

WORKS TO TREES GROWING ON CITY COUNCIL OWNED LAND

PROTOCOL FOR THE CONSULTATION AND DETERMINATION OF TREE WORK OPERATIONS TO TREES ON CITY COUNCIL OWNED LAND.

The relevant client services are:

Active Communities

Housing

Car Parks

Property

(see Appendix 1)

1. INTRODUCTION

This protocol relates to tree works scheduled by the arboricultural officers, based in the Department of Environment and Planning, in accordance with the Council's approved Arboricultural Strategy. These officers work on behalf of, and in conjunction with, other client departments within the Council. The Council has a crucial role to play in maximising the benefits trees give the city, both through exercising its statutory powers and by encouraging and supporting tree management and planting.

2. TREE WORK OPERATIONS

Tree Work Operations are described as follows:

2.1 Major Tree Work Operations

These operations are classified as any work that alters the appearance of a tree significantly. These works may include:

- felling of any tree that does not require the support of a stake or underground guying system
- major crown reduction - in excess of 30% of the canopy
- pollarding
- coppicing

This work shall apply to any tall or medium sized, established tree which meets any of the following criteria:

- a significant individual specimen,
- an important landscape feature,
- a significant visual amenity
- a significant visual barrier or screen

2.2 Minor Tree Work Operations

These are works that would have no significant impact on the health or amenity value of the tree, or change the appearance of the tree, such that the amenity of the townscape is diminished.

This work includes the following operations:

- **Felling** of newly planted trees that had been damaged or vandalised or are diseased, dead or dying.

- **Formative pruning** of young trees to promote a well-developed canopy.
- **Cleaning out** the canopy. This operation includes the removal of dead wood, diseased or dying branches and snags, which may harbour pests and diseases. It also includes the removal of crossing branches, unwanted climbing plants and objects.
- **Crown lifting**, is a procedure which removes the lower branches from the main stem, or branch system, up to a specified height above ground. It is usually carried out to provide sufficient headroom for pedestrians, cyclists and vehicles to pass under the canopy, or to allow light to reach surrounding plants and buildings.
- **Crown thinning**, this is an operation carried out to reduce the density of foliage. This may help to make the tree safer by reducing wind resistance, giving a more balanced weight distribution and removing unsafe branches. It stimulates good growth by admitting more light and air to the crown and encourages good branch development in young trees. Thinning may also be carried out to allow light into buildings.

The following **pruning** operations:

- The removal, or shortening, of branches which are interfering with overhead public utility wires and lamp heads.
- The removal, or shortening, of branches which would, in time, become excessively long and heavy.
- Shortening branches so as to manage excessive end weight.
- Removing, or shortening, branches which are weakly attached, dead, detached but hanging, cracked, seriously decayed or a hazard.
- Balancing the crowns of storm-damaged trees.
- Crown reduction and crown thinning to reduce the lever arm or the sail area of hazardous trees.
- Root pruning to abate minor structural damage, or a trip hazard.

3. TREE MANAGEMENT PROCEDURES

Tree Management Procedures fall within five categories which are described as follows:

3.1 Programmed Works:

These are the subject of planned management surveys. These surveys are usually undertaken on a cyclical basis, in accordance with the Arboricultural Strategy, for a client department. In some circumstances, the client service may request a survey to be undertaken of a tree(s) on land for which it is responsible.

Works set out in the schedules may include tree work operations of a major and minor nature.

3.2 Non-Programmed Works

This is reactive work. It is usually scheduled in response to enquiries or notifications to the Council, but may also include work identified as part of an unscheduled inspection.

Works may include operations of a major and minor nature.

3.3 Modifications/additions to a contract.

In the course of implementing a schedule of work it may be necessary to amend the specification to address the physiological condition of a tree, or a change in circumstance.

These works may include operations of a major and minor nature.

