

Tree and woodland strategy

2021-2031



DARLINGTON
Borough Council

Foreword

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Local Services Portfolio Holder

We know that people want to live in a pleasant environment that is clean, green and safe and this is why it is part of our vision for the future of Darlington.

Trees and woodland areas play a vital and integral part in achieving this by cleaning the air we breathe, providing a habitat for plants and animal species and creating an attractive environment for people to live in and to visit.

Trees are a unique component of the landscape, unlike man-made structures; they are living organisms subject to change, which are vulnerable to damage by vandalism, development, pest and diseases. Many trees are long-lived, offering enjoyment and a diversity of benefits to residents both today and in the future.

Trees provide us with important services such as reducing air pollution and helping reduce flooding by intercepting rainfall and therefore allowing it to disperse into the ground at a reduced rate to be absorbed by the soil.

Trees also contribute significantly to the reduction of carbon dioxide and are therefore integral to the well-being of the planet and link with the Council's Climate Change Declaration

To ensure the huge contribution of both Council owned and privately owned trees to our landscape continues, it is essential that their needs and requirements are understood and planned for and this strategy sets out how we will do this.



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Introduction

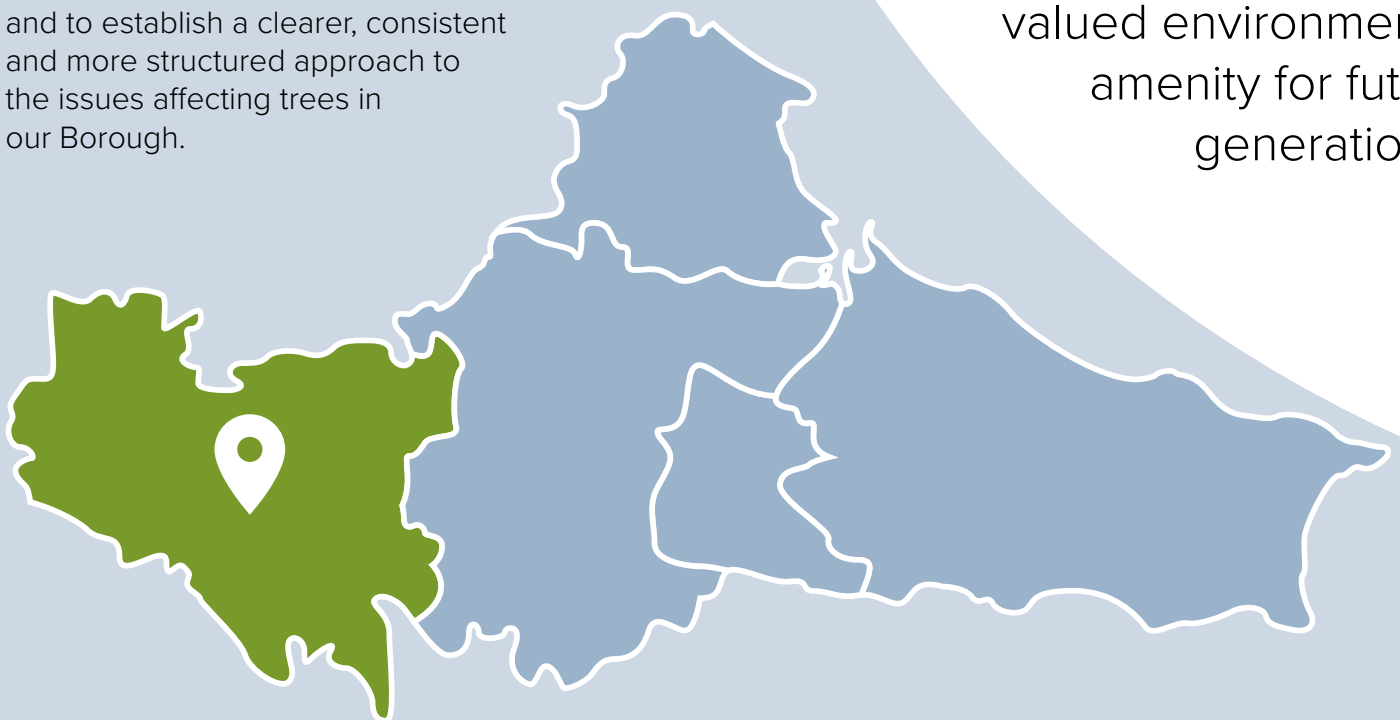
Darlington Borough Council adopted the first Tree Strategy for Darlington in 2000. However, since 2000 things have moved on. People are beginning to place a higher priority on the environment in which they live, which in turn has increased public awareness of the benefits provided by trees.

It is therefore essential that a framework is created through which the trees of Darlington can be both protected and enhanced for future generations.

This strategy is intended to act as a point of reference for the public, councillors, officers and professionally interested people to enable informed discussion and to establish a clearer, consistent and more structured approach to the issues affecting trees in our Borough.

The aim of this strategy

‘To proactively manage and enlarge the tree population of the Borough of Darlington in order to protect our historical heritage of trees and provide a valued environmental amenity for future generations.’



