OXFORDSHIRE COUNTY COUNCIL
ENVIRONMENT & ECONOMY
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Policy: The Management of Highway Trees

1. Scope

This policy sets out a Tree Management Strategy for controlling risk, responding to tree-related incidents and service requests and for preserving and enhancing the Council's highway tree stock. Although the policy relates specifically to trees on or adjacent to the public highway there are many common themes with tree management practice elsewhere in the Authority. It is envisaged that a corporate tree management policy will be developed that will either replace the highway management tree policy, or act as an overarching document with common themes and aims.

2. Aim

To set out the Council's policy on retaining, managing and improving the highway tree stock, and to encourage the positive management of privately owned trees.

3. Responsibility

- There may be as many as 800,000 trees situated on or beside the public highway in Oxfordshire.
- Trees situated within the boundaries of the public highway are generally the responsibility of the highway authority.
- The Highways Agency is responsible for trees along motorways and trunk roads
- The County Council's Highway Management Division are responsible for trees along County Roads and some Public Rights of Way
- The County Council's Countryside Service is responsible for dealing with trees on most Public Rights of Way.
- Trees on private roads and other private rights of way are the responsibility of the land owner/occupier.
- Trees in hedges and boundaries are usually the responsibility of the land owner/occupier whose property abounds the highway.
- Trees on private property adjoining the Public Highway are the responsibility of the owner/occupier BUT the Highway Authority has a duty, and powers of enforcement, to ensure that such trees do not endanger the Highway or its users

- The responsibility for cutting back trees and other vegetation that overhangs the public highway from neighbouring land rests with the owners/occupiers of the land on which they are growing.

- Maintenance of trees in parks and public open spaces, which are not part of the public highway, is a generally District Council responsibility.

- Licences to plant trees on highway land may be issued to local councils or individuals. These are subject to certain conditions; usually the licensee is responsible for their ongoing maintenance. *Fact Sheet No 26 describes the procedure in more detail.*

4. Public Safety

Unstable trees, weakened limbs or branches may fail suddenly. Severe weather may also cause trees to fall or fail. In either event, there is a risk of damage or injury to highway users and property. The fallen debris may also block roads and delay traffic.

Overhanging trees and low branches can also present a direct hazard to vehicles or pedestrians, and foliage may obscure signs or adversely affect forward visibility along a road.

Tree-related problems may be identified during highway inspections, following a report from a member of the public, or as a result of specialist arboricultural surveys.

5. Problem Trees near the Highway

Wherever possible, the Council will advise adjoining landowners/occupiers of any problems relating to their trees and will seek to negotiate a remedy.

Where this is not possible, formal Notice to rectify the problem may be served on the owner or occupier of the land on which the tree is growing. If necessary, the Council may undertake the necessary work.

6. Response

Once a problem has been identified, action will be taken by the Highway Authority according to the nature of the problem and the associated risk.

6.1 Emergency Tree Work

If the highway is obstructed by fallen trees or other debris, the Council will clear the obstruction as soon as reasonably practicable.

If there is an immediate threat, work will be carried out as quickly as practicable. If necessary, the road may be temporarily closed in the interests of public safety until the danger is averted or problem resolved. Less urgent matters will be prioritised according to the assessed level of risk. Council response times are those that apply to highway defects generally, as set out in current policy, and previously approved by the Cabinet.

6.2 Routine Tree Work

Works will be carried out from time to time and as necessary to maintain overhead and side clearance, to preserve forward visibility, and to keep areas around signs, streetlights and other highway apparatus clear of obstruction.

Foliage affecting street lighting and illuminated traffic signs and bollards is normally identified during night-time scouting, and also forms part of the routine highway safety inspection regime.

6.3 Non-Routine Tree Work

With the exception of fallen and damaged trees that obstruct the highway and/or endanger highway users, non-specialist officers shall always obtain advice from Environment and Economy aboriculturalists, or approved consultants or contractors, regarding any work on trees which need specialist attention or which have advanced signs of disease, damage or injury.

Where trees are in Conservation Areas, or are subject to Tree Preservation Order designation (TPO) or are apparently in need of removal, advice must always be sought from Environment & Economy aboriculturalists.

Specialist, approved contractors will be used for all non-routine tree works on the public highway.

Contractors are responsible for the signing and guarding of all works and for all other operational health and safety issues. Particular attention is required when felling trees close to the carriageway, and when working in the proximity of overhead power lines. Contractors may need to make arrangements with power companies to cut-off electricity supplies for the duration of the works.

7. Approved Contractors

Contractors/sub-contractors must be appropriately trained and qualified for the type of tree work to be undertaken. For example, they must be certified in the use of mechanical cutting, sawing and lifting equipment and in the implementation of traffic management measures. Climbing certificates are also a requirement.

Contractors must have adequate public liability insurance (currently £10 million).

Contractors undertaking planned specialist tree surgery work must provide evidence of their competence to carry out such work, supported by generic and site specific risk assessments.