3.4 Emergency Works.

These works are required to make a tree safe without delay. Under the Framework Agreement the contractor appointed to deal with such work shall be available 24 hours a day, 365 days a year, and is required to respond to a call out immediately.

Occasionally, an event may occur whereby a tree does not present a hazard, but the situation, or circumstance, requires an immediate solution which can only be resolved by pruning or felling.

These works may include operations of a major and minor nature.

3.5 Urgent Works.

These works are required to rectify a hazard and, in accordance with the Framework Agreement, must be undertaken within 5 working days.

These works may include operations of a major and minor nature.

4. CONSULTATION PROCESS FOR TREE WORK OPERATIONS

4.1 Major Tree Work Operations (As Described At 2.1)

Consultation must take place in advance of any works being undertaken for Major Tree Work Operations, which are part of the following Tree Management Procedures, as described above:

- Programmed Works (3.1)
- Non-Programmed Works (3.2)
- Modifications/additions to a contract (3.3)

The consultation will comprise the following:

1. City and County Ward Members

City and County Ward Councillors shall be advised of Major tree work operations that are part of Programmed Works (3.1), Non Programmed Works (3.2) and Modifications/additions to a contract Works (3.3).

Councillors will be requested to respond within 5 working days if they have any concerns, with an option of requiring an additional 5 working days to

consider the proposals. If no response is received, it shall be deemed that the proposals are acceptable, or that no further details are required.

2. Public Consultation

Consultation will be undertaken with the community. The consultation will relate to Programmed Works (3.1) and Non Programmed Works (3.2) and Modifications/additions to a contract Works (3.3).

The consultation will extend to interested persons, resident groups, amenity societies and near neighbours. (see Appendix 2).

This shall include a letter advising that details can be viewed in the Planning reception (2nd Floor) at the Guildhall, and on the City Council web site. The letter will state why the proposed work is considered to be necessary. If felling is proposed, details of any proposed replacement planting shall be included. A 10 working day consultation period shall be allowed, with a date being given for receipt of representations.

Where appropriate, a detailed report or meeting may be provided to explain the proposals.

3. Notices on Trees

Notices shall be posted on trees stating the nature of the proposals, a brief explanation for the reasons for undertaking the work, and that further details are available in Planning reception (2nd Floor of the Guildhall), or on the City Council web site. Contact details and a deadline, allowing a response time of 10 working days, will be provided for written representations.

4. Site Notices

Notices shall be posted on the appropriate entrance(s) to the land or property, advising that tree works are planned. Brief details of the works and an explanation for their need will be given. It shall also state that further details are available in Planning reception (2nd Floor of the Guildhall), or on the City Council web site. Officer contact details will be provided and a deadline for written representations, allowing a response time of 10 working days.

5. Public Register

A schedule of work shall be available at Planning Reception, 2nd floor of the Guildhall. Contact details and a deadline, allowing a response time of 10 working days, will be provided for written representations.

6. Web Site

A schedule of work shall be posted on City Council website. Contact details and a deadline, allowing a response time of 10 working days, will be provided for written representations.

4.2 Minor Tree Operations (As Described At 2.2)

Notification must take place in advance of any works being undertaken for Minor Tree Works Operations which are part of the following Tree Management Procedures, as described above:

- Programmed Works (3.1)
- Non-Programmed Works (3.2)

The notification will comprise the following:

1. City and County Ward Members

City and County Ward Councillors shall be advised of Minor tree work operations that are part of Programmed (3.1) and Non Programmed (3.2) Works.

2. Public Notification

Registered interested persons, resident groups and amenity societies will be notified of the works. (see Appendix 2).

This letter of notification shall advise that details can be viewed in the Planning reception (2nd Floor) at the Guildhall, and on the City Council web site. The letter will state why the proposed work is considered to be necessary. If felling is proposed, details of replacement planting shall be included. A 10 working day notification period shall be allowed, with a date given for receipt of representations.