The Borough of Darlington

The Borough of Darlington covers an area of almost 200 square kilometres and has a population 106,000 of which approximately 90% live within the town of Darlington. The area outside the town is dominated by a rural landscape, with agriculture being both the historic and current primary industry.

The town however, became one of the focal points of the industrial revolution, being the ‘birthplace of the modern passenger railway’. This brought to Darlington both prosperity and a sudden growth in development within the structure of the town that is characteristic of Victorian landscapes.

It is thanks to these Victorian forebears that Darlington has a living legacy of urban street trees, historic parks and wooded cemeteries that is the envy of many other towns. This includes South Park, established in 1849 when farmland was bequeathed to the town.

The park is now included in English Heritage’s Register of ‘Parks and Gardens of Special Historic Interest’ and is referred to within the register as “a fine example of a mid-nineteenth century public park”. This Tree Strategy has been developed with due regard to protecting the tree heritage we have in Darlington.

What residents have told us

Residents have identified a number of common sources of complaint about trees, including overhanging branches, shade, leaf/fruit fall, sticky deposits, obstructing and physical damage.

Many of these problems can be dealt with by careful pruning once the tree is established. However, sometimes the problem is a result of inappropriate species selection in the past and may be difficult or impossible to resolve in all parties' favour.

Also, a common theme from complaints is the potential for structural damage caused through soil moisture extraction by tree roots.

This type of damage only occurs in areas where the soil type is heavy, shrinkable clay, which is prone to fluctuations in volume caused by changing soil moisture levels. There has been a relatively low amount of concern regarding tree roots and foundations in recent years. Much of this is unsubstantiated and the incidence of proven tree root related claims against the Council remains low despite the level of tree cover and proportion of our Borough having soils with a partial clay content. There are however occasions when removal/replacement of a tree or group of trees is required to halt a serious or a worsening case of subsidence damage.

Policy framework

Context

Residents have told us that they want to live in a pleasant environment that is clean, green and safe and this is why it is part of our vision for the future of Darlington.

This vision is being brought alive by closely working with our partners and delivering the Council Plan, which sets out the overall priorities for Darlington Borough Council.

This strategy can contribute to the vision by helping to ensure that Darlington provides an attractive, green environment that supports people's quality of life and by recognising the part that trees can play in counter-balancing CO2 emissions and contributing to action on climate change.



Climate declaration

Darlington Borough Council in July 2019 declared a climate emergency with the aim of becoming carbon neutral by 2050. In July 2023, a motion was passed by members bringing the carbon neutral target forward to 2040.

We are also monitoring and tracking emissions across the Borough, doing everything we can to reduce the Council's carbon emissions, however, there will inevitably be a residual amount that needs to be offset.

The Woodland Trust estimates a young mixed woodland can store 400 plus tonnes of carbon per hectare. Our Tree and Woodland Strategy forms one part of a solution to reach our carbon neutral target, with the planting of 100,000 trees over the lifetime of this strategy.

Alongside our carbon reduction ambitions, we also need to deal with the inevitable impacts that climate change brings. Trees can provide shade and cooling, and in an urban setting they could cool the air by several degrees. They also help prevent flooding by reducing surface water runoff, improving air and water quality, and keeping our soils full of nutrients.

How to use this strategy

This strategy covers the following aspects:

- How we manage trees we, the Council, own
- How we protect trees the public own on private land
- Action plan setting out what needs to be done over the next five years to achieve our aim

It is important to clarify the trees the Council owns, these are:

- Street Trees - These are the trees planted in pavements or road verges along the Council's highway network. They help to filter traffic pollution, provide shade for car parking and pedestrians and improve the overall appearance of the street scene.
- Woodlands - We maintain woodlands, which is approximately 3% of the Borough. The number of parks and open spaces also contains a proportion of woodland.

- Trees in Parks and Open Space - These are commonly the most significant trees in the area and have profound effect on its appearance and consequently, upon the leisure experience of users of the open space as well as for visual amenity for our residents and visitors alike.
- Trees within Cemeteries and Disused Cemeteries – Historic England has bequeathed parts of West Cemetery a site of special interest and is regarded as having one of the finest tree collections in the North of England.
- Housing Area Trees - These are found in and around communal or residential type gardens maintained by the Housing Department. These trees help to improve the landscape especially around communal housing areas and provide shade during hot weather and wildlife.

The above categories are by no means an exhaustive list, as we also maintain trees in allotments and other parcels of land.

Process to review the tree strategy

The Tree Strategy Action Plan will be monitored on an annual basis to ensure that the actions are being delivered according to the timescales set out. The Tree Strategy will be subject to a review every ten years.

How we will manage all council owned trees

The existing tree population is a valuable resource that requires more than just maintenance if it is to continue to provide the range of benefits that we expect.

Management will include a long-term view of the tree resource, providing for the future as well as for today.

Planting species

The different species for planting reflect, in most cases, what is already in situ. Different species will only be used if the originals are unavailable on the market, are unsuitable for the location, are prone to pest and disease attack or are part of a road containing mixed types.