8. Highway Tree Management Strategy

The aim of the strategy is to promote the proactive management of highway trees within Oxfordshire:

- to control risks to highway users and property
- to enhance the overall condition of the Authority's tree stock

- to produce environmental benefits through programmes of tree planting and landscaping

Highway trees can provide effective visual screening, as well as enhancing the quality of the streetscape. They may also provide screening from road noise and help to improve air quality. However, fallen leaves and sap can cause inconvenience and make surfaces slippery. Tree roots can form a tripping hazard, lead to deterioration of surfaced areas, or exceptionally, subsidence problems in buildings or other structures.

The highways tree budget is not sufficient to sustain the level of resource required to deal with temporary or seasonal tree-related problems, nor is there any legal obligation for the Council to deal with these matters in most circumstances. Furthermore, unnecessary pruning work can have a detrimental effect on the health and appearance of trees which otherwise could provide tangible amenity benefits to the community as a whole.

Consequently, the Council will not carry out work *solely* to alleviate problems such as:

- Falling leaves, sap, fruit, nuts, seeds, bird droppings or blossom.
- Leaves and other debris falling into gutters, drains or onto roofs
- Moisture variations in gardens and lawns
- Suckers or germinating seedlings in gardens

and,

- will not carry out work to alleviate TV or satellite signal disruption
- will not normally carry out work to increase the amount of sunlight reaching a property.

However, necessary structural/safety related works may help in alleviating such problems - action should be taken if there is a likely risk of damage to property.

Unless public safety is a factor, it is not practical for the Council to carry out work to control seasonal inconveniences such as shade or leaf fall, other than in exceptional circumstances. Rather, targeted tree work and an ongoing programme of routine cyclic tree maintenance should lead to improved control of risks and nuisance, and re-generation of the highway tree-stock countywide.

Successful implementation of the Highway Tree Management Strategy requires an accurate assessment of the highway tree stock in terms of quantity, species and condition, and the identification and prioritised management of tree-related hazards and problems. It must also contribute positively to corporate environmental and sustainability objectives.

9. Tree Survey Programme

There are over 4,000 kilometres of roads in Oxfordshire, many of which are tree-lined. The intention is to survey and catalogue all highway trees on a rolling 5 year programme. The survey data is stored in an electronic map-based system that registers their location,

species, dimensions, condition, treatment history, and timescales for future cyclic tree maintenance and inspection. As the programme gains momentum, a detailed inventory of the highway-tree stock will be compiled.

Standard inventory data comprises:

- Individual species
- Maturity/Age
- Height
- Diameter of trunk at breast height (DBH)
- Crown spread
- Identified hazards
- Tree condition
- Remedial work required
- Survey date
- Tree reference number
- Tree location
- Site constraints
- Photographs where relevant

10. Survey Coverage and Management of Risk

The initial sequence of survey work has been established on a risk management basis so that locations with the greatest concentrations of people and trees are tackled first. Similarly, the busiest routes and those carrying high speed traffic will be surveyed earlier in the programme.

The survey work will be focussed initially in the main urban centres (within the 40 mph speed limit), and along Principal roads. The work will then extend progressively around the County and along the lower categories of road. Trees along footways and other Rights of Way that are situated away from the carriageway will not normally form part of the initial highway tree survey programme.

After the initial survey, it will be possible to schedule re-inspections, and allocate resources, according to objectively assessed risks.

11. Condition Assessment and Remedial Work– Principles and Timescales

Assessment of tree condition and the specification of any remedial works resulting from these planned inspections will be undertaken by experienced aboriculturalists or other suitably qualified personnel. This is a discrete activity and is not to be confused with emergency works or the minor tree and vegetation management works that are routinely commissioned by Area–based staff. However, aboriculturalists should always be consulted on more complex tree matters, where feasible.

Structural defects are considered in relation to the likelihood of failure, and the potential consequences that the failure could have. Tree work is then categorised, prioritised and programmed accordingly:

Work Category	Timescale	Comment
Emergency	2 to 24 hours	Emergency response – stabilise, remove or protect.
High Priority	Up to 1 month	Urgent works.
Medium Priority	1 to 6 months	Higher risk sites will be attended to first.
Low Priority	6 to 18 months	Tree work may be structural or routine/cyclic. Higher risk sites will be attended to first.

12. Risk Assessment

Programmed tree survey and inventory data is logged in an electronic map-based system called Arbor*track.* The system applies a methodology called Quantified Tree Risk Assessment [1] that formalises the process of evaluating risk*.

Quantified Tree Risk Assessment provides a framework for the assessment of the three components of tree failure risk – Probability of Failure, Impact Potential and Target Value. By allocating quantifiable values to each of these components, it is possible to assess tree-failure hazards with sufficient accuracy, and to balance the possibility of significant harm from tree failure against a level of reasonable or acceptable risk. Actions can then be specified that reduce the overall risk in the most cost efficient or appropriate manner.

