a draft of the refreshed policy with changes being made prior to completion of final draft. At that stage the relevant governance process will begin to make the draft current policy. This element of the action

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PROGRESS UPDATE: Review of Tree Asset Management

	plan had slipped due to delays in the service review of 2023, which also delayed the recruitment of the business support officer. The business support officer was a key element to free up time of the principal tree and woodlands officer. Communications are aware of the requirement to disseminate the information, and this will be dealt with in line with the council's communications plan and platforms.
Assessment of Progress (March 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (March 2024):	Communications contacted to plan dissemination. Communications plan to follow upon completion of final draft to policy.
Evidence of Progress (June 2024):	Draft policy now produced and shared with committee for feedback (see attached Appendix 1a).
Assessment of Progress (June 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (June 2024):	Prior to going through the formal process of making the draft policy approved policy, and due to the work and input from the committee, it was felt that comments should be sourced from the committee before progressing further.
	e) Utilises both print (e.g. Stockton News) and electronic mediums to raise awareness of the current issues around tree management within the Borough, including responsibilities in relation to trees on private land.
Responsibility:	<ul style="list-style-type: none"> • Service Manager – Community Services & Transport • Communications
Date:	October 2023
Agreed Action:	Ensure a full communications plan is in place to start once formal approval of the revised policy has been achieved.
Agreed Success Measure:	Communications plan to disseminate information from revised policy.
Evidence of Progress (March 2024):	As above, communications plan will be drafted upon final draft of policy being approved.
Assessment of Progress (March 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (March 2024):	Effective communications of policy and key information.
Evidence of Progress (June 2024):	Draft policy now produced and shared with committee for feedback (see attached Appendix 1a).

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PROGRESS UPDATE: Review of Tree Asset Management

Assessment of Progress (June 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (June 2024):	Prior to going through the formal process of making the draft policy approved policy, and due to the work and input from the committee, it was felt that comments should be sourced from the committee before progressing further.

Recommendation 2:	Tree Preservation Order (TPO) planning procedures be reiterated to all SBC Ward Councillors and relayed to residents periodically via the Council’s multiple communication mechanisms (emphasising the enforcement action that can be taken if processes are not followed).
Responsibility:	<ul style="list-style-type: none"> • Service Manager – Community Services & Transport • Planning
Date:	August 2023
Agreed Action:	Development of an easy read document, incorporating some key Q&As, relating to Tree Preservation Orders and potential enforcement action which can be shared through members bulletins. A more detailed webpage to supplement the easy read document to be proposed alongside.
Agreed Success Measure:	Easy read document specific to TPOs and updated information on corporate website to provide more detailed information.
Evidence of Progress (March 2024):	Due to the delays in the service review being complete and the knock-on delay with recruitment this was not complete until early 2024. An easy read document has been drafted and agreed with the arboriculture team and planning (see Appendix 2) and is ready to be made available to all SBC ward Councillors. A revised process in works approvals has also been approved and has been introduced in order to speed up decisions relating to residents work requests to TPOs.
Assessment of Progress (March 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (March 2024):	The easy read will ensure residents will have access to some of the most regular questions received by the authority on TPOs and the introduction of the new authorisation process will help speed up resident requests.
Evidence of Progress (June 2024):	Changes made to easy read guide following feedback from committee (see attached Appendix 1b).
Assessment of Progress (June 2024): (include explanation if required)	3 (Slipped)
Evidence of Impact (June 2024):	Revised draft provided before sharing with members and arranging for this to be displayed on the council's website.

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PROGRESS UPDATE: Review of Tree Asset Management

Recommendation 4:	A detailed business case be produced for consideration by SBC management regarding a potential reinforcement team within Grounds Maintenance to undertake smaller scale routine maintenance, thereby allowing the existing Tree and Woodland Management Service specialist staff to focus on more technical operations.
Responsibility:	<ul style="list-style-type: none"> • Service Manager – Community Services & Transport
Date:	May 2023
Agreed Action:	A detailed business case paper to be prepared for discussion at CMT.
Agreed Success Measure:	Report to CMT.
Evidence of Progress (March 2024):	Due to the team not being fully staffed and the service review was still ongoing this report has yet to go to CMT. However, due to the heavy rain seen last year staff were deployed onto this work as they were unable to undertake grass cutting works. It is now anticipated that the report will be prepared for CMT in April/May 2024.
Assessment of Progress (March 2024): <small>(include explanation if required)</small>	3 (Slipped)
Evidence of Impact (March 2024):	
Evidence of Progress (June 2024):	Due to small changes within the ground's maintenance and arboriculture service, as a result of staff retirements, additional resource has been allocated from within grounds to undertake smaller scale routine maintenance.
Assessment of Progress (June 2024): <small>(include explanation if required)</small>	1 (Fully Achieved)
Evidence of Impact (June 2024):	No requirement to further request additional resource with additional resource allocated from within the wider ground's maintenance team.

Assessment of Progress Gradings:	1 Fully Achieved	2 On-Track	3 Slipped	4 Not Achieved
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STOCKTON BOROUGH COUNCIL

TREE MANAGEMENT POLICY

MAY 2024

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Foreword

The quality of our environment is greatly enhanced by trees. Trees are integral to our wellbeing, health and quality of life. They define the landscape in which we live, work, and play, and bring the natural world into our towns and streets, minimising the impact of the built environment by providing colour, shade, and shelter.

Research proves that humans feel better and are healthier when they are living near trees. They act as way-markers, signposts, provide homes for wildlife, bring history into the present moment, and are a legacy for future generations to enjoy.

Stockton Council are responsible for managing many tens of thousands of trees within its towns, parks, cemeteries, alongside its highways and open spaces.

We are fortunate in Stockton to have areas of parks and woodland that are freely accessible to the public, as well as trees lining our residential streets and grassed open spaces. By careful selection of species, it is possible to provide trees that will mitigate climate change, contribute to improved air quality, reduce noise, and control run-off from heavy rain.

Although the importance of trees is widely recognised, they can also become a source of conflict in some situations – for example, as trees mature, they require more space above and below ground, which can occasionally result in causing nuisance to property. The council receives hundreds of enquiries from members of the public and outside agencies each year, requesting advice or for work to be undertaken to trees, hedgerows and woodlands. Stockton Council aims to provide a high standard of professional tree care to ensure our trees are maintained in good health and condition. Due to the perceived problems that trees can cause, it is important to have a clear policy on what action can be taken in various circumstances and the need to balance perceived problems against benefits.

STOCKTON COUNCIL TREE MANAGEMENT POLICY PART ONE

Why Have a Tree Policy?

The benefits of trees, woodlands, and hedges have long been acknowledged. Trees provide one of the most cost effective ways to improve the environmental quality of a town or city, delivering physical, social, and economic well-being as well as mitigating climate change, improving storm water management, air quality, biodiversity, and visual amenity amongst many other benefits.

This tree policy will provide a strategic framework for the management of Stockton Council's tree population and allow us to publicise these aims and objectives. It is also important to have practical and consistent procedures for dealing with the inspection and maintenance of trees, in a written statement.

This policy, therefore, also aims to guide and advise on Stockton Council's approach to dealing with requests for tree maintenance and how decisions are reached.

The guiding principles of this document are to:

- Outline how we will protect and care for Stockton Council's trees.
- Explain how we will continue to enhance the borough's green canopy and environment.
- Ensure compliance with the council's legal obligations regarding tree management and continue to deliver a high standard of tree care.

Planning for the future is key to having resilient towns that are sustainable places to live. Stockton Council works with external partners to ensure that the borough's tree canopy cover is not only maintained but increased to a level that helps us to bring mitigation of the effects of climate change. This tree policy will align with other relevant Council policies and planning documents, such as the Environmental Sustainability and Carbon Reduction Strategy 2022-2032. This presents our aim to be Net Zero (carbon neutral) by 2050, and the Supplementary Planning Document (SPD) that sets out developer's responsibilities regarding existing and new trees within planning applications.

The Importance and Benefits of Trees

Trees are essential in making our towns better places to live, work or visit and they provide environmental benefit in a multitude of ways:

Trees Improve Health

International studies and research have identified that trees provide 'breathing spaces' in urban areas, decrease respiratory problems, encourage walking and cycling, reduce traffic speeds and generally help to reduce stress. The Nature Conservancy report 'Funding Trees for Health' demonstrates these benefits, showing trees also have an economic value by decreasing health budget spend.

Landscape Value

Trees help to create a natural, high quality, green environment, improving its visual composition and structure, which forms a major part of our 'green infrastructure'.

Trees have an architectural and place-making role. On a local level, they can improve the quality of the environment by screening, enhancing the sense of scale, reducing glare from buildings and hard surfaces, directing pedestrians and slowing vehicular traffic. They bring colour and character to both urban and rural areas.

Landscape value and features are important to towns and residential areas. Trees and hedges add to this value by providing living and organic, physical features, such as specimen trees, historical boundaries, and woodlands.

Economic Benefits of Trees

Trees bring affluence and character to an area, and these effects can increase levels of inward investment in these areas.

Research and good practice guidance shows people prefer to live, work, and play in green leafy environments, these environments then also lead to economic benefits including property value increases (ranging from 5-18%), with more mature trees giving higher gains. Industrial areas and employment sites with natural green space can have more productive employees and there is research evidence of increased footfall in shopping areas and tourist attractions with trees.

Mitigating Climate Change

Trees mitigate climate change in many ways, including the removal of carbon dioxide from the atmosphere. In the UK, it is estimated that trees remove four million tonnes of carbon from the atmosphere each year. For this to happen, it is important that trees are allowed to grow to maturity so that they can provide these functional processes. Trees contribute to the cooling and shading of urban areas and to linkages in the Green Infrastructure Network. Trees encourage walking and cycling when there is a creation of more attractive tree-lined routes and thereby encourage green low emission travel.

Reduction of Airborne Pollution

Within the right context (right tree species, right planting layout) trees and hedges can decrease air pollution by trapping dust and absorbing air pollutants such as ozone and providing filtration of harmful airborne pollutants and emissions.

Trees Help Against Flooding

As well as protecting and enhancing the urban environment, trees and green infrastructure provide benefits toward surface water management and the reduction of damaging effects of flooding, through processes such as:

Transpiration: this is when water is evaporated by trees (through their roots) into the air, which also provides a cooling benefit in periods of intense heat.

Interception: dispersing and reducing the amount of water that then reaches the ground.

Increased infiltration and attenuation of water: roots and soil in planting pits can increase the capacity of the ground to hold water, by keeping the soil structure open, retained water can be used by the tree or will infiltrate into the surrounding ground.

Phytoremediation: turning harmful chemicals into less harmful substances.

A variety of engineering techniques are available to manage surface water such as utilisation of a range of tree pits and planters, which can collect and slow down the flow of water in heavy storm events. Trees can also assist in managing erosion along slopes adjacent to rivers or roads.

Biodiversity

Trees also play a vital role in our urban ecosystem, providing many benefits for wildlife.

Birds, mammals and invertebrates use trees, scrub and hedgerows as roosts, breeding sites and feeding areas, while deadwood associated with these habitats is valuable for a variety of organisms such as bacteria, lichens and fungi, which help decompose the deadwood.

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Tree Planting

Tree Planting Initiatives

The Council will identify sites where new tree planting is both possible and most beneficial to improve canopy cover, air quality, flood prevention and habitat quality.

These include, although are not limited to:

- Using opportunities within the design of Council schemes to increase tree planting.
- Working with agencies such as the Woodland Trust and Forestry Commission
- Use of planning conditions and obligations in Development Management
- Working with strategic partners on funding bids
- Giving opportunities for the public to engage with tree planting in the borough.

Planning for the future is key to having resilient towns that are sustainable places to live in. Increasing and enhancing the quality of tree cover in the Borough is essential to developing a sustainable green infrastructure that will provide long term benefits to communities and the environment.