Aftercare

All newly planted trees need aftercare, which includes:

- Watering in dry weather
- Checking and adjusting stakes/ties

Protective measures

- High profile areas where there is a risk of vandalism should be planted using guards
- Areas covered by CCTV also require consultation with the operator before planting new trees

Pruning work

All pruning work will be carried out to modern safety and technical standards and to standards set within BS 3998 2010 and subsequent revisions. Precautions are to be taken to avoid disturbance of nesting birds (between March to September) and Bat roosts. Advice will be sought if Bat roosts are believed to be present.

The type of pruning used will vary according to the tree species, age, condition, past works and the nature of any complaint associated with the tree.

In cases where trees are colonised by ivy, this can be left undisturbed unless the tree is becoming visibly suppressed or is likely to be vulnerable to wind damage or for a visible inspection of trees. Ivy provides valuable habitat and should not be removed during the bird-nesting season.

Pruning is usually found to be necessary because of the following reasons:

- To maintain the health and safety of the tree
- Obstruction to users of the highway, pathways and/or private property
- To abate actionable nuisance

Intervals for pruning will vary between species and locations i.e. visual restrictions on the highway. Minor works e.g. the removal of basal growth will need annual attention in some cases. Pruning can take place at most times of the year but ideally leaf flushing and autumn should be avoided as well as flowering periods. Certain species have more specific times because of disease and the risk of bleeding.

Trees, which are adjacent to pathways, will be lifted so that passage is unhindered at a reasonable level within their canopies.



Tree removal

It is sometimes necessary to remove trees for the following reasons:

- When they are dead, dying or dangerous
- To allow space for development of nearby trees that may be more desirable for retention
- To allow light and room for new planting
- To make way for any approved engineering or building works
- To abate actionable nuisance
- If bats are found roosting in a tree scheduled for removal then the Council has to obtain advice from qualified persons before starting work

Cyclical tree work

All trees in high-risk areas, for example, adjacent to highways and play areas, will be inspected to a minimum frequency of every 24 months. Trees in other locations, with the exception of woodlands/forests, will be inspected within 36 months. Trees in woodlands/forests will be inspected as required.

Responsive tree work

There will always be a need to carry out responsive work even when cyclical work is established. The quantity of this work should reduce in proportion as cyclical work increases.

Residents' concerns

Trees have the potential to cause damage to buildings and structures, consequently many homeowners are concerned about tree roots and foundation damage.

Normally, this type of damage occurs where the soil type is shrinkable, usually clay, which is susceptible to soil movement from moisture extraction. Fortunately in the Borough of Darlington, although pockets of clay do exist, the majority of soils are of a non-shrinkable nature. It should also be noted that where buildings are damaged, trees are rarely the sole cause.

Much of the concern surrounding trees and building damage is unsubstantiated and claims against the Council for tree root damage remain low, especially in view of the huge number of trees under its care.

However, there is clearly a case for providing clear, concise and simple information on this subject and for promoting appropriate research where possible.

We will endeavour to investigate residents' concerns and will take every appropriate action to prevent any further difficulties.

We have a policy only to remove trees that are dead, diseased, dangerous or can be proven to be linked to damage caused to buildings. This approach fully addresses the Council's duty of care in accordance with current industry best practice and ensures that all possible investigations are carried out.

Approach to Risk Management

Inspection of all trees on Council land will be undertaken by a competent arboriculturist, at defined intervals according to consistent methodology, incorporating a systematic and replicable risk assessment. Trees that do not meet the defined standard of safety will be identified, and remedial measures will be specified to mitigate unacceptable risks within the defined timeframe. These will be implemented as specified, which will be verified by a competent person. A record of all activity will be kept.

The Council will maintain an inventory of trees that contain records of tree condition, location, works recommendations and works completion. The inventory will be reviewed to ensure that it remains comprehensive and reliable.

The timescale for the completion of each works item following an inspection will be set in proportion to the level of risk presented by the tree.

The successful completion of risk management works will be confirmed by a competent person and recorded along with the date. Where a tree remains following works, an inspection will be made to update the record for that tree.

Tree Inspections

What are tree inspections

Tree inspections are the means of gathering reliable information about the current condition, and the context of the Council's trees. This strategy defines three kinds of inspection.

- Proactive tree inspections are planned inspections, undertaken by a competent arboriculturist, to a defined standard, at defined intervals. They are fundamental to tree risk management. Where this strategy refers to tree inspections, it means proactive tree inspections unless otherwise specified. The Council will undertake them as defined by this strategy.
- Reactive tree inspections are the same as planned tree inspections, except that they are done in response to an event that gives reasonable grounds to doubt the reliability of the existing tree inspection record. For example, an enquiry or report relating to tree safety, a tree failure event, a change in the context of a tree, a completion of certain tree works, or a significant weather event could all indicate a change in the safety of a tree. The Council will undertake these as required.
- Additional tree inspections are all other types of non-specialist observation of trees made by the Council. For example, these could include highway inspections, observations by park staff and development related surveys. They may be beneficial, but they are not required by this strategy.

Who will inspect the trees

Tree inspections will only be undertaken by individuals that are competent to do so. Competence will be defined in accordance with industry standards and will comprise a combination of training, qualifications and experience.