3. Public Register

A schedule of work shall be available at Planning Reception, 2nd floor of the Guildhall. Contact details and a deadline, allowing a response time of 10 working days, will be provided for written representations.

4. Web Site

A schedule of work shall be posted on City Council website. Contact details and a deadline, allowing a response time of 10 working days, will be provided for written representations.

4.3 Exemptions

Consultation and notification is exempt in advance of any works being undertaken for the following Tree Management Procedures, described above:

- Modifications/additions to a contract that can be classified as minor tree works operations (3.3)
- Emergency works (3.4)
- Urgent works (3.5)

5. NO OBJECTIONS

If there are no objections, the works will proceed under the powers delegated to officers of the Council.

6. OBJECTIONS AND REPRESENTATIONS

6.1 Major Tree Work Operations

Representations and objections may be received on any grounds, including amenity and arboricultural.

An objector must identify the particular tree, trees or group of trees, to which his/her comments relate, and must state the reasons for the objection. Objections may be submitted by post or e-mail, any electronic submission must include the full name and postal address of the objector and be supported by a paper copy. The correspondent must provide his/her name and address, and sign the letter clearly and legibly.

On receipt of an objection, or representation, the arboricultural officer responsible will seek to resolve the objection or representation. If successful, the objector will be asked to withdraw his/her objection in writing.

6.2 Minor Tree Work Operations

Representations and objections may be received on any grounds, including amenity and arboricultural.

An objector must identify the particular tree, trees or group of trees, to which his/her comments relate, and must state the reasons for the objection. Objections may be submitted by post or e-mail, any electronic submission must include the full name and postal address of the objector and be supported by a paper copy. The correspondent must provide his/her name and address, and sign the letter clearly and legibly.

On receipt of an objection or representation the arboricultural officer responsible will seek to respond to the comments and resolve points of concern.

7. DECISION MAKING PROCEDURES

7.1 Major Tree Work Operations.

7.1.1 Referral to Planning Committee

If it is impossible to resolve an objection, such that the objector is unwilling to withdraw his/her objection, the matter will be reported to **Planning Committee** for its considered view.

The objector will be notified that the issue will be discussed at Planning Committee and advised of his/her rights to speak at the meeting, in accordance with Council procedures.

Planning Committee is a Regulatory Committee that deals with the Statutory functions of the Town and Country Planning Acts. As such, it is experienced in considering applications relating to Tree Preservation Orders and Section 211 Notifications of Intent to carry out work to a tree in a conservation area.

The Planning Committee is not empowered to decide whether, or not, the proposed works should be undertaken, but shall make a recommendation either to support, or not support, the proposed works. Where the works relate to a number of different operations on one, or more, trees the

Committee may make a recommendation to support some of the operations and to not support others.

The Executive Councillor and an appropriate officer of the client department shall be invited to attend the meeting of Planning Committee as observers.

7.1.2 Decision Making Procedure-

There are two differing approaches to be followed, which depend upon the outcome sought. These are as follows:

7.1.2a. Decision in line with the recommendations of Planning Committee

After Planning Committee has made its recommendation, the matter will be referred to the Director of the client service concerned, in order that a decision may be made using delegated powers.

The Director will consult the relevant Executive Councillor and, if it is agreed that Planning Committee's recommendation shall be followed, then the decision will be made.

(see Appendix 1)

7.1.2b. Decision contrary to the recommendations of Planning Committee

If the Director of the client service, having consulted the relevant Executive Councillor, is of the opinion that the decision may be **contrary to the views of the Planning Committee**, the formal decision shall be made by the appropriate Executive Councillor.

The decision shall be made at a Scrutiny Committee meeting and subject to the pre-scrutiny process. In exceptional circumstances, the decision shall be made by the Executive Councillor as an out of cycle decision.

7.2 Minor Tree Operations.

Representations and objections may be received in response to minor tree works operations. These will be considered by the Principal Arboricultural Officer and a response sent.