Our cultivation of public and private trees helps delivery of Stockton Council's Green Infrastructure aims. As part of the Stockton Green Infrastructure Strategy, the council has identified potential sites across the borough where tree planting is likely to provide the greatest benefits or is most needed. This includes major routes and gateways within the borough such as green spaces, parks, and areas where tree cover is notably deficient. These areas are prioritised for new (and replacement) tree planting.

Stockton Council will work with partners to ensure that the borough's tree canopy cover is not only maintained but increased to a level that allows us to provide mitigation towards the effects of modern living and the increasing effects of climate change. The council will seek funding for new trees and aim to increase tree cover within the borough through the delivery of its tree planting programme. We have received successive years of grant funding for new trees and are on track to fulfil strategic aspirations of tree planting across the borough and a 10% increase by 2050 is the current national target to mitigate against predicted climate change.

Tree Planting Schemes

Tree planting schemes will be designed in accord with the principles of good landscape design: for example, careful consideration will be given to the selection of species and their growth characteristics; positioning and layout of trees in the landscape; the potential amenity and environmental benefits that will develop and ensuring long term sustainability through species choice. We aim to plant the correct species in the right location to minimise any future maintenance requirements when designing tree planting schemes.

Species Selection

Many factors need to be considered when planting urban trees involving species selection and the actual growing and living conditions for the trees in the future. We aim for trees to become ecosystem assets, to provide environmental benefits. Ornamental factors of trees play a part in the design and selection process. As we face challenges of climate change a wider variety of non native/ornamental cultivars in our choices of species selection can bring resilience to our landscape and future-proof against climate effects. A wider composition of tree species will bring resilience and diversity, including non-native genera from different latitudes in the world, to prepare and account for future climate changes and resilience to pests and disease.

Planting Methodologies

Unless a tree reaches maturity and is healthy, it cannot deliver its full benefits. To ensure the trees Stockton Council plant reach their potential they need to be correctly sourced, planted, and then maintained to become established.

Stockton Council has a rigorous planting methodology for successful tree establishment. This begins with sourcing the best possible trees for our planting schemes with bio secure nursery growing methods and good nursery production practices. Poor planting such as trees planted too deep, in tree pits with inappropriate surfacing or small soil volumes either kills or stunts trees. Poor aftercare maintenance (particularly insufficient watering) also reduces the value of the tree stock.

Trees will be planted using the best available techniques and products where possible, using good quality standard trees to encourage the successful establishment in the landscape (e.g. adopting the British Standard 8545: From Nursery to Independence in the Landscape)

Trees will normally be watered with mulch (recycled chipped tree arisings from our operational work) at the base, and all stakes, cages and other fixings tended within the first 4 - 5 years to aid establishment. Trees that fail for any reason will normally be replanted within the next available tree planting season if resources permit.

Trees will normally be planted during the autumn and winter months, when most trees are dormant, allowing their roots to become integrated into the soil. Correct species choice for the final setting of the mature tree is essential at the initial design stage.

Replacement Trees

Replacement planting is essential to ensure continuity (succession) of the tree stock.

Replacement trees do not have to be in the same spot as a felled tree: a nearby location may be more practical and appropriate. Stockton Council aim to plant at least one tree in the vicinity of a felled specimen tree. Except in the case of woodland or plantation thinning for reasons of good management, which aims for the retained trees to become mature and grow into the thinned areas.

Commemorative / Dedicated trees

Stockton Council oblige requests for dedicated trees to be planted on memorial sites, and in some cases in it's parks or open spaces. We provide the tree and offer this to be planted in one of the available locations. There is a charge and conditions that apply. Applications for dedicated trees can be made online via the Council's web site.

Threats to Trees

Urban areas can be a challenging and hostile environment for trees. Increased susceptibility is created through stress from any of the following situations. Although trees appear very robust, they face challenges from their early establishment through to maturity in urban situations. Roots are particularly vulnerable to damage and significant root damage can change a healthy tree into a potential hazard.

Many of the following factors threaten not only a tree's survival but its ability to reach its mature potential and therefore its capacity to deliver its important ecological benefits. Also, the following factors can often be prevented or minimised through better professional care, protection, education and sustainable work practices.

Extreme Weather

Extreme weather conditions can cause some tree species to become stressed and decrease their tolerance to pests and diseases. Whilst increasing tree cover is important for mitigating climate change, extreme weather such as high winds, heavy rainfall, and drought are factors that could impact trees and woodlands.

Planning for Trees and Development Sites

Trees on streets, open spaces and private land can be at risk from the pressures of development. Where development is proposed, it is essential that both existing and proposed trees are considered from the very early stages of the design process. The effect of proposed development on trees is a material consideration when determining planning applications.

Protection of existing trees is achieved through planning conditions which ensure trees are not damaged and that there is space for them to grow and mature alongside the development. There will be a presumption in favour of the retention, protection and enhancement of woodlands, trees and hedgerows and, where appropriate, additional provisions for new trees and landscapes in new developments.

Retention of trees and hedges can make some developments more acceptable due to their screening effect, factors developers should consider this before proposing

tree and hedge removal. Stockton Council's Supplementary Planning Document (SPD) will give guidance to developers regarding tree retention, and planting.

Construction and demolition of buildings can damage trees in a variety of ways. This may be through direct loss to make way for development, a reduction in space by the development to accommodate retained trees' future growth and spread, or damage within the construction process such as direct damage from compaction of soil, severing roots or branches, or spill of chemicals near trees amongst many other careless factors during building works. Infrastructure and service installation (routing of underground services) with open trenching techniques that impact on tree rooting areas can also be damaging.

In the event of a tree needing to be removed, a replacement tree which enhances the amenity will be required as set out in Stockton Council's Supplementary Planning Document (SPD).

Permitted Development Rights

Where planning permission is sought, there is the opportunity for trees and hedges to be considered and protected, if needed. If development does not require planning permission, it is 'permitted development'.

The most relevant permitted development rights are works of maintenance and improvement of the highway by the highway's authorities, repairs to services by utility companies, extensions or alteration to dwellings or commercial buildings. Local authorities also have permitted development rights for work on their own land. Unfortunately, these can be a threat to existing trees, through installation of permitted development works where unavoidable development is required.

Street Environments

Trees growing in street environments ('street trees') are often vulnerable to damage, particularly of their roots, within the management of utilities and highways, which could cause loss in vigour, branch dieback or even death of a tree.

Highway use and maintenance can cause compaction of rooting areas and sometimes branches can be torn by high vehicles. The installation of driveways

(cutting across verges) or contamination from salt in winter grit are other means of which are not particularly considered but can have harmful effects on tree health.

Negligence of roots during excavation works is usually the cause. Symptoms of careless root damage may take several years to become evident within a tree.

For new trees, the presence of pre-existing or new utility provision must be carefully considered if future conflict is to be avoided.

Stockton Council have a Trees and Utilities guidance document which sets out the procedures around working around trees.

Damage / Vandalism

Damage to trees, either deliberate or through ignorance, can be commonplace. Criminal damage includes cutting down or lopping/topping, snapping young plantings, amongst other attempts of sabotaging trees in public areas. Enforcement action is taken against those who damage Council trees.

Pests and Diseases

Tree pest and diseases not only present ecological problems but also management challenges. Climate change is extending the range of pests and diseases that affect trees and vegetation in the United Kingdom. Historical importation of trees along with their associated soil and packaging materials from across Europe, Asia and elsewhere means that new pests and diseases have become imported and are more likely to be transported across UK borders. In the 1970's, Dutch Elm Disease was introduced into the UK, a new pathogen that dramatically changed the appearance and composition of the urban treescape, resulting in the native elm tree becoming infected and then mostly then eradicated.

Unfortunately, history has repeated as we are now currently faced with significant pests and diseases posing a threat to our native trees. The most threatening and devastating of which is having a large impact on our native populations of ash trees, is Ash Dieback Disease *Hymenoscyphus fraxineus*.

This is a fungal pathogen that was likely, inadvertently, imported on ash saplings, which then spread from areas of new planting, via wind, to mature trees in the environment. Ash Dieback is a fungus thought to have originated in Asia, possibly

Japan. As our native ash trees did not evolve with the fungus, it has no natural defence against it.

The Ash Dieback epidemic is a conservation challenge that has implications not only for ash as a species but also due to the risk that devastated populations can have, for example, many Ash are growing in roadside locations. The hazards that infected trees present are the immediate issues. Further reaching effects include the loss of climate change benefits, (improving air quality and other ecosystem services) the landscape impact, and extinctions among species dependent on ash as their habitat, but also the safety of workers that are tasked with removing dangerous trees. The trees become delignified, their internal timber is compromised and structurally weakened, therefore making the trees unsound and not safe for dismantling through regular tree dismantling (climbing) methods. Expensive, alternative methodologies are then required to dismantle prominent dangerous ash trees.

The infection of Ash species in Stockton Borough is an immediate problem, because Ash is a prolific self seeding tree that naturalises freely, we have many semi mature and mature Ash trees throughout our urban, residential, parks, woodland, roadside and rural areas.

Horse Chestnut Bleeding Canker is another prevalent disease in Stockton Borough, along with Horse Chestnut Leaf Miner, although less immediately concerning than Ash Dieback (horse chestnut bleeding canker progresses at a relatively slower rate than Ash Dieback so allows for monitoring of affected trees). Dutch Elm Disease remains present. Acute Oak Decline and Sweet Chestnut Blight are diseases that are having outbreaks in the south of the UK. Asian Longhorn Beetle (in southern England), Gypsy Moth (in southern England), Plane Wilt, Emerald Ash Borer are other further diseases with the possibility of infecting UK tree populations.

At Stockton Council, we will only purchase new trees for planting from nurseries that follow rigorous biosecurity policies, wherever possible, we will plant trees that are raised entirely in the UK.

The Local Authority Approach to the Regulation of Private Trees

Tree Preservation Orders (TPO)

Trees and hedgerows are important for the attractiveness of our areas and are a key component of ecosystems.

Tree Preservation Orders and Conservation Area designations can protect many of the important tree assets within private ownership.

This means that trees can be protected through legislation: The Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation, England) Regulations 2012 are planning laws that allow the Local Authority to protect trees on private land through a 'Tree Preservation Order' (TPO) the criteria for trees that may be worthy are if they have 'good visual amenity value' (they can be seen by the public in general and/or add to the quality of the local area). TPOs can be used to protect trees if the authority believes there is a risk of trees being felled, pruned, or damaged, in ways that would then have a significant impact on the amenity of the area. Once a TPO is in place, permission is then required before any work takes place to the tree, including work to a tree's roots.

The wording in the legislation is "Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'".

It is not necessary for there to be immediate risk toward a tree for there to be a need to protect it. Examples from Government guidance of when a TPO may be "expedient" are:

- '...the authority may believe that certain trees are at risk as a result of development pressures.'
- '...consider other sources of risks to trees for example, changes in property ownership'.
- 'Intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'

The legislation recognises the important contribution trees make to the character and appearance of an area. Where the diameter of the tree exceeds 75 millimetres (subject to certain exceptions), if tree work is planned in a designated Conservation Area, six weeks' notice must be given to the LA. The purpose of this notification is to give the LA time to decide whether to make a TPO on the tree(s). In which case TPO procedures will apply to proposed tree works.

The owner of a protected tree can apply to do work at any time. In some cases, exemptions apply from the formal requirement to obtain written consent, for example, removal of 'dead dying or dangerous' trees. The landowner is responsible for the tree's ongoing management and the Local Authority's role is to regulate permissions to undertake works.

The owner of the tree must apply to the Local Authority to obtain consent before undertaking work. Failure to do so is an offence under the Act and the owner or persons undertaking the work may be liable to conviction in a Magistrates Court, leading to imposed fines. Applications forms and relevant guidance notes are available online at www.stockton.gov.uk

The tree owner will, however, require written authorisation from the Council before proceeding with exempt works or retaining evidence (e.g. photographs) of tree condition and works undertaken if they need to be carried out immediately (such as storm damaged or unstable trees).

The council will normally grant consent subject to conditions where the work is deemed to be in line with good arboricultural or forestry practice, there is a sound purpose or benefit and where the proposed work is unlikely to detract from the long-term health and amenity value of the tree/s in question.