What will be recorded during a tree inspection

Tree inspections will include sufficient information to locate and identify the feature described by the inspection record i.e. the type of feature, the risk assessment, and the means to determine whether the risk associated with that feature is acceptable. For any feature does not meet the Council's tolerable level of the risk, the inspection will include a specification for the works and the timescale for completion.

Every inspection record will include a date for the next inspection.



How often will trees be inspected?

All trees adjacent to highways, footpaths with heavy footfall, children's play areas, footpaths within public parks and any other high-risk areas are to be inspected every two years. Trees in other locations such as housing estates but not near footpaths are to be inspected every three years. All other trees i.e. woodlands, to be inspected as and when required.

Tree Works

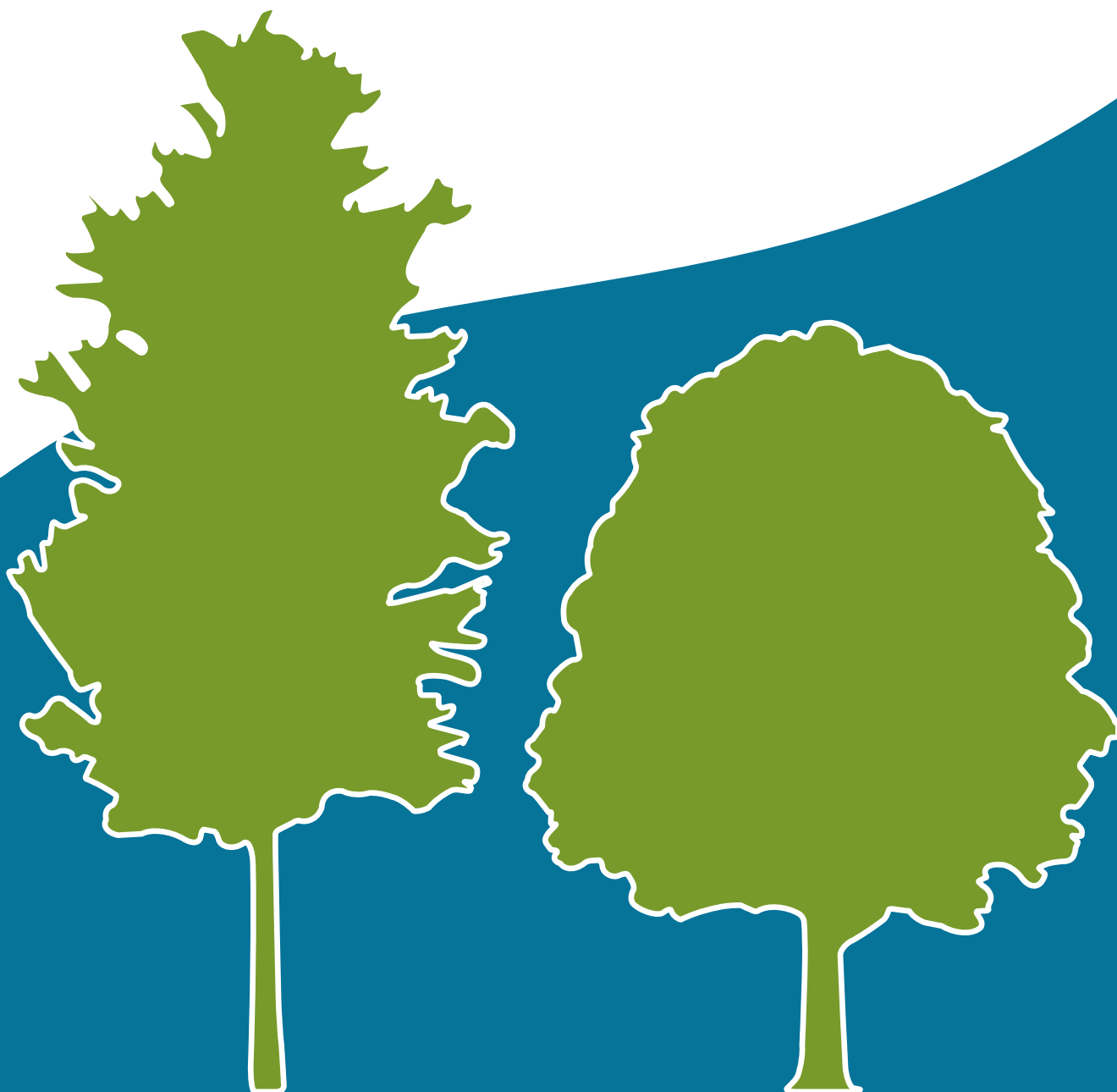
Tree works that are specified for the purpose of risk management (i.e. where the risk assessment has identified that a tree exceeds the tolerable level of risk) will be completed within a defined period from the date of inspection.

Emergency Response

Should an emergency situation develop i.e. trees falling as a result of adverse weather conditions, the Council's Emergency Response Plan would be activated as required.

Ash Dieback

Should an Ash tree be infected with Ash Dieback the tree will be monitored. Should the tree lose 50% of its leaf coverage due to the disease, the tree will be removed within three months, as per Forestry Commission guidance. There is no need to indiscriminately fell all Ash trees.



