



ARBORICULTURAL WORKING GROUP – MINUTES
 Planning & Regeneration Services including Building
 Consultancy
 Wed 15th Oct 2014
 4.00pm – 5.30pm Cattistock Room

ATTENDEES		
<p>Internal Attendees: <u>Borough of Poole – Planning and Regeneration:</u> Stephen Thorne (ST) (Chair) – Head of Planning & Regen inc Building Consultancy Gabriella Cobelli (GC) – Business Support / PA to Stephen Thorne Sue Ludwig (SPL) – Business Manager Russ Fisher – (RF) – Senior Arboricultural Officer Rory Gogan – (RG) – Arboricultural Officer Adam Cooper – (AC) – Assistant Arboricultural Officer <u>Borough of Poole – Environmental and Consumer Protection:</u> Andy Osborne – (AO) Senior Arboricultural Officer</p>		
<p>External Attendees: Andy Luddington (AL) – Tree call Consulting (for Steve Cox) Andrew Scott (AS) – Scott Tree Services Mark Wadey (MW) - Barrell Tree Consultancy Wayne Doe (WD) - W.T.Doe Tree Surgeon Ltd</p>		
APOLOGIES:		
<p>Internal: Richard Genge – (RTG) – Planning and Regeneration Manager External: Mark Hinsley (MH) – Mark Hinsley Arboricultural Consultants Steve Jones – (SJ) Arborcare Steve Cox (SC) – Tree Call Consulting Martin Saxon (MS) – Apex Tree Surgeons Jonathan Fulcher (JF) - Alderwood Consulting Ltd Mark Hunter (MHu) - Hunters Treework</p>		
AGENDA ITEMS		
		ACTION
1.	<p><u>Introduction and Minutes of Meeting of 23rd Jul 2014</u> <u>Richard Nicholson</u> RTG may invite Richard Nicholson to a meeting sometime in the future though he has now left the BoP to join East Dorset District Council. RTG will allow him to settle into his new role prior to inviting him to a future meeting.</p>	
1.1	<p><u>Agenda Item Submission</u> GC to continue to request agenda items from internal and external attendees.</p>	<p>Note for RTG</p>
1.2	<p><u>Guidance Note of Appropriate Trees and Cellular Confinement Systems</u></p>	<p>Note for GC</p>
1.3	<p>Both are on the agenda to discuss. <u>The Local Government (Miscellaneous Provisions) Act 1976 and Section 202 Notifications</u></p>	
1.4	<p>On agenda for discussion.</p>	

2.	<p><u>Update on Recommended Tree Species Leaflet</u></p> <p>SC's document was recirculated to the group. There have been no changes since last time. ST advised that the listing stemmed from The Campaign for Sensible Tree Management petition from residents which went to ECOS Jan 2013, as residents wanted more control over tree management.</p> <p>To assist with this the BoP proposed a list of recommended tree species to be planted in order to avoid future issues. AS and AO outlined other issues to be considered i.e. that certain trees suit different soils and environments. A black list of trees not to be planted within 5 metres of a dwelling was also suggested. It is hoped this will particularly assist those making a Tree Work Application.</p> <p>Action: AO AS and SC agreed to meet in order to pull the list together to be brought back to the meeting in Jan 2015.</p> <p>At this time due to resource implications it is not possible to put a Tree Preservation Order on every new tree replanted as a result of a Tree Works Application.</p>	<p>AO/SC/ AS</p> <p>Note</p>
3.	<p><u>Blue & Cards – Changes to Method of Notification of Compliance with Conditions</u></p> <p>Due to changes in The Royal Mail's licensing procedure our Green and Blue Tree Cards will become invalid for free return postage as from 1st Nov 2014. It was suggested consultants and tree surgeons either email details into us when they wish to start work or speak with Customer Services as they are set up to deal with this. When the Council receives a call we will add it to the diary. The email address to use is planning@poole.gov.uk.</p>	
4.	<p><u>Dead and Dangerous Tree Notifications – (Feedback from both the Information Provided on the Website and how People are finding the Process)</u></p> <p>ST wished to check whether attendees were happy with the current process of notifying the authority. The BoP try to be reasonable regarding the five day notice to carry out works to dead and dangerous trees though there can be differences in opinion between the local authority and the person submitting the notification.</p> <p>Evidence is needed that a tree is dying, damaged or dangerous. Photos are acceptable with any other information, as this saves the BoP carrying out a site visit. It was also mentioned that a tree can decay for a long period before becoming “ imminently dangerous” and AO added that this only counts for a small number of trees. In the main it was agreed that, as long as adequate evidence is provided, the BoP would allow the contractor to continue with whatever work was proposed.</p> <p>Action: The Guidance Note will need amending slightly to reflect what has been agreed. GC to liaise with Keith Pegram our Change and Performance Manager and send a link outlining the changes with the minutes.</p>	<p>GC</p>
5.	<p><u>Cellular Confinement Systems</u></p> <p>This was raised by SC at the last meeting and brought about a</p>	