If the concerns cannot be resolved, the Director of the client department shall reach a decision, in consultation with the Executive Councillor who holds the relevant portfolio.

7.3 Tree Work Operations that are exempt from Consultation.

There is no formal decision making process for the following Tree Works Procedures:

- Modifications/additions to a contract that can be classified as minor tree works operations (3.3)
- Emergency Works (3.4)
- Urgent works (3.5)

Any tree work operations that fall within these categories will be undertaken without prior consultation or notification.

Following any tree work operations, a brief report shall be submitted to the Director of the Client Department describing the works that have been carried out.

7.3.1 Modifications/additions to a contract that can be classified as minor tree works operations (3.3)

The work must be scheduled by one of the Arboricultural Officers and may not be undertaken without the prior agreement of the Principal Arboricultural Officer or the Historic Environment Manager or the Head of Service.

7.3.2 Emergency Works

In the case of **Emergency Works** the Principal Arboricultural Officer must be notified at the time of call out. The contractor shall undertake such works as are required to make the situation safe. This decision must be made in consultation with the Principal Arboricultural Officer.

In the absence of the Principal Arboricultural Officer, the approval of the Historic Environment Manager or Head of Service shall be obtained, before any work is undertaken.

7.3.3 Urgent works (3.5)

The work must be scheduled by one of the arboricultural officers and may not be undertaken without the prior agreement of the Principal Arboricultural Officer or the Historic Environment Manager or the Head of Service.

8 PUBLIC INFORMATION FOLLOWING THE DECISION MAKING

Officers will write to anyone who made representations to advise them of the decision.

Schedule of work to be available at Planning Reception in the Guildhall.

Schedule of work posted on the City Council web.

Press release for Major works.

9 TREE PLANTING

The client department will be consulted about any proposed tree planting and will be advised of the proposed tree planting programme by October of each year. The client department will be advised of any planting that is undertaken outside the planned programme beforehand, as it arises.

City and County ward councillors, amenity groups and interested persons will be forwarded details of planting proposals in advance, for **information only**.

Details of tree planting will be posted on the City Council website.

Appendix 1 Directors and Executive Councillors
Department of

Environment and Planning Director of Environment and Planning

Active Communities:	Director of Community Services/ Executive Councillor for Arts and Recreation Director of Community Services/ Executive Councillor for Community Development and Health (crematorium and cemeteries)
Car Parks	Director of City Services/ Executive Councillor for Climate Change and Growth
Property	Director of Finance/ Executive Councillor for Customer Services and Resources
Drainage	Director of Environment and Planning/ Executive Councillor for Climate Change and Growth
Housing	Director of Community Services/ Executive Councillor for Housing

Appendix 2 Interested persons

The following list is not definitive and will be constantly updated as contacts are added or revised.

(definition of resident/business: a person owning/residing on land adjoining the plot on which the tree grows and anyone with a clear view of the tree in question
definition of resident group, one whose details are held on the database managed by the City Council's Consultation Officer in the Planning Department, or otherwise known to City and County Ward Councillors)

Open spaces	residents; businesses; CPS; CWT; Cam Cons; FoE; SoS; FoMC; CPRA; JGA; CCC; residents groups
Commons	residents; businesses; CPS; CWT; Cam Cons; FoE; SoS; FoMC; CPRA; JGA; CCC; residents groups
Closed churchyards Office	residents; businesses; Vicar; Parish Council; Diocesan
Recreation grounds	residents; residents groups;
Children's play areas	residents; residents groups
Nature reserves	residents; businesses; CPS; CWT; Cam Cons; FoE; SoS; FoMC; CPRA; JGA; CCC; residents groups:
Swimming pools	residents; CPS; SoS; FoMC; JGA; CCC; residents groups
Allotments	residents; residents groups; CPS; CWT
Environmental Improvement Schemes	residents; residents groups
Landscape Areas in Highway	residents; residents groups;
Hauxton Road Cemetery	residents; Vicar; Parish Council; Diocesan Office; CPS; CWT
Histon Road Cemetery	residents; Vicar; Parish Council; Diocesan Office; CPS; CWT
Mill Road Cemetery	residents; Vicar; Parish Council; Diocesan Office; CPS; CWT
Newmarket Road Cemetery Crematorium	residents; Vicar; Parish Council; Diocesan Office; Highway Agency
CPS	Cambridge Preservation Society
CWT	Cambridgeshire Wildlife Trust
FoE	Friends of the Earth
SoS	Save our green Spaces