Our policy for the management of all council trees

- 1.** We will ensure that the tree population continues to be developed and expanded with new planting where appropriate. Any trees removed shall be replaced unless there are special circumstances preventing this.
- 2.** We will provide a sustainable, high quality tree population. Where appropriate, native species will be planted to maximise habitats for wildlife.
- 3.** We will encourage and enable better understanding of the management of trees in order to promote greater community ownership and awareness.
- 4.** We will maintain the highest possible standards of tree care and management by:
 - i)** Working to standards set within BS 3998 2010.
 - ii)** Adopting best practise according to all relevant legislation and research.
- 5.** We will fulfil our obligation to ensure the safety of people and property.
- 6.** We will endeavour to avoid any work to trees that result in the loss of valuable wildlife habitat.
- 7.** We will resist the removal of trees unless there are sound arboricultural or other reasons e.g. disease or structural damage.
- 8.** We will not carry out felling or potentially disfiguring forms of tree work in order to improve the reception of television signals, solar panels and wind turbines or for CCTV operations, or the alleviation of bird mess, honey dew, leaf or fruit fall.
- 9.** We will support the process of natural regeneration on appropriate sites.
- 10.** We will maximise the recycling of tree related 'waste' created by the Council's own tree management.
- 11.** We will require more active protection of Council tree stock from avoidable damage caused by agencies responsible for engineering works near trees, such as highway maintenance contractors and the utility companies.
- 12.** We will endeavour where possible to keep tree cover.



Street trees

Street trees are trees located next to or within a public road. Trees planted in the highway help to reduce vehicle speeds (Department for Transport, 2007). They assist in improving road safety, as they can provide and maintain a buffer between pedestrians and vehicles. Street trees can assist in reducing traffic speed by giving the impression that the road is narrower and this may encourage slower driving.

The roadside environment is a tough place for a tree to survive. There is often intense pressure for space from underground cables and pipes, traffic, buildings, street lights, road signs, etc. This limited space is often polluted by car emissions, road salt, oil and other pollutants that challenge the tree's survival. There is also an increasing trend by car users to park their vehicles on verges, causing rutting and soil compaction, which seriously damages tree roots as well as leaving the verge in an unsightly and unsafe condition. This coincides with an increasing requirement for off street parking and subsequent construction of new vehicle crossovers. Despite all of this, trees can and do survive, albeit with a more limited life expectancy and with varying degrees of success.

Many of our most notable tree lined streets have tree populations that are over-mature.

Such trees are vulnerable to climatic variations (such as drought), disease and damage. An over-mature population of street trees tends to erode gradually over a number of years as individual trees decline and have to be removed. This generally affects the older areas of the Borough. In these areas new trees should be introduced between the mature trees to ensure that there will be continuous tree cover in future years.

In planning for the replacement of older forest-type trees, it is tempting to consider using small short-lived ornamental species that do not have the same scale and habit, thereby reducing maintenance costs. However, the massive contribution that large trees make to the character of the environment must be maintained and safeguarded, and be supported by new planting of similar species where applicable.

This will help to ensure that the balance of a dominant 'treescape' is retained within the Borough.



Our policy for street trees

- 1.** We will maintain our presumption against the removal of trees that are healthy but subject to complaint, unless the basis of the complaint has an overriding justification and no alternative management practice can be implemented.
- 2.** We will place a priority on the replacement of aging street tree populations, particularly where these adjoin major traffic routes, planting large-growing trees where appropriate.
- 3.** We will seek to plant new street trees in appropriate sites with priority given to sites where street trees are currently or have in the past been located.
- 4.** We will aim to use the same type of tree species for new and/or replacement planting in roads that reflect the type in use locally, maintaining single species avenues where appropriate.
- 5.** We will endeavour to protect street trees and the growing environment from threats such as: loss of and damage to verges, the activities of statutory undertakers and others excavating near trees and damage from the over-use of road de-icing salt.
- 6.** We will not support the removal of trees for vehicle crossovers unless the tree is of limited life expectancy or can be relocated elsewhere. All trees removed will be replaced and all costs will be borne by the crossover applicant.
- 7.** For new developments where appropriate, developers will be encouraged to include a street tree scheme within the development.
- 8.** We will support measures that discourage verge parking by road vehicles and damage to verge caused by adjoining building works.
- 9.** We will give advanced notice to all interested parties of proposed major tree work programmes, such as large scale felling.
- 10.** We will maintain the highway trees.

Trees in woodlands

The majority of the Borough's woodland is made up of Oak, Beech, Hornbeam, Ash, Birch, Hazel, Maple, Sycamore, Elm, Willow, Poplar, Thorn, Walnut, Chestnut, Pine, Cherry and Holly.

Most of the woodlands in the Borough will be managed with nature conservation objectives as a priority; some are managed by our in-house team. The future management of woodlands needs to address the continued problem of neglect.

Taking into account the multi-purpose objectives, which woodlands today fulfil, when appropriate dead trees will be left in situ to provide habitat for wildlife.