Applicants may also be required to provide independent technical reports to substantiate proposals to fell or prune trees that are claimed to be hazardous or to be causing subsidence damage to properties.

The Council can also provide a list of arboricultural contractors and consultants and general guidance on employing a contractor to do tree work.

If a resident believes that significant trees within the landscape are worthy of protection, TPO or possibly under threat of being felled, they may contact our planning team to ask for consideration for it to be covered by TPO.

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Green Infrastructure and the Natural Environment

Green Infrastructure is an encompassing term that describes a high quality and comprehensive framework of interconnected natural features and landscapes.

Green Infrastructure offers an appealing natural environment for people and wildlife, within urban settings, achieved by:

1. Maintaining, protection and enhancing the integrity, connectivity, multi-functionality and accessibility of strategic Green Infrastructure network.
2. Protection, enhancement and management of green infrastructure assets which include:
 - i. Biodiversity and geodiversity assets, including designated sites, wildlife corridors and priority habitats and species,
 - ii. Distinctive landscape character, recognising the particular importance of rivers and topography, and
 - iii. Trees, woodland, and hedgerows.
3. Green Infrastructure development addresses gaps in the network, making improvements in opportunity areas. Improving and extending linkages to and within the Strategic Green Infrastructure Network.
4. Protecting and enhancing open spaces, sport and recreational facilities in accordance with agreed standards and in line with National Policy.
5. Improving access to, along and onto the River Tees and tributaries without adversely impacting on the local ecology or damaging the river banks.

Woodlands

Woodlands are integral to the council's strategic Green Infrastructure network. Stockton Council has approximately 400 hectares of woodlands. These typically range from small woodland copses less than 1ha in size to larger scale forestry plantations up to 75 ha in size. In addition, our ancient semi-natural woodlands, designated as Local Wildlife Sites (giving them protection within the planning system) and other woodland and plantation sites are important in biodiversity terms.

Depending on the nature of individual sites, woodland management is coordinated in partnership by the council, Local Nature Reserves and External partners where applicable (e.g. Tees Valley Wildlife Trust and Forestry Commission).

Local Wildlife Sites (or 'Country Parks')

Stockton Council aims to conserve and enhance our natural environment and protect these natural resources to leave a legacy for future generations.

Due to their value to wildlife, our 'Country Parks' are designated Local Nature Reserves, Local Wildlife Sites, or Sites of Local Conservation Interest.

All Council owned woodlands over 1 hectare in size are registered on a woodland inventory and mapped on the Council's computer based GIS mapping system.

The Council has a generic management plan for all woodlands, which is supported, and grant aided by the Forestry Commission. Additional management plans are in place at some individual sites such as Country Parks and Local Nature Reserves that are complementary to this plan.

Woodland Creation for Wildlife Habitat

The Council seeks opportunities for new woodland planting. We apply for grant aid from organisations such as the Forestry Commission.

Management Of Hedgerows

Hedgerows are an important part of the borough's green infrastructure and have an important role to play in supporting biodiversity, providing habitats, and creating wildlife corridors. Many are in private ownership however the Council maintains hedgerows located on public open space and some 'Adopted Highways'.

Where hedgerows are on an adopted highway, the Council will normally maintain the land or verges, which may include for example, maintaining clearance for vehicle and pedestrian access, sight lines, signage, lighting, etc. but will not include height reductions or removals of sections of hedgerows unless there is a statutory requirement to do so.

In some instances where hedgerows adjoin private residential properties, the Council may consider formal cyclical maintenance of hedgerows – this will be dependent on the species and growth characteristics of the individual hedgerows and undertaken only where it is deemed appropriate in the interests of the wider community and environment. However, guidance is provided that residents should maintain a hedge boundary for one metre of their boundary line, to ensure regular clearances are kept for their fence or wall boundary.

Hedgerow management is only undertaken during the autumn and winter months. At this time some cyclical hedgerow maintenance is programmed and undertaken by operational teams.

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STOCKTON COUNCIL TREE MANAGEMENT POLICY PART TWO

Tree and Woodland Management Services

Qualified Staff

All staff dealing with trees whether in a planning, landscape, design, highway, safety, or operational context hold the relevant skills, experience, and qualifications to undertake their particular roles.

Our qualified staff specify and carry out tree maintenance work. We receive a high volume of requests from the public and other sources relating to trees each year, which range from requests to remove trees completely, to minor pruning.

Stockton Council has an in-house tree team to provide a specialist arboricultural service across the council to ensure that work on its trees and hedges carried out in accordance with this policy and that our work is in line with best arboricultural practice.

The main tree and woodland management services provided by the council's tree team can be summarised as follows:

Tree Inspections

which include:

- Risk management of trees, health and condition surveys.
- Investigations (Detailed inspections such as decay testing and disease monitoring).
- Examining and checking a tree's health and structure, to specify and then schedule appropriate maintenance operations.

Tree Consultation Services

These include:

- Providing advice and guidance on trees to inform arboricultural best practices and correct methodologies when working near trees.
- Assessment of planning applications that involve building near trees - ensuring adequate tree retention, protection, or replacement.
- Consultation on Tree Preservation Order (TPO) applications.

- Designing tree planting schemes.
- Promoting the importance and benefits of trees.
- Assessing insurance claims e.g. claims for tree-related building subsidence, other structural damage or tree-related incidents.

Tree Work Operations

Operational work includes:

- Tree pruning.
- Tree felling and dismantling.
- Stump grinding / chemical treatment of stumps.
- Tree planting and aftercare, e.g. watering, mulching, tending trees, new woodland planting.
- Woodland management operations, e.g. thinning, timber extraction.

Trees will be maintained in such a way as to ensure they do not pose an unacceptable risk to persons or property; our maintenance is in line with relevant British Standards and would ensure that trees do not cause unreasonable interference with the use and enjoyment of land or property. We prioritise undertaking maintenance where it is considered that there is a potentially hazardous issue, or if a tree's growth is causing an actionable (legal) nuisance.

Timing of Operations

Tree maintenance work will be undertaken all year round, except where specific restrictions apply such as in respect of bird nesting or other habitat regulations. Tree work can be done during the summertime, as we are able to inspect for nests prior to undertaking work within trees. Hedges are excluded for summer work, in accord with the Wildlife and Countryside Act 1981 regulations.

Therefore, certain operations will be undertaken in autumn or winter months only, for example:

- Tree thinning/felling operations within a plantation area or woodland.
- Tree Planting.
- Hedgerow maintenance.

Tree Inspection (Survey) Schedule

The basis of tree risk management will be inspection of all trees on council land by competent arboriculturists at defined intervals according to a consistent methodology incorporating a systematic and reliable risk assessment. Trees that do not meet a defined standard of safety will be identified and remedial measures will be specified to mitigate unacceptable risks within a defined timeframe. In broad terms the management of tree related risk on council land will be:

- To Identify reasonably foreseeable risks
- To take reasonable care to keep people safe.
- Proportionate to any requests received in line with appropriate policy and procedures.

Trees are surveyed to ascertain their health and condition using the standard Visual Tree Assessment method (VTA). Findings of tree inspections are recorded digitally. All attributes of a tree, its species, age, and health along with any significant signs or symptoms of ill health and structural defects are recorded. Where necessary such issues will be recommended for essential maintenance or further investigation.

The frequency of tree inspections varies in proportion to the prevailing risk, as a minimum, all trees within the council's responsibility will be inspected on a minimum three-year cycle, including individual trees and groups of trees on council-owned or adopted land (adopted highway verges and adopted spaces).

Survey zones are therefore surveyed on a three-yearly cycle and are pre-defined areas (for example, a residential estate may form one survey zone).

Some areas receive surveys on an annual basis. Annual surveys take place in areas of higher public frequency.

Areas that are itemised to be within an annual survey zone include:

- Parks, education centres and schools.
- Main thoroughfares (main roads /highways).
- Cemeteries.

Aside from the above, areas are also more frequently inspected, for example, following storm events (to ensure that there are no issues of damage or storm damaged,

hanging branches) or prior to a public event taking place (such as Stockton International Riverside Festival). We also inspect in response to general customer enquiries, in interim periods between survey cycles. During a survey, the council also take note of any potentially hazardous trees located on privately owned land that are adjacent to or within 'falling distance' of public land (however we do not enter private land as a matter of course, to inspect private trees). Where appropriate, landowners will be notified of any such trees that in the council's opinion, may incur a significant risk to public safety. At the time of each survey, the council subsequently identify 'essential' tree maintenance work, which will be prepared into an operational maintenance schedule, undertaken within a 3 – 5 year tree work programme.

'Essential tree maintenance' includes undertaking maintenance to trees where it is considered there is a potentially hazardous issue or if a tree's growth is causing an actionable (legal) nuisance. Our inspection would also review a tree form and development, and using pruning work to pre-empt future issues, arranging operational tasks that are deemed to be in line with the Council's statutory duties and arboricultural best practices.

The tree team also provides a reactive service when dealing with incoming issues of urgent priority, such as storm damage or hazardous tree issues, potentially affecting public safety. These issues are often informed by public reporting.

Reports from Members of the Public

We have a responsibility to manage trees within our ownership / management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance.

All enquiries regarding trees on Stockton Council land be directed to our Customer Services team on 01642 523959 or careforyourarea@stockton.gov.uk

A tree could warrant immediate attention if, for example:

- it has snapped or blown over.
- it is rocking (roots are damaged).
- it is uprooted but held up by another tree or building.

- a large branch has broken off or is hanging off the tree.
- it or its branch is blocking the road or footway / public right of way.
- it or its branch is blocking access to property.
- it has fallen on to a structure, such as a building or car.

When we have a report of a hazardous tree, the significance of existing risks and the potential development of new risks would be evaluated by competent inspectors, and measures put in place to prevent unacceptable risks from materialising as harm.

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Requests for Work

A significant proportion of council land is accessible to the public, and most, if not all, council trees provide public benefits. It is therefore important to have a clear policy on what action can be taken in various circumstances, and to demonstrate the need to balance problems against benefits. Although trees have many benefits, they do in some cases, conflict with our way of life. Issues such as branches, sap, and leaf drop, pollen, and shade can range from being perceived problems and minor inconveniences to issues that could have more serious consequences and require pruning mitigation such as damage to structures.

In addition to the works identified or planned by our qualified staff, the council receives tree and hedge service requests, normally from adjacent landowners, members of the public, developers, and other bodies. Many issues can be resolved or mitigated through appropriate management and maintenance or by providing advice on an issue. Stockton Council has resources, including expertise, beyond what would be expected of a private individual. Therefore, it should be expected that the overall standard of care, and the custodianship of trees by the council would be robust and that all the enquiries (or service requests) received are considered within a professional context and framework of when or if, work is appropriate.

Public Service Requests

Service requests are a valuable resource in terms of receiving local observation from people that have local knowledge and they form an important component in tree management. Insights of the public with familiarity of an area or location can be a useful 'early warning system' for hazards or recent tree damage and can inform future maintenance requirements.

The service requests will be recorded and prioritised. An enquiry that relates to urgent health and safety will be treated with urgency and will be investigated on the same day of receipt.

Other requests for works can relate to risk or nuisance but are also sometimes concerned with a personal preference or a perceived problem that does not

constitute an actionable nuisance or a genuine risk. The most common subjects of such requests are:

- Shade casting/reduced light to properties
- Effects on TV or satellite reception
- Obstruction of views
- Obstruction of or contact with telephone lines
- Interference with other vegetation
- Minor or seasonal nuisances
- Perceived risk and 'worry'
- Aphid excretion (honeydew or sap)
- Bird droppings
- Algae, lichen or moss growth (typically associated with shade)
- Leaf, fruit, twig or flower shedding
- Germinating seedlings in gardens
- Aesthetic preference or opinion ('untidiness')

Whilst Stockton Council appreciates that these issues may cause real concern to some individuals, they are not generally considered to be unacceptable, or legally actionable.