Alternative methodologies are also available, and are being assessed corporately. The preferred methodology will be applied to all programmed highway tree survey work from April 2006.

**Methods of theoretical and quantified risk assessment cannot predict tree related damage to buildings by shrinkage of clay soils (i.e. subsidence); however this is the subject of ongoing research. The contribution of a tree to the amenity of the area is also a considered factor.*

In order to protect the health, safety and amenity of trees the Council will normally only carry out works for reasons of good tree husbandry, or to resolve significant hazards or serious nuisance, or if the Council would otherwise incur legal liability. Where the amenity or wildlife value of a tree outweighs the risks, the Council will seek to retain the tree in a natural condition. In these circumstances monitoring or minor works will help to control the identified risks.

13. Felling Licences

These are required if more than 5 cubic metres of timber are felled, or if over 2 cubic metres are to be sold, in any calendar quarter. The Council will not normally need a felling licence from the Forestry Commission because most Council land is exempt from these regulations, but it is necessary to check before saleable timber is felled.

[1] Cheshire Woodlands Arboricultural Consultancy

14. Tree Habitat and Ecology

Where birds are found nesting in trees, non-emergency/non-urgent tree works will be deferred until the end of the nesting season. In hazardous circumstances where work cannot be deferred, it may be possible to reduce the impact on the nesting birds by undertaking the minimum work necessary to ameliorate the hazard.

Trees displaying evidence of roosting bats will be referred to the County Ecologist before work commences. Any trees confirmed to be supporting roosting bats will not be worked on until English Nature is consulted.

15. Veteran Trees

Veteran trees have very high environmental value aesthetically and culturally, and also biologically because of the mature and diverse ecology they support. Veteran trees on highway land will be managed as sympathetically as possible and preserved for as long as it remains safe and practicable to do so.

Where safe and practicable, old highway trees will be reduced and retained, with a view to their developing into veteran trees, rather than being felled.

16. Tree Preservation Orders (TPO)

TPO's prohibit felling or other unauthorised tree work. They are made by District Councils as the Local Planning Authority, under the Town and Country Planning Act 1990. They may apply to individual trees or to groups of trees. The County Council endorses the use of TPO's to protect trees of high amenity, cultural or environmental value.

17. Protected Areas

Some areas of the County have special rules that apply to tree management – these include Conservation Areas and other areas of high amenity value such as the Chilterns AONB (refer to 'Environmental Guidelines for the Management of Roads in the Chilterns' http://www.oxfordshire.gov.uk/chiltern/chilt01.htm).

18. Planting

Provided the site is suitable, a replacement tree will usually be planted in place of any tree that has been removed. The replacement will normally be a young tree or trees of similar species to the original. Replacements will normally be planted as close to the original(s) as possible. Examples of sites that may be unsuited to re-planting include those with ongoing safety, visibility or clearance issues, or a history of nuisance-related complaints. Decisions not to re-plant, or to provide alternative species or locations, rest with the Landscape and Environment Manager or Aboriculturalists.

The Landscape and Environment Manager must approve planting proposals on new development sites where they will form part of the adopted highway. The Council's Development Control team should arrange commuted sums in respect of the ongoing tree and landscape maintenance.

Annual programmes of landscape maintenance and planting will be undertaken Countywide to help enhance and replenish the roadside soft estate.

The Council will licence and encourage new planting on the public highway where it is feasible and appropriate to do so.

19. Recycling

Legally, timber belongs to the owner of the tree. Therefore, prior to carrying out works, notice must be given to tree owners advising that the timber will be disposed of by the Council unless the owner advises promptly to the contrary.

Timber from highway tree works usually becomes the property of the relevant contractor, as quoted rates will normally include an item for its removal or disposal. The timber may be put through a chipper on site then spread back over the ground as mulch, or processed and sold as fuel. Good quality timber may be salvaged and used for a range of purposes. Other material goes to landfill.

The Council is keen to explore re-cycling initiatives with contractors and will look to develop these as the survey and tree management programme evolves.

20. Subsidence

Trees situated close to property do not normally cause subsidence problems. However, each site is different, and the reasons for subsidence damage may be complex.

The Council will carefully consider any relevant claims for subsidence damage, but does not accept as a matter of course that nearby highway trees are likely to cause or contribute to a subsidence problem.

Early investigation is recommended, since early action can limit the potential for damage.

Subsidence claims relating to highway trees are administered by the Council's Highway Claims Officer. The claimant must provide positive evidence to demonstrate that highway trees have caused the subsidence. Where appropriate, the Council will obtain an independent third party opinion.

The following information is required:

- Plan, showing location of property and trees
- Age of property
- Depth and type of foundations
- Details of relevant property extensions
- Drainage details and location of other services
- Extent of damage
- Tree root data
- Soil and subsoil analysis
- Seasonal movement monitoring
- Level distortion survey

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