Our policy for trees in woodlands

1. We will ensure that woodlands are managed as a long-term sustainable resource for the public, for education and for nature conservation.
2. We will support the natural regeneration on appropriate sites.
3. We will, where appropriate, ensure dead and fallen trees and wood are left on site and dead trees are left standing to encourage species diversity, unless there are sound conservation and safety reasons for removal.
4. We will manage woodland to fulfil its obligation to ensure safety of people and property whilst remembering that woodlands are natural places and the level of acceptable risk must reflect this.
5. We will quantify the canopy cover in the Borough and monitor in future years.



Trees in parks and open spaces

The Victorian legacy of fine specimen planting is more apparent within the parks and open spaces of Darlington than in any other area. Tree planting within the parks mirrored the popular interests of the time in botany and horticulture, hence the planting of various exotic specimen trees.

The tree coverage within these sites has for a long time provided a stunning amenity that can only be created and maintained through the presence of large mature specimens that were chosen for both their aesthetic qualities and contribution to the site as a whole.

This situation however is precariously placed at present. Little or no under planting has occurred within many areas; leading to the possibility of extensive loss of continuous tree-canopy coverage should mature trees require removal. Where under planting and replanting has been undertaken, the trees that have been planted often will never be of the same amenity value as the trees they are to replace, due to the use of smaller, less expensive species. This use of inappropriate trees has the potential to devalue this resource forever.

Our policy for trees in parks and open spaces

- 1.** We will support the natural regeneration on appropriate sites.
- 2.** We will, where appropriate, ensure dead and fallen trees and wood are left on site and dead trees are left standing to encourage species diversity, unless there are sound conservation and safety reasons for removal.
- 3.** We will quantify the canopy cover in the Borough and monitor in future years.

Trees in disused churchyards and cemeteries

We maintain three large cemeteries within the Borough: these are North Cemetery, East Cemetery and West Cemetery.

English Heritage has bequeathed parts of West Cemetery, a site of special interest.

Some of the oldest trees in Darlington are within West Cemetery, as historically people would plant a tree as a monument to their loved ones. We will continue this practice within West Cemetery should residents require it.

Our policy for disused churchyard and cemetery trees

1. We will create a varied and sustained tree population in Council disused churchyards and cemeteries.
2. We will continue, where appropriate, to plant amenity trees and native species of local provenance.

Trees in council housing areas

Many of the public housing areas within the Borough have a good number and selection of trees, many of which are large old hedgerow trees, which are now over maturing. If evergreen hedges are not maintained to an acceptable level, then it may be necessary to remove them.

A large proportion of the trees within Council house gardens have been planted by tenants or by natural regeneration from seed. A number of trees have been inappropriately planted in the past on housing open spaced land and within some communal gardens.

Our policy for trees in council housing areas

1. We will support the natural regeneration on appropriate sites.
2. We will quantify the canopy cover in the Borough and monitor in future years.

Trees on private land

The greatest proportion of both the urban and rural tree population is privately owned. Therefore, this part of the strategy sets out our approach to the protection of privately owned trees in the area.

As the Local Planning Authority, we have a statutory duty to take steps to protect trees that we believe make an important contribution to the amenity of the areas. The quality of private tree care is very variable and ranges from owners who are indifferent, through to motivated but poorly advised owners, to those who take great pride in their trees and are anxious to seek the best advice and engage quality contractors to carry out required work.

Under the Town and Country Planning Act 1990, we have powers to make and enforce Tree Preservation Orders (TPO) and designate Conservation Areas (CAs) within which all established trees are protected. It is usually only in cases of potential threat that a local authority will protect trees by use of a TPO.

Protection has not only been achieved through the statutory process, a substantial number of trees have been saved from inappropriate pruning or premature felling by the offer of tree advice from Council's officers. Recommendation is given to use reputable contractors/consultant who can give more detailed advice on site.

Advice can be given to the owners of protected trees and other tree owners; this advice is offered free and is seen as a valuable part of tree protection. The Council is however unable to give detailed advice regarding the safety of privately-owned trees.

Statutory protection of trees

The current Town and Country Planning Act 1990 makes it a duty of the Local Planning Authority to “ensure whenever it is appropriate that, in granting planning permission for any development, adequate provision is made by the imposition of conditions for the preservation of planting of trees” and to “make Tree Preservation Orders, under Section 198, as appear to the authority to be necessary in connection with the granting of such permission, whether for giving effect to such conditions or otherwise.”

As part of the Council's duty as set out in the 1990 Act, it will incorporate improved policies relating to Trees and Woodlands within its Local Plan through the review process.

More generally:

- Significant healthy trees and other landscape features such as hedgerows, ponds and watercourses shall be retained.
- Planning applications on sites with significant existing landscaping shall be supported by a full tree survey indicating all landscape features, tree species, canopy spreads, trunk diameter and levels at the base of each tree.
- Trees shall not normally be severely topped or lopped, or endangered by construction work or underground services. In addition, buildings shall not be sited so that sunlight and daylight is reduced to an extent that would lead to a request for a tree surgery.
- The Council will make Tree Preservation Orders and/or attach appropriate conditions to planning permissions to safeguard existing trees and ensure that new planting is established and protected.