The council cannot manage its trees and hedges according to the sensitivities or preferences of individuals where these are beyond the scope of normal attitudes or opinions, particularly where this would incur disproportionate cost.

The above issues are relatively minor when judged against the many wider benefits of having trees and hedges within an urban environment and public space, which are fundamental to the aims and purposes of the council and the delivery of its strategic objectives, including those relating to the climate emergency, and its legal obligations. Stockton Council is unlikely to prune trees or hedges in response to the above issues.

The Council receives several hundred service requests from members of the public and outside agencies each year, requesting advice or for work to be undertaken to trees, hedgerows and woodlands. To ensure that requests for works to trees are dealt with efficiently, consistently, and fairly, the council adopt a priority system for dealing with enquiries.

Emergency Work

Emergency issues (recently damaged trees) will be reviewed and actioned on the same day as receipt. These are considered as 'emergency call outs'.

We respond to incident reports within the same working day, and this would include reports of

- Fallen trees or branches i.e. storm damage.
- Vandalism/ anti-social behaviour and associated damage.
- Urgent tree related damage

An emergency call out includes responding to incidents that affect the safe use of the public highway. Once a public highway is made safe, all other incidents including remaining clearance works will be dealt with shortly afterwards, as other priorities and resources allow.

Routine Maintenance

As part of its regular inspection of the maintenance of trees and hedges that it owns, the council undertake routine works such as maintenance for highway visibility and footpath clearances. These typically include clearances above paths, parking and vehicular routes, clearance around signs and lights, and clearances from built structures and important lines of sight.

Priority 1 Service Requests

These requests are reviewed within 28 working days following the issue being reported.

Priority 1 requests include dealing with dead, dying or dangerous trees, storm damage, trees causing actual damage or direct interference with private property/structures, highway obstructions, street lighting obstruction, reports of vandalism or other incidents.

The council will log an enquiry as a Priority 1 service request, where it considers there to be a significant health and safety issue, legal obligation or actionable nuisance to persons or property or an incident relating to trees. Categorized as follows:

CATEGORY	DESCRIPTION
Incident reporting / Emergency Call Outs	Vandalism to trees, snapped trees, ring barked, fire damage
	Storm damaged or fallen trees/ branches
	Dead, dying or dangerous trees
	Actual Damage to property caused by falling trees or branches
Tree work & tree inspection Requests	Tree Causing direct obstructions in public Highway
	Blocking public path or road access / driveway
	Obstructing road sign or signals
	Obstructing street lighting
	Tree causing <u>actual</u> visible damage to property, e.g. wall, driveway, subsidence to house
	Trees touching house, buildings other structures that need cut back
Tree Advice	Advice to external companies / utility providers
	Tree Preservation Orders / Trees in Conservation Areas
Tree Planting	Memorial or dedicated trees (online application form)

Actionable Nuisance

Trees that fit into the category of created a legally defined 'nuisance' (i.e. one that is in contact with a property or structure therefore causing an actionable nuisance) may be pruned, where this is the most reasonable, effective and proportionate means of abating the issue. Therefore, such enquiries would be within the category of being a Priority 1 service request.

Priority 2 Service Requests

These would be any other request not included within Priority 1 essential maintenance, and would normally be assessed during the next scheduled survey for the area in question.

Defining Nuisance & Negligence

To be liable under 'nuisance' there would normally have to be some form of damage or injury to a third party, an act or an omission (due to negligence) on the part of the duty holder (i.e. tree owner) and a reasonable degree of foreseeability including the ability to have taken preventive action.

Conversely, a landowner (tree owner) will not be liable for damage or injury caused by trees if it was not considered to be foreseeable and could not have reasonably been able to take preventive action (Acts of God). An example could be the failure of an otherwise sound tree branch in stormy weather conditions.

Example of Actionable (Legal) Nuisance

A legal nuisance may be where a tree causes direct property damage or where it is deemed to cause unreasonable interference with the use and enjoyment of an adjoining property and this is usually defined whereby the nature and extent of the 'interference' may give rise to an action for damages against the tree owner (actionable nuisance), e.g. blocking a public highway.

It generally excludes 'nuisance' in the everyday sense, e.g. from shading, leaf litter, and debris. etc which would normally be regarded in legal terms as 'inconvenience' and that would not normally require preventive or remedial action by the tree owner.

Failure to inspect and maintain a tree appropriately may result in 'negligence' which can, in turn, give rise to an action for damages against the owner: for example, if the long-standing dead or unstable tree that the owner ought to have been aware of through inspection and survey procedures, falls on a highway causing injury or damage. Records of Common Law cases relating to trees can be found in case law index (UK).

Insurance Services

Stockton Council's Insurance department manages all claims relating to council-owned trees. Where a council tree is implicated as having caused property damage, the onus is on the claimant to provide evidence that the tree is the cause. Occupiers of adjacent land will be expected to provide evidence that a particular tree is causing any alleged damage and action will not be taken solely based on an allegation. Any course of action will be informed by the quality and state of repair of the structure in question and its ability to withstand reasonable and normal influences by the presence or activity of trees or hedges. If there is proof and implication of further damage towards a structure or property, the Council will review the implications and evidence and act accordingly. Typically, this would include works to remove obstructions by overhanging branches, or to remove a proven cause of subsidence or other structural damage.

Example: Garden Wall Damage

Damage to light structures, for example walls and patio flags is considered to be remediable and would not usually warrant the removal of a tree or hedge. It is common, when a path or wall is speculatively damaged by tree roots, to suggest that the tree is removed, however this is not always required. It can be less expensive to repair the structure using slightly different methods which allow the tree to be retained and so save felling and reinstatement costs.

Our broader statements on tree and woodland management are as follows:

- Healthy trees and woodlands will be protected, retained and managed to ensure healthy growth, development and species diversity. Trees will be managed in line with our Tree Management Policy.
- Stockton Council's tree stock and canopy cover will be increased to give greater species and age diversity to ensure a healthy, balanced tree population.
- Stockton Council will use its powers to prevent unnecessary damage to trees within all construction/development in accordance with the current version of

BS5837 and pursue enforcement action where appropriate if trees are damaged or destroyed.

- Using powers available under the Town and Country Planning Act, related legislation and or/lease clauses Stockton Council will, in the interests of amenity, protect trees and woodlands that are of acknowledged value where they are visible to the public, are in reasonable health and condition and where there is a threat.
- Where council land containing trees is to be sold the trees will be assessed to determine whether protection via a TPO or restrictive clause in a lease is appropriate to ensure retention for the benefit of the wider population.
- Stockton Council will engage with partners, the public and other landowners to raise awareness of tree protection, maintenance, planting and establishment best practice.
- Stockton Council will seek compensation from any external organisation responsible for significant damage to or removal of any council owned trees to the value as calculated by CAVAT.

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Summary of Policy for Public Service Requests

The following are our principles of management according to the variety of service requests that we receive.

Felling Trees

Stockton Council will generally avoid felling trees unless it is necessary.

Trees will only be removed on council land in one of the following circumstances:

- The removal of the tree will benefit the development of nearby better quality neighbouring trees and will maintain or improve a sustainable tree population e.g. woodland thinning.
- The tree is, in the view of an arboriculturist, of a size and/or species that is unsuitable for its location.
- The tree is proven to have caused significant structural damage, such as by subsidence, and that removal will mitigate further damage as the only way the problem can be solved.
- Where tree removal is unavoidable, in order to deliver other council services and objectives, where the benefits clearly outweigh the loss of the tree.
- Tree removal where it is the only practical means of complying with a statutory duty.
- The tree is in a dead, dying or dangerous condition, and felling, or regular heavy pruning, is the only way to satisfactorily remedy the situation.
- The tree is growing in an unsuitable location, and it is foreseeable that the tree will require regular heavy pruning or removal in the future to mitigate the above effects.
- If the tree is protected by a TPO and the proposed works are exempt under existing TPO legislation.

Tree Pruning

Permission for pruning will normally only be granted where the work is in line with good arboricultural practice and:

- It is required to prevent direct or indirect physical damage to buildings.
- Accords with the current version of British Standard 3998 'Recommendations for Tree Work' (see Appendix: *Pruning Techniques*)
- Would not adversely affect the tree's long-term health and amenity value.
- Where it is necessary to improve the growth of adjacent better quality trees.
- to abate a statutory nuisance.

The Council will not support heavy pruning or removal of trees that do not accord with the above, or for the following reasons:

- Blockage of light
- Loss of Views
- Interference with television or satellite dish reception
- Excessive leaf fall, fruit fall or other deposits
- Branches interfering with telephone lines
- Mess caused by insects or birds
- Damage to drains and water pipes
- Problems associated with pollen
- Root invasion in gardens
- Where the tree is perceived to be too large
- Because someone is willing to pay for the removal and replacement of the tree

To explain reasons for work further, we can look into each issue in more detail:

Overhanging or Obstructing Branches

Under English Common Law a landowner is entitled to cut branches back to their property boundary, but not beyond. The Council will only consider cutting back

branches from trees that overhang adjoining private property if it considers the trees or vegetation in question are causing a severe encroachment.

We will not cut back trees if they are partially overhanging properties and in the council's opinion, not considered to be causing an unreasonable interference with the use and enjoyment of property.

Shading and Loss of Light

The council will not normally prune or remove trees to alleviate light loss unless the trees are causing substantial encroachment into a property or in the council's opinion, are considered to be causing unreasonable interference with the use and enjoyment of property. There is currently no legal right to direct sunlight or to a view and often pruning trees will only marginally improve the amount of natural light reaching a house or garden.

Television and Satellite Reception

Although a television license allows the operation of equipment to receive a transmission, it is not a guarantee of television reception and a television owner does not have a legal right to a viewable image.

Removal or pruning of trees to enable a clear television reception will not normally be considered. Most televisions allow for a degree of variation in reception, which usually enables a viewable image, whereas satellite dishes need a clear line of view to the satellite.

Where there is a persistent problem and tree pruning cannot provide a reasonable solution it will normally be necessary to seek further specialist advice to assist in either repositioning or improving the quality of the aerial device.

Bird Droppings, Falling Leaves, Fruit/Flowers, Seeds or other Deposits, Insects, Pollen Allergies

These types of nuisances associated with trees are mostly natural and short spanning seasonal occurrences.

However, they are not regarded in Law as a 'legal nuisance' that puts an obligation on the tree owner to take remedial action. Instead, the Law regards these types of

nuisance as 'inconveniences' or 'everyday nuisances' which should normally be dealt with by individual landowners as part of 'property maintenance'. The council will not therefore undertake tree pruning or removals to try and alleviate the effects of these types of nuisance.

If a member of the public however has concerns over the cleanliness or safety of local public footpaths, they are advised to contact Care for Your Area on (01642 391959), who may consider additional cleansing within this area.

Overhead Cables and Other Utilities

Utility companies have certain legal rights to carry out works on public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus. This may sometimes involve minor pruning or even the loss of trees. Where works to trees are necessary as a result of proximity or conflict, the council will encourage utility operators to adopt the most appropriate long term solution, considering future tree health, plus the impact on local tree cover and visual amenities.

Problems caused by branches interfering with privately owned telephone wires should be taken to the service provider as they would have the expert opinion to determine when an issue is actionable. They may be able to reroute a cable to avoid a tree canopy. Trees and telephone wires are normally a compatible scenario unless excessive strain is on a wire. The council would work with the service provider where required however we rarely receive requests from providers to attend to pruning to clear telephone cables. Tree removal will not usually be considered.

Tree Roots

Many tree conflicts arise on account of the presence of tree roots and the perception that they are causing damage. Tree root issues are normally very speculative when viewed from above ground and where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action:

Root Invasion in Gardens

Tree roots in gardens are a natural and common occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death or instability and providing that the tree in question is not protected by a Tree preservation order (TPO) or situated within a Conservation Area.