FoMC Friends of Midsummer Common
 JGA Jesus Green Association
 CPRA Christ's Pieces Residents' Association
 CCC Cambridge Cycling Campaign
 Residents groups = e.g. BENERA; BARRA; SOLACHRA; Cobbett's Corner; BruNK; Clarendon Road
 Cam Cons Cam Conservators

Appendix 3 SUMMARY OF PROCESS

Consultation Process - Major works seeking approval

- City and County Ward councillors consulted
- A letter of consultation of proposed tree works to be sent to near neighbours and interested parties
- Notices to be posted on trees affected by major tree works, explaining the nature of the work and a brief explanation for undertaking the work. There shall be a 10 working day consultation period, the closing date being given.
- Notices to be posted on the entrance to the land advising of tree works
 If felling proposed, details of replacement planting shall be included in all documentation.
- Schedule of work shall be available at Planning Reception.
- Schedule of work shall be posted on City Council web.

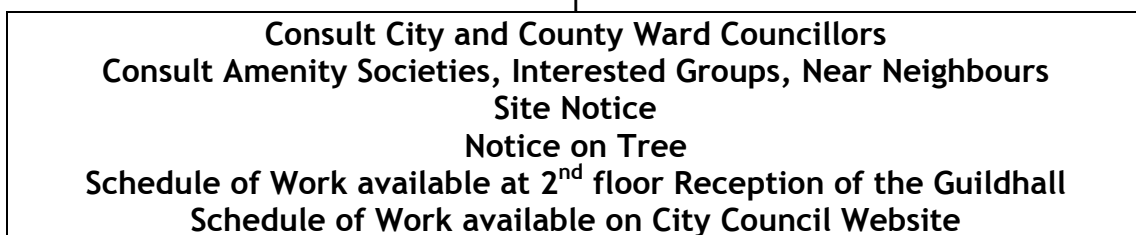
Consultation Process - Minor works

City and County ward councillors consulted
 A letter of notification of proposed tree works to be sent to interested parties and residents groups
 Schedule of work to be available at Planning Reception.
 Schedule of work posted on the City Council web.

Decision Making Process

Major and Minor Tree Work Operations

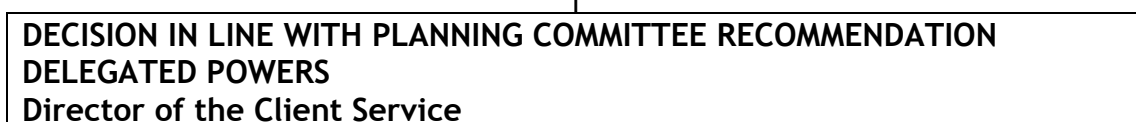
MAJOR TREE WORK OPERATIONS



No Objection – Proceed

Objection that cannot be resolved refer to

Planning Committee for Recommendation



Executive Councillor for Portfolio

**DECISION CONTRARY TO PLANNING COMMITTEE RECOMMENDATION
Executive Councillor after Pre- Scrutiny
or, as an URGENT item**

MINOR TREE WORK OPERATIONS

**Notify City and County Ward Councillors
Schedule of Work available at 2nd floor Reception of the Guildhall
Schedule of Work available on City Council Website**

**DECISION BY
Director of the Client Service**

Diana Oviatt-Ham 15 April 2009 Revision 7