- Where appropriate, adequate space for planting must be allowed within developments. In particular, screen planting including large trees will normally be required at the edge of settlements.
- Detailed landscaping schemes will normally be required as part of full planning applications. Amongst other things they must indicate existing trees and shrubs to be retained; trees to be felled; the planting of new trees, shrubs and grass; and screening and paving. Preference should be given to the use of native trees. Wildlife corridors shall be established wherever opportunities occur.

We are also guided by the Department of the Environment Circular 36/78 “Trees and Forestry” and Department of the Environment “Good Practice Guide for Tree Preservation Orders 2000” (and as amended).

While the most commonly known form of the statutory tree protection is the Tree Preservation Order (TPO), equally important are Conservation Areas within which nearly all established trees are protected. New TPO’s are being made all the time in line with its statutory duties.

The title “Tree Preservation Order” suggests that the tree or trees are “preserved” for all time. This is not the case and is, of course, impossible. Trees have a finite life and will require attention at some time in their life, especially in urban areas near properties etc. The TPO ensures that the local authority, as an independent party, has a measure of control over the fate of the tree to ensure that only appropriate works are carried out and that, where appropriate, the tree is replaced at the end of its life. Any tree protected by a Tree Preservation Order or Conservation Area that is rendered dangerous e.g. by storm damage or disease can be made safe without formal consent from the local planning authority. Tree owners or contractors are however encouraged to write to the Council to put any exempted work on record.

Trees on development sites

One of the most common threats against trees (and therefore a common reason for making a TPO) is the proposed development of land upon which trees are growing. It is common for plans to be submitted showing a relationship between trees and buildings that is unsuitable.

Schemes are frequently amended to ensure that significant trees are properly retained, often through a process of working with the applicant to reach mutually acceptable solutions to the conflicts that can arise.

Some developers assume that all trees on a site will have to be retained and consequently often view trees as a problem rather than an asset. Unfortunately, this can occasionally result in trees being removed from development sites before a planning application is made.

It is common for planning applications to fail to provide sufficient information to assess the likely impact upon trees on a proposed development site. This usually means that council officers have to spend time making detailed assessments of trees and other factors, which can delay the application process. This is easily addressed by developers and other professionals accessing the preapplication advice and guidance that the Council gives.

It is usual for us to impose tree protection and/or planting conditions as part of any planning permission. For the trees to be retained successfully within a development site, it is vital that their root system is properly protected from direct and indirect damage such as ground compaction. The protected areas should be large enough to ensure that no disturbance occurs within the crown spread of the tree as a minimum, the distance can vary accordingly to local ground conditions, tree species and health. Guidance for tree protection within development sites can be found within BS 5837 (2012).

Protection through advice

The advice we give is seen as an important area of work contributing to the general protection of the tree population.

Land owners have a Common Law right to remove (abate) the nuisance associated with tree encroaching onto your property.

They can only consider removing those parts of the tree from the point where they cross the boundary of your property. Land owners have no legal right to cut or remove any part of a tree that does not overhang your property.

Land owners are strongly advised to consult a professional tree surgeon for guidance on how best to prune back encroaching trees; they may be liable if the tree is heavily pruned in such a way as to render it unstable. If the works are trivial, meaning you could do the works with hand secateurs or similar, then such advice may not be necessary.

Before considering doing any works to a tree or trees you should find out if they are protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, the land owner will need to gain consent by making an application give notice to the Council's Planning Department. To find out if the trees are protected and guidance on how to apply for works if they are protected contact:

- write to the Planning Department, Town Hall, Darlington, DL1 5QT
- send a fax to 01325 388616
- email planning@darlington.gov.uk

Land owners are strongly advised to discuss with your neighbour your intention to prune encroaching branches.

Legally you do not own the encroaching branches and you should offer these to your neighbour but they are not obliged to accept them, you should consider disposing of the arisings yourself.

If the encroachment relates to a Council owned tree, any cuttings must be disposed of appropriately and not returned to Council land.

There are a variety of potential seasonal nuisances associated with trees, most of which are minor and considered to be problems associated with living near trees.

Falling leaves, honeydew, fruit, nuts, bird droppings or blossom, leaves falling into gutters, drains or onto flat roofs. Darlington Borough Council will not fell or prune Council owned trees solely to alleviate problems caused by such natural phenomena.

The maintenance of gutters is the responsibility of the landowner and the Council is not obliged to remove leaves that may have fallen from Council owned trees. Where gutters are regularly blocked by fallen leaves, gutter guards may be fitted to provide a low maintenance solution. Honeydew is caused by greenfly (aphids) feeding on the tree, and then excreting a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black. There is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief and any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by greenfly and in some years greenfly are more common, especially following a mild winter.

Honeydew is a natural and seasonal problem as are nesting birds which are protected under the Wildlife and Countryside Act, where bird droppings and honeydew affects cars, warm soapy water will remove the substance, particularly if you wash the car as soon as possible.