Most species of deciduous trees will re-sprout from the stump when cut down. Many species will also produce a new growth shoot from a root if it becomes exposed to sunlight through ground erosion. Some species readily produce shoots from their buried roots as a way to regenerate and this is often stimulated by stresses, such as heavy pruning or felling, or localised ground disturbance. Several tree species (including cherry and poplar) are likely to produce root suckers as a response to being felled. These can be physically removed and chemically treated using a weedkiller until they cease to persist.

The encroachment of roots into adjoining land is not considered to amount to actionable legal nuisance unless the roots proceed to cause direct property damage. In most cases, roots can be pruned or accommodated.

Damage to Walls, Fences and Paths

It is normally possible to build or repair garden walls, fences, and paths to take account of adjacent trees. This can be achieved in several ways (for example installing a section of railing or bridging foundations around the base of a tree). Where trees are considered to be causing damage to walls or fences, Stockton Council will normally consider tree removal only where the wall or fence is irreplaceable and of exceptional importance e.g. a retaining wall or of historical interest. If a damaged wall or fence was constructed after planting the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account. The structure should normally be repaired or rebuilt to accommodate the tree. If a tree was planted or self-sown after the wall was constructed and is subsequently deemed to be unsuitable for long-term retention/ or has already caused damage it will normally be removed – this will be determined by the anticipated cost and ability to implement a lasting repair.

In the event this type of direct damage has been caused the third party owner may be entitled to claim repair costs against Stockton Council.

Tree Influence on Ornamental Landscaping Features

The council will not normally remove trees because they are disrupting pavements, kerbs, garden paths and walls.

Damage To Property

Tree removal will not normally be considered as a response to complaints about damage where insufficient evidence of the tree's contribution to damage is submitted, or where building or foundation design has failed to take into account the presence, at the time of construction, of established or newly planted trees.

Damage to Drains or Water Pipes

There is no evidence to suggest that tree roots can actively penetrate an intact pipe or drain, however, fibrous roots will commonly exploit defects in pipe work that result in water leakages. In these situations, the owner of the drain should seek to get the drain repaired or replaced at their own expense and prune roots directly interfering with the pipe work. Tree removal or other pruning work will not normally be considered unless the tree is clearly shown to have caused direct damage from root plate movement or is otherwise unsuitable for longer-term retention.

Subsidence

Tree-related building subsidence is generally only a problem in those areas that are underlain with shrinkable clays (or sometimes peat). Although trees are commonly implicated as being a cause of damage, a variety of other factors can also be a significant cause of structural failure: this includes, for example, inadequate foundation design, structural works to adjacent properties, internal alterations, different foundation depths or construction methods between buildings and extensions, change of surface materials close to trees, or seepage from broken or poorly maintained water pipes.

Removal Of A TPO Or Conservation Area Tree

When a TPO tree is alleged to be causing damage to a building and the only remedy is tree removal, the tree owner would apply to the council in this regard, and the council will permit the removal of the tree provided that:

- There is sufficient evidence to demonstrate that the tree is an influencing cause.
- The removal of the tree, or regular heavy pruning that might affect the public amenity value of the tree, is necessary to deal with the problem, and;
- The removal can be carried out without contravening wildlife legislation.

Evidencing Damage Caused by Trees with a TPO

Applications for works to protected trees (i.e. those within a Conservation Area or under a Tree Preservation Order) on private land, about alleged damage, are expected to be accompanied by evidence to show that the tree in question is a significant contributory factor or effective cause of the reported damage.

For example, permission to remove trees, or carry out works to trees, may not be considered on the grounds of subsidence alone without evidence of the following:

- Structural report providing a detailed appraisal of actual damage including crack or level monitoring records over a sufficient period; Category of Damage rating as per Building Research Establishment classifications.
- Formal identification of live roots of the same family or species found below the level of the foundation depth;
- Soil moisture tests at varying depths to below foundation level;
- Geo-technical survey indicating trial pits, and soil profiles; Evidence of desiccated soil;
- Details of other vegetation within the theoretical 'zone of influence';
- Confirmation of foundation depths and whether the building was constructed before or after the tree was planted;
- Other evidence may be required in some circumstances, such as a survey of the drainage system.

- The council may obtain expert specialist advice to verify submitted evidence as necessary.
- Removal of trees will **not** normally be considered where insufficient evidence is submitted or where building or foundation design has failed to take into account the presence, at the time of construction, of established or newly planted trees.

Insurance Claims Relating to Trees Owned by Stockton Council

As above 'evidencing damage caused by trees': claims are to be directed, in the first instance, to Stockton Council's Risk Management & Insurance Services. They may then be dealt with by the Council's Independent Claims Handlers or Insurers, who may request appropriate supplementary information.

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APPENDICES

i. Summary of Legal Background

The Local Authority must ensure tree and woodland management services are undertaken according to its statutory requirements and best practices. The main elements are summarised below:

Legislation and Statutory Duties for Local Authorities Pertaining to Trees

Statute Law (Acts of Parliament & Regulations)

Occupiers Liability Act 1957 & 1984 /

Health & Safety Executive: Risk from Falling Trees

The Local Authority is required to have an appropriate defensible system in place for the inspection and maintenance of trees and woodlands within its ownership.

This normally requires:

- Undertaking regular inspections of all trees and woodlands within its ownership.
- Maintaining adequate records of surveys and inspections.
- Implementing an ongoing programme of essential tree maintenance.

Highways Act 1980 (S. 96, 154)

The Local Authority must manage trees on or adjacent to the highway to ensure they do not interfere with the safe use of the highway such as maintaining adequate branch clearances over footpaths and carriageways and preventing trees from interfering with highway signage, lighting, sight lines, surfacing, structures or cause obstructions.

The Local Authority must also identify dead, dying or dangerous trees/branches that may foreseeably fall onto the highway and make sure these are removed.

The Local Authority has powers within the Act to notify and serve legal notices on private landowners, e.g. if dead, dying or dangerous trees are identified on private

land that interfere with the safe use of the highway. Notice can be served requiring essential remedial works to be undertaken within a specified timescale.

Local Government (Miscellaneous Provisions) Act 1976 (S.23 & 24)

Local Authorities have powers within the Act to notify and serve legal notice on private landowners, e.g. if dead, dying, or dangerous trees are identified on private land that may affect public safety. Similar to the Highways Act, notice can be served requiring essential remedial works to be undertaken within a specified timescale.

Unsafe Trees on Private Land

Owners and occupiers have a duty of care to others with regard to the safety of the trees on their land under the Occupiers Liability Act. If trees are dangerous, the Council have powers granted under the Local Government (Miscellaneous Provisions) Act, 1976 to require an owner to make safe a tree which is deemed to be an immediate threat to people or property. In the absence of the landowner, the Council can also act directly in the interests of public safety and recover any reasonable costs associated with the works. Any other dispute between neighbours is a private matter which should be resolved between the affected parties. Where private trees are considered a threat to users of the highway or public footpaths, the Council have powers under Section 154 of the Highways Act 1980 and can require the owner to make the trees safe. If trees and hedges are causing an obstruction to the highway the Council will issue a letter requesting works to be carried out to remove the obstruction within 28 days. If the works are not carried out in this time a formal notice will be issued giving a further 14 days to have the works carried out. If the works are still not carried out after this time legal proceedings may be instigated. Even if the trees are protected emergency work can be carried out if specified by an arborist. Owners are advised to contact Planning to discuss the extent of the works and any additional balancing of the crown which may be required.

Town & Country Planning Act 1990 (Tree Preservation Orders)

Under section 198, the LA has powers to make and serve Tree Preservation Orders (TPOs) on private land. This will normally include the protection of prominent trees where it is deemed 'expedient in the interests of amenity'.

The order makes it an offence to cut down, uproot, prune, damage or destroy the tree/s without written consent from the LPA (exemptions apply in certain circumstances).

Tree owners must therefore apply to the LA planning department before undertaking work on protected trees.

Anyone found guilty of cutting down, uprooting, topping, lopping or wilfully damaging a tree in a way that is likely to destroy it (including destruction of a tree's amenity value) is liable to a fine of up to £20,000 if convicted in the Magistrates' Court, or an unlimited fine if convicted in the Crown Court. The maximum penalty for contravention of the regulations in a way that does not lead to the destruction of the tree (or its value as an amenity) is £2,500 in the Magistrates' Court.

Trees and Their Protection During Development

Under section 197 of the Act, the Local Authority must make provision for the preservation of trees and must regard them as a 'material consideration' when granting planning permission.

The Council will be guided by 'British Standard 5837: Trees in Relation to Design, Demolition and Construction 2012 - Recommendations' and impose conditions where necessary to ensure trees are adequately protected during the process of new development, including all associated demolition and construction works.

The Council will also make provision for the planting of replacement trees that are lost during the course of new development and ensure that adequate new planting is included where possible.

Trees in Conservation Areas

The Town and Country Planning Act 1990 makes special provisions for trees located within Conservation Areas.

In summary, before carrying out works to any tree with a stem diameter greater than 75mm, 6 weeks written notice must be made to the LPA, describing the trees, their location and the works to be carried out. The LPA will consider whether or not to

place a TPO on to the tree(s) in question. Not giving the requisite notice before carrying out tree works is an offence under the Act,

The exemptions and penalties for trees in Conservation Areas are the same as those applicable to trees under Tree preservation orders.

Planning Enforcement

The LPA has enforcement powers under the Act for dealing with unauthorised works or damage to protected trees, or to require the replacement of trees.

Anti-Social Behaviour Act 2003 Part 8.

High Hedges: The Local Authority has enforcement powers under the Act for dealing with neighbour disputes about High Hedges. This includes procedures for enforcing the management of 'evergreen' hedges that cause a nuisance to a third party (neighbour). This does not include non-evergreen hedges or trees. Following a complaint being registered to the Planning Dept of the Local Authority, the Local Authority can then review, and enforce reduction of hedges that are deemed to cause a nuisance, where appropriate.

Forestry Act 1967

Forestry Commission (FC) Felling Licences: The Forestry Act contains legislation that gives the Forestry Commission powers to control the number of trees being felled at any one time. A felling licence is usually required where 5 or more cubic metres of wood are to be felled within any calendar quarter.

Certain requirements and exemptions apply, and these can be confirmed by the Forestry Commission, which deals with Felling Licences.

The Forestry Commission can be contacted at northeast.fce@forestry.gsi.gov.uk

Hedgerow Regulations 1997

Hedgerow Protection: Where applicable landowners must submit a Hedgerow Removal Notice to the LPA if they intend to remove hedgerows. The LPA has powers to serve Hedge Retention Notice to protect important hedges under the terms of the Regulations.

Section 40 Natural Environment and Rural Communities (Nerc) Act 2006

Conserving Biodiversity 'Every public body must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

Wildlife & Countryside Act 1981.

Countryside Right of Way (Crow) Act 2000 / Conservation Of Species And Habitats Regulations 2010

Certain listed species of plants and animals and their habitats are protected by legislation (inc. under European Habitats Directive 1992). The council therefore must comply with applicable regulations to protect wildlife including species and their habitats.

Health & Safety at Work Act 1974

All operational tree work must comply with the provisions under the Act, including relevant regulations and associated best practice guidance:

For example, organisations must ensure they have appropriate arrangements for health and safety including a written health and safety policy, risk management systems, suitably trained personnel.

Examples of relevant regulations and best practice include following:

- Management of Health & Safety at Work Regulations 1999
- Working at Height Regulations 2005
- New Roads & Street works Act 1991 / Chapter 8 Regulations
- Provision & Use of Work Equipment Regulations 1998
- Lifting Operations and Lifting Equipment Regulations 1998
- PPE at Work Regulations,
- Noise Regulations
- Control of substances hazardous to health (COSHH)
- First Aid / Accident Reporting
- Codes of Practice / Arboriculture Forestry Advisory Guides (AFAG) / HSE Guidance
- Wildlife & Countryside Act 1981 / Conservation of Species and Habitats Regulations 2010

English Common Law (Case Law) - Nuisance & Negligence

In exercising its functions, the Local Authority must pay due regard to English Common Law regarding the management of trees to limit potential liability for claims of nuisance or negligence. Where no specific Statutory Law exists, past legal judgements and precedents under English Common Law form the basis of resolving disputes between landowners; outlining their responsibilities and establishing liability in the event of injury or damage caused to third parties.