5.1	<p>discussion on ArborRafts to help control root activity and whether the Council would accept their usage. The BoP will allow usage on a case by case basis subject to back up information and involving Building Consultancy at the early stages.</p> <p><u>Pre Commencement Site Visit Meetings</u></p> <p>RF confirmed that in general the consultant's role is to take over our role at pre-commencement meetings unless we are requested to be there by the agent, or if the development is particularly complex. It was felt, however, that the guidance was not terribly clear.</p> <p><u>Action: RF and RTG to meet to discuss guidance further with a view to amending.</u></p>	RF/RTG
6. 6.1 6.2	<p><u>The Local Gov (Miscellaneous Provisions) Act 1976 and Section 202 notifications</u></p> <p><u>Section 202 Notifications</u></p> <p>Discussed in item 4.</p> <p><u>The Local Gov (Miscellaneous Provisions) Act 1976</u></p> <p>This issue is around neighbour disputes and when the council would intervene if a neighbour refused act to address a tree in their garden which may pose an immediate danger to fellow neighbours.</p> <p>The Council have no legal duty to intervene in these cases; it would be at their discretion. Though the BoP has discretionary powers to act under the above Act, Section 23 - Power of local authorities to deal with dangerous trees, does not impose a duty on the BoP to act, even when the tree is classified as 'imminently dangerous'.</p> <p>It will depend on the circumstances as to whether or not the BoP chooses to act in accordance with a power laid down in law and whether it is just, reasonable and proportionate to exercise the power having accounted for the facts. It must be noted that the BoP does not provide an arboricultural consultation service for residents. As Section 23 of the Act does not impose a duty on the Council to act even when the tree is 'imminently dangerous', advice to the private land owner might be to suggest they consult a qualified tree surgeon (arborist) for a professional opinion on whether the tree is an imminent risk of causing damage to property or a risk to life.</p> <p>This will provide some professional corroboration of the initial assertion by the resident and that the tree is 'imminently dangerous' under the terms of the Act. The Customer can be advised there is likely to be a cost for this private service and to refer to the Buy With Confidence Scheme. There are issues that arise where the tree is imminently dangerous and the neighbour is not available for contact, again, the BoP would intervene at their discretion. The CAB information on their website is slightly misleading.</p> <p><u>Action: AO to contact the CAB with a view to amending their guidance as it is slightly misleading and should be more in keeping with the above.</u></p>	complete
7. 7.1	<p><u>Any Other Business</u></p> <p><u>Tree Species Leaflet – Further Thoughts</u></p> <p>AL commented that the proposed tree listing could be misused in that it could encourage trees to be planted in the wrong place. This is where a black list would work i.e. trees not to be planted within five</p>	

	metres of a dwelling though at the same time, the BoP do not want to run the risk of producing a definitive list.	
--	---	--

<u>Date of Next Meeting:</u> Wed 07/01/2015 4.00pm-6.30pm Room 134