Our policy for the protection of privately owned trees

- 1.** We will seek to protect trees of amenity (and environmental) value.
- 2.** We will promote good standards of tree care and woodland management.
- 3.** We will give consent for works to a tree or woodland protected by a Tree Preservation Order provided it is satisfied that:
 - i) The long term health and appearance of the tree or woodland will not be impaired.
 - ii) The work will not unjustifiably inhibit or prevent the full and natural development of the tree.
 - iii) The work is necessary to its continued retention and consistent with good arboricultural practice.
 - iv) In the case of a woodland, the proposed work is consistent with the principles of sound woodland management.
 - v) There are sound arboricultural and/or safety reasons for the work.
- 4.** We may impose planning conditions to protect trees according to BS 5837 (2012).
- 5.** There will be a presumption against the cutting down, topping, lopping or uprooting of any tree protected by the Tree Preservation Order, Conservation Area or planning condition.
- 6.** We will not give consent to fell a tree or protect by a TPO unless it is satisfied that this is necessary and justified. Generally, any such consent will be conditional upon appropriate replacement of the tree. Any unauthorised works to protected trees will be investigated and enforcement action taken where appropriate.
- 7.** We will resist development, which it is considered makes inadequate provision for the retention of trees and other woody plants and natural features, particularly wildlife habitats such as woodlands.
- 8.** We will continue to protect significant trees by the use of Tree Preservation Orders and will review all such Orders periodically to ensure they contain accurate information.
- 9.** Applicants for the development of land with existing trees shall provide a tree survey with their application showing accurate positions of both trees to be retained and removed, including their dimensions and condition.
- 10.** We will usually expect a new site development to contribute to the overall tree population either through on-site planting through planning conditions or through the donation of funds via 'Section 106 Agreement' dedicated to the planting of trees by the Council in the locality.
- 11.** We will encourage all major tree-owning organisations to adopt best practice in the care of their trees, especially where those trees contribute to the character of the Borough.
- 12.** The Senior Arboricultural Officer will develop closer links with the Planning Section to keep up-to-date with planning applications that have been authorised or refused.
- 13.** If any land is to be adopted by the Council from a development, that the relevant officers inspect the site before the land is handed over, if trees are within this area, a tree survey should be carried out for health and safety purposes and that the developer would carry out any works which are necessary at their own expense. Any trees which require removal, should be replaced with heavy standard trees with a five-year maintenance plan, so that the Council do not adopt costly works.

Tree planting

The Council has made a commitment to plant 100,000 trees on Council land over the lifetime of this strategy.

Further to this, the Council will also plant a minimum of two trees for every tree that has been removed due to the conditions set out in this policy. Where appropriate we will ensure that trees lost as part of any new development are replaced within 5 years by the developer. Where a significant tree is removed for a legitimate reason, the replacement will be specified as a heavy standard.

We will work with local communities to identify suitable sites for the planting of trees to deliver our aspirations. We will also work with communities to ensure we plant appropriate species of trees in the various locations identified.

A report will be brought to Scrutiny each year, updating members on the progress of delivering the agreed actions and the number of trees planted against the target of 100,000 over the lifetime of the Strategy.

Equalities Impact Assessment Statement

This tree strategy provides a framework for the Council to manage trees, woodlands and hedgerows in the Borough in ways that enhance life and well being for people and wildlife.

Whilst the overriding aim of the strategy is to safeguard trees as an important part of Darlington's environmental quality, the Council recognises that in certain circumstances there may be conflict between tree protection and people's requirements for access or other needs. Where such circumstances arise, normally there will be a presumption in favour of protecting trees.

However, where issues arise relating to the access or mobility needs of disabled people, the

presumption in favour of tree protection will be weighed against those needs through Equalities Impact Assessment on a case-by-case basis. This recognises that the protection of trees must be balanced with the Council's duty under the Equality Act 2010 to advance equality of opportunity for disabled people, as well as other people with protected characteristics specified in the act.

This shift in the balance of consideration will only be applied where a disabled person's needs are specifically related to their impairment or disability, as distinct from general views or preferences that might be shared by any citizen.

Where such circumstances arise in relation to development proposals, the needs of disabled people and the desirability of protecting trees will be balanced within the planning application process. Policies CS2 and CS19 within the Core Strategy of the Local Development Framework promote the access needs of disabled people, whilst CS15 provides the policy framework for tree protection.

In circumstances not related to development proposals, such as the maintenance and management of trees in the highway, this policy statement within the Tree Strategy provides the trigger for considering the needs of disabled people and of tree protection by means of Equality Impact Assessment. The overall approach will be to seek to find solutions that avoid the removal of healthy trees. If this is not possible, and the removal of trees is necessary, agreement will be sought on appropriate replanting.

In practice, the most frequent concerns tend to be related to problems with raised roots or low hanging branches on footways or in public open spaces. In most cases these can be easily rectified by routine management.

In cases of raised roots it will be important to seek to find solutions that do not cause medium to long term damage to trees.

Resolving problems arising from trees is often dependant on the ways in which maintenance work is carried out by front-line staff.

The Council will seek to ensure through appropriate training that staff are aware of the needs of disabled people in dealing on a routine basis with problems such as overhanging branches and raised roots.





Tree and woodland strategy 2021-2031



DARLINGTON
Borough Council

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