Many Common Law judgements and precedents exist in respect of trees and carry significant weighting in the resolution of civil disputes, insurance claims, etc. In most cases, judgements are made on the grounds of what is deemed reasonable and what would be considered the appropriate actions of a prudent or reasonable person.

The Council's tree management policy and procedures are therefore based on its interpretation of resultant best practice: For example, the Local Authority aims to take reasonable care within its means to manage trees and woodlands in such a way as they do not cause a legal or 'actionable' nuisance to a third party and it is not negligent in its legal duty of care: this normally requires it has a defensible and proactive system of inspection and maintenance in place.

ii Tree Management Service – FAQ's

Please can you arrange overgrown trees to be cut back?

The Council will only cut back trees if they are severely overhanging into a property and considered to be causing unreasonable interference with the use and enjoyment of property, not simply if they are considered 'too big' in a general sense.

Can I cut back trees to my boundary?

A landowner is entitled to cut branches or roots back to their boundary but not beyond. You must also check first if the trees are protected by a Tree Preservation Order or if you are within a Conservation Area as you will need to apply for permission first.

Trees are blocking light/shading my garden.

There is no absolute right to light or a view. The Council will only consider cutting back trees if they are severely overhanging into a property or if it considers them to be causing unreasonable interference with the use and enjoyment of property.

Trees are blocking a streetlamp/obscuring a road sign/blocking a road or path?

The Council will arrange to inspect the tree/s and have the necessary work carried out – if the trees are privately owned we will write to the landowner first and request they carry out the work.

The tree is damaging my fence/wall/driveway etc.

The Council will contact you to arrange an inspection and advise what action can be taken. In some cases you may be entitled to claim repair costs for any damage caused.

Tree/s are damaging my drains.

The Council will not normally accept any liability for reported damage to drains and is therefore unlikely to prune or remove trees. Tree roots will often exploit defects in pipe work/seals etc but will not 'break and enter' an otherwise intact drainage system.

How tall is a tree allowed to grow?

There is no law on how tall a tree can grow although in some cases there are restrictions on Evergreen Hedges (Leylandii) – contact Planning Enforcement for further advice.

Does the council do work on privately owned trees, or can the council recommend a suitable tree work contractor?

The council does not undertake tree work on private land but can provide a suggested list of contractors and consultants if required.

Is my tree protected by a Tree Preservation Order?

The council's Planning Department has records of all protected trees – please contact Care for Your Area for this information.

The tree is interfering with my TV reception/satellite dish.

There is no legal right to receiving a TV or satellite reception therefore the council will not normally prune trees back to alleviate interference, and not if it is likely to damage or disfigure a tree.

Tree is dropping sap/honeydew on my car.

This is not classed as a legal nuisance and the council will not therefore undertake pruning to alleviate this -the owner of the car would be expected to either wash or cover the car, or park elsewhere.

Does the council clear fallen leaves?

Usually no, except in some instances where some council depts have special arrangements for this, e.g. Clearing roadside gullies, Care Homes, etc It is and landowners' responsibility to undertake maintenance of their properties regardless of where leaves originate from.

I think a tree is dangerous.

Please contact Care for Your Area and state where the tree is and why you think it is dangerous and it will be inspected by one of the council's Tree & Woodland Officers.

I live in a thirteen house and would like a tree pruned or cut down?

Please contact thirteen direct with all tree work or inspection requests.

How often does the council inspect trees?

All trees and woodlands are on a cyclical survey programme and are inspected by a qualified arborist a minimum of every 3 years. Some trees are inspected more often, for example trees in town centres and schools are inspected once a year.

I would like a tree/tree's to be planted near where I live.

Please contact the Council's Customer Services team with details of where you would like tree/s planted and your request will be reviewed before the next planting season (December-March).

I would like a dedicated tree to be planted.

Please go to Stockton Council's website and complete the online application. A member of staff will contact you to discuss your request at the time of receipt of the application and in more detail a few weeks before the start of the planting season.

Does the council have a programme for planting new trees?

Yes, the council has a tree planting programme that identifies priority areas for new tree and woodland planting. This includes major green spaces, parks, highways and other public open spaces where new trees are likely to provide the greatest benefit to the environment and public amenity. These sites will be targeted for new planting where funding opportunities exist.

When will my tree be inspected? – I phoned up a few weeks ago?

All service requests are logged and given a priority rating:

Priority 1 Service requests will be inspected within 28 working days and will include dead, dying dangerous trees, anything health & and safety related or that implies a legal obligation on the council. This will also include general advice requested over the phone.

All other service requests will be logged as Priority 2 service requests and dealt with depending on the current volume of service requests with no pre-determined response timescale.

Please note that requests for works that are not deemed essential or considered appropriate management of trees may be declined.

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iii Explanation of Pruning Techniques

In carrying out any tree works, the overall amenity value, form, condition, health and shape of the tree must be retained.

All tree works shall be carried out by BS 3998: Recommendations for Tree Work 2010.

Description of Tree Pruning:

Crown Lifting

The removal of the lowest branches of a tree so that the remaining lowest branches are at a specified height, usually 2.5m over a footpath and 5m over a road unless otherwise stated. This operation is undertaken for several reasons, such as: to allow access under a tree; to clear branches from low structures; or to allow light under the canopy.

Crown Thinning

The removal of a specified proportion of branch material from the interior of the crown without affecting the crown shape of the tree. This operation is usually undertaken to: reduce crown density and wind resistance; form a healthy branch structure by removing dead; diseased, damaged, crossing and rubbing branches, and allow more light through the canopy.

Pollarding

This severe operation entails the removal of the entire tree's branch structure back to the trunk or main branch forks. An ancient way of maintaining trees that is sometimes necessary, particularly on trees that have been pollarded before. Only certain species will tolerate this degree of pruning, and new growth may be weak and prone to tearing off. This method of management is not therefore normally acceptable unless required as a last resort for retaining a tree or removing hazardous branches.

Crown Reduction

Reducing the overall size and spread of the crown area by a specified percentage by pruning back the leaders and branch terminals (outermost branches) to lateral branches that are large enough to assume the terminal roles (at least one-third the diameter of the cut stem).

Topping

This entails cutting at a certain height to reduce the height of the tree. Topping is not acceptable as it severely affects the public amenity and health of the tree, sometimes leading to death. Topping can also lead to future problems due to a flush of weak re-growth that can represent a danger and also exacerbate existing problems. If height reduction is considered essential and unavoidable, crown reduction (see above) is preferred.

Dead Wooding or Crown Clean

This operation is similar to a crown thin except that only dead, diseased, crossing and rubbing branches are removed to tidy up the appearance of the tree. No healthy, sound wood is removed. This operation is recommended to help maintain a healthy, safe tree.

Formative Pruning

The removal of problematic or potentially problematic branches, ensures good tree development.

iv Tree Planting Selection in The Urban Environment

Many tree species and cultivated varieties may be suitable for use provided they are carefully selected following the principles of good landscape design and are compatible with and sustainable in their intended environment.

The trees selected will include those of favoured ornamental form and character that will potentially provide high amenity value however the suitability of individual species will be highly dependent on the conditions and local environment where they are to be planted.

Trees selected for planting in the borough will include both native and non-native/exotic species: Native species will primarily be used in natural green spaces, wildlife corridors and rural countryside areas to help support local biodiversity but will also be included in formal urban settings where possible; Non-native or exotic trees will generally only be used within more urban landscapes such as formal parks, green spaces or built environments where they function primarily as specimen ornamental features.

Individual tree species have different ideal growing conditions therefore consideration will be given to physical and environmental factors such as soil type, exposure, site drainage and water requirements, pollution tolerance, light conditions etc.

Tree selection will also give careful consideration to the ultimate size and spread of tree/s about the available growing space, the growth habit and form of the trees, and any associated characteristics of the species (including, for example, any negative characteristics, e.g. shedding of honeydew in parking areas).

Some trees will be suited for use as individual specimen trees of high ornamental value and some may be suitable for use in large numbers for avenues, groups or simply creating 'green mass' in open spaces where tree cover/landscaping is otherwise absent or minimal.

New trees introduced to the landscape need to be compatible with existing trees as well as each other and new schemes will seek to adhere to principles of good landscape design: tree planting layouts should complement existing buildings, highways, other structures, landscape features etc and be in scale and context with surroundings, present and future.

Number of tree species used should be proportionate to the total numbers of trees planted and not overcomplicated by the use of too many species.

New tree planting schemes as well as the placement of single trees in the landscape will aim to be 'sustainable' and represent a long term investment in the urban landscape – new trees would have a good prospect for long term retention/ensure selected trees are planted where they can grow to full size and maturity and add value to the landscape.

Tree planting specifications are equally important to ensure trees have adequate growing medium to ensure they can mature in their location, receive adequate aftercare and are protected during their establishment phase through to future independence in the landscape.

v. Definitions of Statutory or Essential Inspection & Maintenance

Tree Work Inspection & Maintenance Programme

All council-owned trees will be inspected on a regular cycle as part of an ongoing programme of 1-3 years depending on location. The council will seek to address common management issues and arrange statutory, legal or essential tree maintenance as part of an ongoing work programme. 'Essential work' will include pruning trees to maintain clearances near structures, houses, road and footpaths, street lighting, signage and to maintain general health and safety.

Request for Services: Priority 1

The council will log an enquiry as a Priority 1 service request, where it considers there to be a significant health and safety issue, legal obligation or actionable nuisance to persons or property or an incident relating to trees. Categorized as follows:

CATEGORY	DESCRIPTION
Incident reporting / Emergency Call Outs	Vandalism to trees, snapped trees, ring barked, fire damage
	Storm damaged or fallen trees/ branches
	Dead, dying or dangerous trees
	Actual Damage to property caused by falling trees or branches
Tree work & tree inspection Requests	Tree Causing direct obstructions in public Highway
	Blocking public path or road access / driveway
	Obstructing road sign or signals
	Obstructing street lighting
	Tree causing <u>actual</u> visible damage to property, e.g. wall, driveway, subsidence to house
	Trees touching house, buildings other structures that need cut back

Tree Advice	Advice to external companies / utility providers
	Tree Preservation Orders / Trees in Conservation Areas
Tree Planting	Memorial trees (online application form)

Following inspection, the council will undertake work where it is deemed to require statutory or essential maintenance.

The council is not obliged however, to take undertake work in response to requests that are considered non statutory, non essential, or contrary to good arboricultural practices, therefore in most cases the council will decline any such requests.

Emergency Incident Reporting/Emergency Call Outs

The council will respond to general incident reports within 28 days and all Emergency Call Outs within 1 working day.

During normal working hours between 7.30am to 3.30pm, the Grounds Maintenance team will respond to incident reports and emergency calls outs via the customer service team on 01642 391959. Outside these normal working hours the council will respond to incidents reported via the CCTV security centre on 01642 528989.

If an emergency call out is received outside normal working hours we will only respond to incidents that directly affect the safe use of the public Highway or cause significant direct damage to property. This will only include undertaking the minimum work necessary to make the site safe e.g. cordoning off affected areas and / or removing obstructions, debris, fallen trees or branches from the public Highway or affected properties. Once minimum works have been undertaken, any remaining clearance works or other non-urgent remedial works will be dealt with during normal working hours.

Requests for Tree Planting

Requests for Memorial or Commemorative trees can be made via an application form obtainable on the council website.

Non-Statutory or Non-Essential Services

This will include all other enquiries where the council is not legally obliged to respond or take action or that are not considered to require essential tree works in line with good practice. For example, where there is no immediate danger or health and safety issue, or no direct damage or legal nuisance.

The council will therefore not give priority to pruning trees that are reported to be blocking sunlight or a view, complaints about leaf fall, debris, overhanging branches, trees obstructing satellite dishes, overgrown trees etc.

