**Update on Review of Tree Management Policy 2015-2020 ‘Living With Trees’**

An interim internal review of the Council’s Tree Management Policy 2015-2020 'Living With Trees' commenced following a report to the meeting of the Environment, Water & Climate Change Strategic Policy Committee on February 6, 2018. This review is an internal process and remains ongoing. The following report is an update on progress with the review process.

The Tree Management Policy provides a framework to inform and support decisions made by the Council on the management and development of a sustainable tree population in the County. The Policy acts as a point of reference for the public, Councillors, Council staff and professionally interested people to enable informed discussion and to establish a clearer, consistent and a structured approach to the issues affecting trees.

**The aim of the review is to:**

* Review and assess progress to date on the implementation of the Action Plan supporting the current Tree Management Policy
* Confirm whether the vision established by the policy is the right focus
* Provide an updated snapshot of our current tree stock and how the Council manages them
* Reassess aspects of the policy on particular issues that continue to generate ambiguity
* Look at emerging issues
* Assess consistency of relevant policies and actions of the Tree Management Policy with the Council’s Climate Change Action Plan
* Make new policy recommendations as necessary from review process

The review is primarily focusing on updating policies and actions to ensure current and future challenges are met, taking account of emerging issues and providing further direction and clarity for management of trees in the county. Specific policy issues proposed for review include:

* Trees in conflict with built structures – a clear, corporate protocol is required for resolving issues where tree roots are in conflict with the built environment. Specific locations include public footpaths, private boundary walls and driveways.
* Guidelines and options for implementation of alternative engineering solutions in order to minimise removal of healthy trees
* Review policy on removal of trees in proximity to public lighting columns in order to minimise loss of healthy trees and address public resistance to current practice
* Trees along riverbanks & watercourses – clarify procedure for resolving issues
* Trees and utilities - procedures and protocols for planning, installation and maintenance of utility apparatus in proximity to trees to be formalised with internal Council Departments and external agencies
* Irish Water Infrastructure Standards – restrictions on tree/shrub planting adjacent to water mains
* Tree root pruning – requirement for policy and guidelines
* Tree planting systems and use of rootbarriers – requirement for policy and guidelines
* Resistance to tree planting in residential streets and open spaces
* Disposal and recycling of timber and green waste
* Dublin Tree Canopy Study published March 2017 – review findings and implications for tree management in South Dublin
* SDCC Climate Change Action Plan
* Unauthorised removal of trees
* Tree risk management – identifying, prioritising and undertaking tree works according to categorised level of risk

Since commencing the review process, some additional policy issues have emerged for consideration and clarification as follows:

* Management of trees located along private boundaries within parks and open spaces
* Trees located within the gardens of Council-owned housing
* System for monetary valuation of amenity trees
* Code of practice for pre works inspections of trees for wildlife and nesting birds
* Procedures for notification of tree works
* Planning controls for residential extensions or annex developments in close proximity to established trees
* Removal of trees to facilitate widening of residential driveway access
* Updating lists of recommended tree species

Over the past months, internal meetings have taken place with relevant Council staff across various functional sections and disciplines in order to discuss the policy issues identified for review. In general, it is widely acknowledged that the current policy has led to the Council continuously improving management of its existing trees, progressively bringing all of it trees into an active programme of management and enabling provision for new and replacement tree planting with over 2,500 trees planted since its adoption.

Arising from internal discussions and review of the Tree Management Policy thus far, progress has been made as follows:

* Management of trees located along private boundaries within parks and open spaces located along private boundaries: Draft policy statement prepared.
* Trees located within the gardens of Council-owned housing: Clarification required in regard to responsibility for maintenance of trees within gardens of Council-owned housing. Draft policy statement prepared.
* Tree root pruning: Review of best practice guidelines carried out and draft policy statement prepared.
* Updating lists of recommended tree species: A review of new research, newly emerging species and updated best practice recommendations has been carried out. List of recommended tree species has been updated and a revised proposal drafted.
* System for monetary valuation of amenity trees: A review and evaluation is ongoing of standard methodologies and practices in common use. Monetary valuation seeks to provide a method for managing and recognising trees as public assets rather than liabilities. A recommendation is in development.
* Code of practice for pre works inspections of trees for wildlife and nesting birds: The Council’s tree maintenance crews and contractors operating on behalf of the Council are required to carry out pre works inspections of trees for wildlife and nesting birds in line with best practice recommendations. This procedure is now documented and a draft policy statement has been prepared.
* Unauthorised removal of trees: The current policy states that the Council may seek to prosecute anyone found to be carrying out unauthorised work or causing damage to trees. However, in practical terms, the power to prosecute rests with An Gárda Síochána and the securing of a successful prosecution is very limited in the absence of a witness. The Council’s Law Department has advised that witnesses who report incidences of unauthorised removal should be advised to make direct contact and provide a statement to the Gardaí in order to enable an action. The current policy statement has been revised accordingly.
* Procedures for notification of tree works: The current policy has been reviewed and revisions are proposed to provide further clarity in regard to notification procedures and improved access to information about planned tree works. A revised policy statement has been drafted.
* SDCC Climate Change Action Plan: It is proposed to update commentary on climate change within the current policy to include a policy statement that aligns with actions included in the Council’s Draft Climate Change Action Plan. Updated commentary will include reference to the findings of the Dublin Tree Canopy Study published in March 2017 and its implications for tree management in South Dublin. A revised policy statement has been drafted.
* Removal of trees to facilitate widening of residential driveway access: An increasingly common reason received by the Council for requesting removal of a tree is to facilitate widening of residential driveway access. Frequently such requests arise when works have been completed or are planned for implementation without planning permission. A draft policy statement is in preparation in consultation with the Council’s Planning section to clarify planning obligations on this matter.
* Planning control of residential extensions or annex developments in close proximity to established, Council-owned trees: This issue is increasingly emerging as a burden on the Council’s Tree Management Section to implement remedial action where previously existing and established Council-owned trees become an issue of conflict with new residential extensions post development or are damaged by the development installation or construction works. The compatibility and impact of such proposed new developments on existing trees should be identified and any necessary remedial actions addressed as part of the planning process. This will help to protect trees from damage arising from development and alleviate an avoidable burden on the Council’s tree maintenance resources. Discussion is ongoing in conjunction with the Council’s Planning & Development Control section in order to formulate an agreed policy statement.
* Trees and utilities: Attempts have been made to initiate discussion and establish a working group across the four Dublin local authorities to jointly agree procedures and protocols for planning, installation and maintenance of utilities in proximity to trees. It is envisaged that functionality of the MapRoad licensing system for licensing of road openings could be enhanced and used for managing agreed procedures.
* Tree planting systems and use of root barriers: A review and evaluation is ongoing of construction methods for tree planting pits, soil mixes, use of root trainers and barrier systems to enable tree planting in inhospitable urban environments. The objective of this evaluation is to develop design standards for tree planting pits in a variety of urban contexts and particularly to inform and support actions to replant areas of hard urban landscape which have little or no tree cover.
* Trees in conflict with built structures: The Council receives very significant numbers of requests for tree removal through its customer contact system. Chief among the reasons cited in requests received by the Council for removal of a particular tree, or trees, are where they are perceived to be the cause of damage to a built structure, most frequently public footpaths, private boundary walls or private driveways.