These types of enquiries will not be logged for an officer response or further action, however the customer service team will provide general advice in accordance with the council's policies and procedures: All policies relating to tree management are closely guided by Statute Law (Acts of Parliament), English Common Law (Case Law) and modern Arboricultural best practices.

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Further Guidance:

www.legislation.gov.uk (UK Statute Law)

www.trees.org.uk (UK Arboricultural Association)

www.stockton.gov.uk/trees (SBC web site)

Relevant Strategies, Policies, Publications & Best Practice:

Stockton Borough Council Summary Council Plan 2009-2012,

Stockton Renaissance, Sustainable Community Strategy 2008.

Tees Valley Green infrastructure Strategy/ Stockton Council green infrastructure strategy

Climate change adaptation plan

Tees Valley Joint Strategy Unit (2008), Tees Valley Green Infrastructure Strategy 2008: Enhancing the environment and achieving the economic and sustainable vision.

Defra (2007) A Strategy for England's Trees Woods & Forests.

Government Office for the North East & Forestry Commission (2005) Trees, Woodlands, Forests ...and People, The Regional Forest Strategy for the North East of England.

Christopher Neilan, CAVAT (Capital Asset Value for Amenity Trees), London Tree Officers Association, 2008.

Chris Britt & Mark Johnston (2008), Trees in Towns II, A new survey of urban trees in England and their condition and management, Research for Amenity Trees no. 9, Communities and Local Government, 2008

CABE space (2010) Urban Green Nation: Building the evidence base, Research summary, CABE

David Lonsdale (1999) Principles of Tree Hazard Assessment and Management – Research for Amenity Trees no. 7, HMSO

RG Strouts, TG Winter (1998 & 2000) Diagnosis of Ill-health in Trees – Research for Amenity Trees No. 2

Mattheck & H. Breloer (1994) The Body Language of Trees: A handbook for Failure Analysis: Research for Amenity Trees no. 4.

Bradshaw, Hunt & Walmsley (1994) Trees in the Urban Landscape, E & FN SPON

National Urban Forestry Unit (1998) Trees Matter! The benefits of trees and woods in towns, NUFU

European Arboricultural Council (1999) European Tree Pruning Guide, EAC

British Standard 5837: Trees in Relation to construction 2005 Recommendations

British Standard 3998: Tree Work Recommendations 2010

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Tree Preservation Orders (TPO)

A Simple Guide

What is a Tree Preservation Order ?

A Tree Preservation Order (TPO) is an order made by the Local Planning Authority to protect specific trees, groups of trees, or woodland in the interests of amenity.

A TPO protects one or more trees, of any species, that make a significant positive impact on their local surroundings. A TPO makes it a criminal offence to carry out any of the following works to a protected tree, without permission:

- Cut down or remove
- Uproot
- Top, lop or prune
- Wilfully damage or destroy

What are the Tree Owner's Responsibilities ?

As with owners of 'unprotected' trees, TPO tree owners are responsible for maintaining their trees and no statutory rules are set on how often they are maintained or to what standard.

It is important, a tree owner ensures their trees are safe especially when adjacent to highways or areas the public use frequently. All tree owners have a duty of care to ensure that their trees are safe and it is important that any trees, regardless of them being TPO or not, are inspected regularly with necessary maintenance carried out to make sure they remain safe and healthy.

The Council does not have a shared responsibility for maintaining TPO trees. However, the Local Planning Authority can regulate and encourage good tree management by determining applications when a tree owner submits a Tree Works application.

Arboricultural advice and advice from competent contractors and consultants or the authority will help to inform tree owners of their responsibilities and options.

Is a Tree Protected?

If you are not sure whether a tree is protected or within a conservation area, contact Stockton Council's planning department at planningdevelopmentservices@stockton.gov.uk and confirmation will be provided.

Owners will be made aware of a Tree Preservation Order at the time it is made. Subsequently, owners should be made aware of a TPO on a tree within the curtilage of the property or being within a conservation area during the conveyance process when purchasing a property.

What permissions do I need for works to a protected tree?

To receive authorisation for work to a protected tree, an application would need to be submitted to the Council.

This would contain details of the works intended which is then considered by the Local Planning Authority. Those works would then either be given consent with or without conditions or an

application may be refused. If the works are refused it is likely because they would have an unacceptable effect on either the health of the tree or the amenity of the area.

There are some exemptions to the application procedure, such as if work must be carried out in an emergency because there is an immediate risk of serious harm, or if the tree is dead, or for removing dead branches.

Exemptions for works to trees should always be requested in writing before arranging emergency tree work. Photographic evidence or a site inspection would normally be required before the LPA agrees to exempt work.

Making an Application for Tree Works

Stockton Council accept tree works applications via their website (planning portal).

An application must provide a full, clear and detailed specification for work that is intended to be carried out to the tree. We would also encourage guidance is obtained from a professional tree surgeon or arborist per British Standard 3998 (Tree Works Recommendations).

The process for viewing Tree Work applications is the same as for viewing planning applications, and these are available to be viewed on the SBC website.

Trees in Conservation Areas

Although Conservation Areas are protected for their historical and architectural value, trees make a special contribution to their overall appearance. The legislation therefore offers a blanket protection to all trees within a conservation areas which have a stem diameter greater than 75 mm (3 inches) when measured at 1.5 metres (5 feet) above ground level.

In those cases, a tree owner within a conservation area would need to submit a Tree Works application before proceeding. The process is however more streamlined and will consider if the specified works can proceed or whether the trees would warrant a TPO.

Unauthorised Tree Cutting

If you cut down, uproot or wilfully destroy a protected tree, or wilfully damage (including cutting roots) top or lop a tree in a manner likely to destroy it, or its amenity, you could be fined up to £20,000 for each offence.

In determining the amount of the fine, the court will take into account the actual or likely financial benefit arising from the offence.

In addition, you would normally also be required to plant a replacement tree if the tree was removed or destroyed.

Reporting Unauthorised Work to a Protected Tree

Please contact Stockton Council to report unauthorised work tree works, this can also be completed online at <https://planningforms.stockton.gov.uk/>

The Council will then begin an investigation and determine the appropriate course of action.

Community Safety Select Committee
Review of Welcoming and Safe Town Centres
Outline Scope

Scrutiny Chair (Project Director): Cllr Paul Rowling	Contact details: paul.rowling@stockton.gov.uk
Scrutiny Officer (Project Manager): Gary Woods	Contact details: gary.woods@stockton.gov.uk 01642 526187
Departmental Link Officer: Sharon Cooney (SBC Head of Community Safety)	Contact details: sharon.cooney@stockton.gov.uk
Which of our strategic corporate objectives does this topic address?	
<p>The review will contribute to all three of the Council Plan 2023-2026 key objectives:</p> <ul style="list-style-type: none"> • <i>A place where people are healthy, safe and protected from harm</i> • <i>A place with a thriving economy where everyone has opportunities to succeed</i> • <i>A place that is clean, vibrant and attractive</i> 	
What are the main issues and overall aim of this review?	
<p>For several years now, debate has ensued over the future purpose and provision of town centres across the UK, with Local Authorities and their numerous partners considering the ways in which they can make these locations as appealing as possible within the context of a tough financial landscape. In related matters, the issue of town centre safety has drawn recent national attention, with significant concerns raised around reported increases in shoplifting, rising incidences of violence and abuse of shop staff, and police / community support officer numbers (UK Parliament - Town Centre Safety (Dec 23)).</p> <p>As Stockton-on-Tees Borough Council (SBC) progresses with the redevelopment of its six town centres, fostering feelings of safety and creating welcoming spaces are crucial for several reasons. A safe environment encourages residents and visitors to engage in activities, boosting economic vitality through increased footfall and business opportunities. A welcoming town centre also promotes community cohesion and pride, attracting investment but also encouraging a sense of belonging amongst residents. Cultivating and developing a positive perception of the Borough's town centres is an essential component of the Council's regeneration strategy.</p> <p>Over recent years, a significant amount of work has gone into supporting Stockton-on-Tees town centres, both from a regeneration investment perspective and a community safety standpoint. A substantial amount of investment has been made in community safety measures such as new CCTV cameras and the provision of additional Civic Enforcement Officers to patrol and work with key stakeholders to problem-solve issues. Furthermore, last year saw the introduction of the Council's first Public Spaces Protection Order (PSPO) to tackle aggressive begging and street drinking in both Stockton Town Centre and Norton Village.</p>	

<p>These measures, alongside additional support from SBCs strategic partners, have resulted in sustained reductions in key areas of crime and disorder. Despite this, however, the public perception of town centre safety continues to be poor amongst prospective visitors and also commercial investors.</p> <p>This review provides an opportunity to scrutinise what is currently in place in terms of promoting safety in town centres and how effective the measures are in addressing crime and disorder, whilst also further exploring what more can be done to positively promote the Borough's town centre spaces to address negative perceptions and improve feelings of safety.</p> <p>The main aims for this review will be to:</p> <ul style="list-style-type: none">• Establish the key issues within each of the Borough's six town centres with regards safety.• Understand the measures already in place to address these issues and ascertain any gaps in future plans.• Identify any potential learning from other parts of the UK.
<p>The Committee will undertake the following key lines of enquiry:</p> <p>What is meant by the term 'welcoming' in relation to the Borough's town centres?</p> <p>What has the Council and its partners done to make its town centres more welcoming and safer (inc. impact of recent PSPO implementation)? How effective have these been?</p> <p>What safety issues (real or perceived) are specific to the six town centres across the Borough; what is stopping residents / visitors wanting to access these locations? What data is available to support / contradict these concerns?</p> <p>Do town centre businesses consider their location as welcoming and safe? What issues, if any, do they feel need addressing; could they assist with any of these themselves?</p> <p>How is the grant funding allocated to the Cleveland PCC area as part of the latest Safer Streets Fund (round five) being used to improve safety within the Borough?</p> <p>What is the role of the Stockton Safety Partnership (SSP) in relation to this scrutiny topic?</p> <p>How can this review contribute to / complement the ongoing SBC <i>Powering Our Future</i> Community Safety and Regulated Services project?</p> <p>How does / can the Council utilise the local voluntary, community and social enterprise (VCSE) sector to support welcoming and safe town centres?</p> <p>What can the Council learn from the approach of other Local Authorities?</p>
<p>Who will the Committee be trying to influence as part of its work?</p> <p>Council, Cabinet, SBC partners, businesses, public.</p>
<p>Expected duration of review and key milestones:</p> <p>7 months (report to Cabinet in February 2025)</p>

What information do we need?	
Existing information (background information, existing reports, legislation, central government documents, etc.):	
<ul style="list-style-type: none"> Local Government Association (LGA): Revitalising town centres (May 18) Safer Stockton Partnership (SSP): Stockton-on-Tees Community Safety Strategy 2022-2025 GOV.UK: Safer Streets Fund (Oct 23) 	
<i>Who can provide us with further relevant evidence? (Cabinet Member, officer, service user, general public, expert witness, etc.)</i>	<i>What specific areas do we want them to cover when they give evidence?</i>
<p>Stockton-on-Tees Borough Council</p> <ul style="list-style-type: none"> Community Safety and Regulated Services Public Health Town Centres Development Inclusive Growth and Development Ward Councillors 	<ul style="list-style-type: none"> Issues being highlighted for each town centre Safety initiatives implemented and the impact Role of SSP in this scrutiny topic Influencing community safety / violence prevention Plans for / progress on town centre investment and making these spaces welcoming / safe Feedback from public
Office of the Police and Crime Commissioner for Cleveland	<ul style="list-style-type: none"> Town centre priorities / plans Safer Streets Fund – impact within Borough
Cleveland Police Cleveland Fire Authority / Brigade	<ul style="list-style-type: none"> Town centre crime / disorder data Safety initiatives implemented and the impact Past / future partnership-working with SBC
Town Councils Business Forums / Groups	<ul style="list-style-type: none"> Issues regarding town centre safety and measures taken to address these Past / future partnership-working with SBC
Catalyst / VCSE Sector	<ul style="list-style-type: none"> Existing VCSE involvement How the VCSE could further support efforts
Residents / Communities	<ul style="list-style-type: none"> Views on / barriers to accessing town centres
Other Local Authority Areas	<ul style="list-style-type: none"> Initiatives to improve views of town centres and / or tackle negative perceptions
How will this information be gathered? (eg. financial baselining and analysis, benchmarking, site visits, face-to-face questioning, telephone survey, survey)	
Committee meetings, reports, research, existing public feedback, site visits (TBC).	

<p>How will key partners and the public be involved in the review?</p> <p>Committee meetings, information submissions.</p>
<p>How will the review help the Council meet the Public Sector Equality Duty?</p> <p>The Public Sector Equality Duty requires that public bodies have due regard to the need to advance equality of opportunity and foster good relations between different people when carrying out their activities. This review will be mindful of these factors.</p>
<p>How will the review contribute towards the Joint Strategic Needs Assessment, or the implementation of the Health and Wellbeing Strategy?</p> <p><u>Stockton Joint Strategic Needs Assessment (JSNA): Crime:</u> Crime and the fear of crime are key factors that affect people's quality of life and sense of wellbeing.</p> <p><u>Stockton-on-Tees Joint Health and Wellbeing Strategy 2019-2023: All people in Stockton-on-Tees live in healthy places and sustainable communities:</u> Health and wellbeing are influenced by the environment in which people grow up, live, work and spend their leisure time and by how safe people feel in their communities.</p>
<p>Provide an initial view as to how this review could lead to efficiencies, improvements and/or transformation:</p> <p>An assessment of the effectiveness of local community safety measures and recommendations on what more could potentially be done to address public concerns (whether real or perceived).</p>

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Project Plan

Key Task	Details/Activities	Date	Responsibility
Scoping of Review	Information gathering	May 2024	Scrutiny Officer Link Officer
Tri-Partite Meeting	Meeting to discuss aims and objectives of review	29.05.24	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer
Agree Project Plan	Scope and Project Plan agreed by Committee	13.06.24	Select Committee
Publicity of Review	Determine whether Communications Plan needed	TBC	Link Officer, Scrutiny Officer
Obtaining Evidence	SBC	11.07.24 26.09.24 24.10.24 28.11.24	Select Committee
Members decide recommendations and findings	Review summary of findings and formulate draft recommendations	19.12.24	Select Committee
Circulate Draft Report to Stakeholders	Circulation of Report	January 2025	Scrutiny Officer
Tri-Partite Meeting	Meeting to discuss findings of review and draft recommendations	TBC	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer
Final Agreement of Report	Approval of final report by Committee	23.01.25	Select Committee, Cabinet Member, Director
Consideration of Report by Executive Scrutiny Committee	Consideration of report	[04.03.25]	Executive Scrutiny Committee
Report to Cabinet / Approving Body	Presentation of final report with recommendations for approval to Cabinet	13.02.25	Cabinet / Approving Body

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COMMUNITY SAFETY SELECT COMMITTEE Work Programme 2024-2025

Date (4.30pm unless stated)	Topic	Attendance
25 April	Review of Outdoor Play Provision: Quality and Distribution, Maintenance, and Physical Accessibility <ul style="list-style-type: none"> • (Draft) Final Report 	Cllr Clare Gamble / Cllr Steve Nelson / Cllr Norma Stephenson OBE / Neil Mitchell
23 May	CANCELLED	
13 June	Monitoring: Action Plan - Outdoor Play Provision Monitoring: Progress Update – Tree Asset Management Review of Welcoming and Safe Town Centres <ul style="list-style-type: none"> • (Draft) Scope and Project Plan 	Neil Mitchell Dale Rowbotham / Mark Nozedar Marc Stephenson
11 July	Review of Welcoming and Safe Town Centres <ul style="list-style-type: none"> • TBC 	
26 September	Review of Welcoming and Safe Town Centres <ul style="list-style-type: none"> • TBC 	
24 October	Review of Welcoming and Safe Town Centres <ul style="list-style-type: none"> • TBC 	
28 November	Review of Welcoming and Safe Town Centres <ul style="list-style-type: none"> • TBC 	
19 December	Review of Welcoming and Safe Town Centres <ul style="list-style-type: none"> • TBC 	
23 January		
27 February	Overview Report: Adults, Health and Wellbeing (TBC)	
27 March		

2024-2025 Scrutiny Reviews

- Welcoming and Safe Town Centres

Monitoring Items (scheduled / to be scheduled)

- Fly-Grazed Horses (Progress Update) – TBC
- Tree Asset Management (Progress Update) – Jun 24
- Outdoor Play Provision (Action Plan) – Jun 24

COMMUNITY SAFETY SELECT COMMITTEE Work Programme 2024-2025

Other Information Sources / Updates

- **Safer Stockton Partnership (SSP):** The SSP is the local community safety partnership and works together to reduce crime and anti-social behaviour (ASB) – meeting dates, agendas and minutes can be accessed via <https://moderngov.stockton.gov.uk/ieListMeetings.aspx?CId=1144&Year=0>. Every three years, the SSP undertake a Crime and Disorder Audit and, following public consultation, produce a Community Safety Plan which sets out how agencies within the Partnership intend to achieve targets in crime reduction. The latest version is the [Stockton-on-Tees Community Safety Strategy 2022-2025](#).
- **Serious Violence Duty:** The Duty (Aug 22) <https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-serious-violence-duty-factsheet> and associated guidance (Dec 22): https://www.gov.uk/government/news/efforts-to-tackle-serious-violence-and-homicide-stepped-up?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=66d44b4c-9d22-4f1d-aed7-517818847183&utm_content=immediately
- **Martyn's Law:** ([The Terrorism \(Protection of Premises\) Draft Bill](#)) has recently (May 23) been published, which will introduce new requirements for those responsible for certain public premises or events to take protective security measures to mitigate against terrorist attacks. Also known as Martyn's Law, this will likely have a number of implications for Councils. Further details can also be found on [the Home Office's Martyn's Law factsheet](#). The LGA has recently (Apr 23) published [a case study highlighting how Manchester Council](#) has embedded the principles of Martyn's Law into their licensing process.
- **Modern Slavery:** [New modern slavery risk assessment and due diligence guidance for local authority commissioners of adult social care](#), produced by the University of Nottingham Rights Lab in tandem with the LGA, was published in October 2023 - it provides advice on to how to set up effective local systems to identify and manage the risks of modern slavery in adult social care. The LGA has established a modern slavery network for council officers leading on work to tackle modern slavery – the network meets quarterly via Teams and aims to share good practice and discuss current issues. **In March 2024, the Home Office published data on the number of potential victims of modern slavery referred into the National Referral Mechanism (NRM) or via the Duty to Notify (DtN) process in 2023. 17,004 potential victims of modern slavery were referred to the Home Office in 2023. The number of referrals for females were at their highest on record, as were the number of referrals for child potential victims. The most common nationality referred in 2023 was UK.**
- **Youth Offending:** *Turnaround* is a voluntary youth early intervention programme led by the Ministry of Justice. The programme provides multi-year grant funding to Youth Offending Teams (YOTs) across England and Wales until March 2025, enabling them to intervene earlier and improve outcomes for children on the cusp of entering the youth justice system. The eligibility criteria for *Turnaround* includes; children involved in anti-social behaviour (ASB) – ranging from coming to notice for repeated involvement in ASB up to and including receiving a Civil Order for ASB. The Ministry of Justice is encouraging all community safety teams to engage with their local YOT Manager or Management Board to discuss a referral pathway for eligible children so they can be offered support via *Turnaround*.
- **Anti-Social Behaviour (ASB):** The Local Government and Social Care Ombudsman issued a press release in August 2023 expressing concern that [Councils were not doing enough to help victims of ASB](#). The Ombudsman has also produced a [learning lessons from complaints about antisocial behaviour](#) document which includes scrutiny questions for Councillors. **The [ASB Action Plan](#) has since been updated (March 2024).**

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- **CONTEST:** In July 2023, the Government published its [updated counter-terrorism strategy, CONTEST](#), which judges that risks from terrorism are rising. In related matters, SBC rolled-out mandatory staff training around the Prevent and Protect duty at the end of April 2023. In March 2024, the Government [published a new definition of extremism](#), updating the one in the 2011 Prevent Strategy and to reflect the evolution of extremist ideologies and the social harms they create. The Government also recently published a [progress report one year on from the publication of the Independent Review of Prevent](#). This sets out that 30 of the 34 recommendations are now complete, including updated statutory guidance, training and the assessment framework, the launch of a new [Standards and Compliance Unit \(STaCU\)](#) to handle complaints and provide oversight.
- **Fire & Rescue:** [State of Fire & Rescue 2022](#) - His Majesty's Chief Inspector of Fire and Rescue Services Annual Assessment of Fire and Rescue Services in England. Arson and deliberate fire setting remain a significant issue for Cleveland Fire Brigade with Cleveland being the arson capital of the UK – in October 2022, Cleveland Fire Brigade [appealed for everyone to become a FireStopper in a new bid to reduce arson and violent attacks on firefighters](#).
- **Shoplifting:** Police to treat shoplifting like organised crime (BBC online article published in October 2023): <https://www.bbc.co.uk/news/business-67191793>.
- **Dangerous Dogs Act 1991:** The Government has added the XL Bully breed type to the list of dogs banned under the Dangerous Dogs Act 1991 in England and Wales. From 31 December 2023, breeding, selling, exchanging, advertising, rehoming, gifting, abandoning, and allowing an XL Bully dog to stray will be illegal, and these dogs must be muzzled and on a lead in public. From 1 February 2024 it will be a criminal offence to own an XL Bully in England and Wales unless the owner has a Certificate of Exemption. [Defra has published further information about how to prepare for the ban which will be updated regularly](#), and they will continue engagement with stakeholders. In March 2024, the LGA wrote to Council chief finance officers on behalf of DEFRA about new burdens funding relating to the XL Bully Ban for 2023-24.
- **Licensing:** [Legislation has been introduced into Parliament to amend the Licensing Act 2003](#) so that it is easier to get changes to licensing hours for special events or occasions, such as significant sporting events, through Parliament. The Bill is more concerned with parliamentary process than the contents of the Licensing Act itself. The Local Government Association (LGA) understands this legislation has Government support, so is likely to complete its parliamentary stages and become law. [The British Beer & Pub Association has produced advice for licensees showing European Championship football matches](#) – this is an update of the previous World Cup guidance.
- **Domestic Homicide Reviews (DHRs):** The Government announced DHRs will be renamed to Domestic Abuse Related Death Reviews following calls to better recognise deaths from domestic abuse related suicide. The LGA conducted a DHR survey in conjunction with the Domestic Abuse Commissioner (DAC) - results were due to be published during [the LGA Annual Conference](#) (2-4 July 2024), but this has been cancelled due to a clash with the forthcoming General Election. The LGA is in talks with other organisations to form a DHR network for the sharing of best practice. The Home Office have [launched a public consultation](#) (open until 1 July 2024) seeking views on an updated version of the DHR statutory guidance.
- **Float to Live campaign:** The [RNLI's Float to Live campaign](#) took place on 21 May 2024. The ['float to live' message has saved lives](#), and the RNLI is keen for councils to support the campaign to raise more

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awareness amongst local communities. It has produced [a free social media toolkit](#) which may be of interest to Council communications team.

- **Fires involving e-bikes and e-scooters:** The Office for Product Safety & Standards (OPSS) has written to heads of trading standards, asking that, where resources and prioritisation allow, Trading Standards services identify and inspect bike repair businesses and where possible inform OPSS of their findings.
- **Police and Crime Commissioner (PCC) for Cleveland:** Further information on the office of the PCC can be found on via <https://www.cleveland.pcc.police.uk/commissioner/office/> - this includes engagement with the **Cleveland Police and Crime Panel (PCP)**. Access to PCP agendas and papers can be found via <https://www.cleveland.pcc.police.uk/commissioner/office/the-work-of-cleveland-police-and-crime-panel/>.