Unfortunately, due to inaccurate and frequently misguided conceptions and reports linking trees with damage to built structures, it has become established in the public’s mind and in many professional and technical circles, that trees are always the cause of damage to the built environment even before adequate site investigations have been conducted. It is accepted amongst tree professionals that trees are on many occasions a contributing factor in structural damage. However, it is also true that they are not the causative agent in the damage, although frequently cited as the prime cause. The issue is far more complex than this and requires consideration of appropriate professionally verified evidence along with options for remedial actions that don’t automatically presume the removal of the particular tree or trees. The culture whereby the balance of probabilities argument has been used to identify trees as the culprits of structural damage now needs to be replaced with one of accurate assessment of the relevant facts. The Council needs to adopt specified levels of evidence required for particular trees and scenarios and apply these to the process of decision making on tree removals. This facilitates a more balanced and proportionate approach to tree management.

The resolution of these requests for maintenance where trees are in conflict with built structures often requires input from various Council sections. However, ambiguities and inconsistencies exist between the various Council sections in how to resolve these issues. It is therefore critical to the successful review of the Tree Management Policy that these ambiguities and inconsistencies are eliminated and replaced by agreed clear corporate procedures and solutions. This requires cross directorate collaboration to achieve a protocol that will reflect environmental, developmental and operational challenges and pressures

As part of the internal interim review process, internal meetings have taken place with the Council’s Roads Maintenance section to identify and agree constructive and tangible procedures for responding to these issues. It is acknowledged that this may require changes to long-standing operational practices and methodologies, particularly in regard to repair of public footpaths with consequent resourcing and budgetary implications. Further considerations and discussions needs to take account of the evolving context whereby the role of trees in addressing climate change resilience is becoming ever more widely understood. South Dublin County Council has identified actions in its Draft Climate Change Action Plan that seek to prevent loss of tree cover and ensure high standards of tree protection, planting and management. As the reality of climate change begins to bite, the Council is being increasingly challenged by concerned interests and members of the public, occasionally under the legislative mechanisms of Freedom of Information or Access to Information on the Environment, to justify its decisions for tree removals in much more detail and to a greater level of accountability. In this context, all evidence and resultant decisions and actions in regard to tree management should be capable of withstanding scrutiny and defence under legal challenge.

• Trees and Public Lighting: A review of the current policy on removal of trees in proximity to public lighting columns is required in order to minimise loss of healthy trees and address public resistance to current practice. This review to include consideration of the design of public lighting installations and occasional requirements to remove healthy and viable trees to facilitate functioning of new LED lighting system. A corporate procedure for resolving this ambiguity requires agreement and discussions will be initiated with the Council’s Public Lighting section in this regard.

**Next Step:**

In order to progress and complete the internal interim review of the Tree Management Policy, as a next step, it is proposed to convene a working group primarily comprising members of the Environment, Water & Climate Change Strategic Policy Committee and officials from the Council’s Tree Management Section. The Working Group is to be tasked with agreeing and finalising proposals for new policy statements and revisions to existing policy statements with view to presenting those proposals to the next meeting of this Environment, Water & Climate Change Strategic Policy Committee.

In addition, it is proposed that the Working Group be extended for review of particular policy areas to include representation as relevant from the Council’s Climate Change, Roads Maintenance, Public Lighting and Planning sections to develop and agree tangible, cross directorate procedures and methodologies that secure the position of the tree in the urban environment and embed principles of sustainable tree management across all sections of the Council’s functional and operational activities.