

# PRINCIPLES FOR THE MANAGEMENT OF TREES OWNED OR MAINTAINED BY THE COUNCIL

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## **1 PURPOSE**

- 1.1 The purpose of this document is to set out the Council's principles for managing the trees it owns or maintains. This is referred to as the 'tree(d) Estate (TE). Any reference to trees on Council owned land also refers to trees which the Council has responsibility to maintain as well.

## **2 TREE MANAGEMENT – KEY PRINCIPLES**

- 2.1 The Council will maintain and enhance the tree stock growing on Council owned land to provide landscape, amenity, ecological, environmental and historical benefits.
- 2.2 The Council will take reasonable care to see that neighbours and the public are safe from foreseeable harm caused by trees within its ownership, in line with its common law duty and its duty under the Occupiers Liability Acts.
- 2.3 The Council will not fell or prune trees within its ownership unless they are causing serious problems that cannot otherwise be overcome; the tree works form part of a comprehensive development scheme for which, where appropriate, planning permission has been obtained, or the works are in accordance with a longer term management plan in the interests of amenity, ecological, environmental and historic benefits.

## **3 TREE MANAGEMENT PRACTICE – BALANCING THE BENEFITS FROM TREES MANAGING RISKS, AND RESOURCES**

- 3.1 Management and planting of trees will have regard to their location and the landscape, amenity, ecological, environmental and historical characteristics of trees in that location.

- 3.2 The Council will monitor and take action to control hazards and legal nuisances from trees in its ownership with appropriate balanced regard to risk management and the benefits provided by the tree(s).
- 3.3 The Council's tree estate will be inspected by a suitably qualified person according to a programme defined by tree location and site conditions. These inspections may be informal observations or formal/detailed inspections, dependent on circumstances. Specific sites and trees may be inspected at more frequent intervals or after extreme weather at the discretion of the tree officer. A detailed inspection will be carried out at least every three years.
- 3.4 Individual site tree management strategies will be developed and followed, where appropriate and resources allow.
- 3.5 The Council will keep records of all routine and emergency tree inspections and will undertake any recommended works as far as possible whilst having regard to its financial priorities and an assessment of risk.

#### **4 RESPONSE TO REQUESTS, COMPLAINTS AND NOTIFICATIONS**

- 4.1 Trees are natural elements in the environment that grow over time and produce leaf litter and other debris. They are hosts to insects, birds and other wildlife. Tree owners are not generally considered responsible in law for the natural products of trees and their hosted communities.
- 4.2 The Council regularly receives requests to undertake works to trees in the Council's ownership. It is important that these requests are dealt with in a consistent manner. Except in very exceptional circumstances, the following principles will be followed:-

4.3	Request / complaint / notification	Council action
4.4	Driveway access/dropped kerb (the installation for vehicular crossovers)	The Council will not allow the removal of trees unless it can be shown that replacement trees can adequately replace the amenity lost within 5 years and unless a commuted sum for removal, planting and maintenance is provided. The commuted sum required (November 2017) is the cost of removal plus £750 for a replacement tree in a grass verge or open space or £3300 for a tree in hard surfacing requiring a designed tree planting pit.
4.5	A tree reported to have been damaged in gales or to have become dangerous due to its	The Council will make an assessment of likely risk to people or property and have the tree inspected by a suitably qualified person within

	condition or damage to its roots,	an appropriate timescale depending on the level of risk. This will normally be within 3 days.
4.6	Shading and restriction of daylight and views	Except where the principles of part 8 of the Anti-Social Behaviour Act 2003 would apply, the Council will not prune or fell its trees in response to complaints regarding the blocking of light or shading of private property or the blocking of views into or out of a private property.
4.7	Interference of branches with overhead services	<p>The Council will not prune or fell its trees in response to complaints regarding the presence of overhead services through the crowns of its tree.</p> <p>Statutory Undertakers as providers of overhead services have additional powers and responsibilities in respect of trees in private ownership.</p>
4.8.	Obstruction of pathways and highways and street lighting/traffic signs and signals	<p>The Council will prune its trees to maintain safe passage of pedestrians and vehicles along public rights of way and public highways and paths in parks and cemeteries. A clear height of 2.5m above footpaths, 3.5m above cycleways (where they are not shared with other vehicles) and 5.4m above highway carriageways will be maintained where possible.</p> <p>The Council will manage its trees to maintain visibility of County Council highway signs and branches obstructing public highway lighting.</p> <p>The County Council Highways have additional powers and responsibilities in respect of trees in private ownership near highways and public rights of way</p>

4.9	Alleged damage to structures and underground pipes	<p>The Council will only consider pruning or felling its trees in relation to alleged damage if sufficient evidence in the form of appropriate expert reports is provided to show, on the balance of probabilities, that the trees are the cause of the damage and that no other reasonable forms of action to resolve the problem can be undertaken at proportionate costs.</p> <p>The Council will not consider undertaking pruning or felling of its trees in relation to alleged damage to underground pipes unless it is shown, on the balance of probabilities, that the trees caused the initial damage to the pipes and roots did not enter a drain or pipe that was already damaged due to poor construction, repair or existing damage</p>
4.10	Deposits of Honeydew and bird dropping	The Council will not prune or fell its trees in response to complaints regarding the fall of Honeydew or bird droppings.
4.11	Leaf and twiggy debris, cones, seed fall and pollen from trees,	The Council will not prune or fell its trees in response to complaints regarding leaf, blossom, twig, seed and other natural debris from its trees.
4.12	Obstruction of CCTV cameras	The Council will undertake pruning or felling of its trees in relation to the blocking of views from public CCTV cameras on a site by site basis in consultation with the Police and Parish/Town Councils. The Council will not prune or fell its trees in response to complaints about blocking views in CCTV operated on private property.
4.13	Obstruction of television reception, satellites or solar panels	The Council will not prune or fell its trees in response to complaints about interference with television reception, satellite dish reception or solar panels.
4.14	Poisonous trees	The Council will not prune or fell a tree that bears potentially poisonous fruit / foliage (for example laburnum and yew).
4.15	Issues relating to personal medical conditions	The Council will not prune or fell its trees in response to complaints regarding personal

		medical conditions.
4.16	Overhanging branches	The Council will not prune or fell its trees in response to complaints regarding overhanging branches unless the branches cause loss to an established business or livelihood.
4.17	Replacement tree planting	Where recently planted trees have failed to establish the Council will evaluate the reasons for failure and determine if replanting or site clearance should be undertaken.

## 5 TREE ESTATE PRIORITISATION

5.1 Budget for the tree estate management will be prioritised in the following way.

Priority 1 - Maintenance works to trees, based on a system of risk assessment. Each tree or group of trees to be risk assessed and appropriate works prioritised within set timeframes.

Priority 2 – Planting of trees on sites where significant trees have been felled.

Priority 3 – Implementation of individual site tree management strategies and the planting of new trees (other than replacement planting – priority 2).

## 6 TREE PLANTING

6.1 The Council will maintain the quality and quantity of its tree stock by continuing to plant in suitable locations with appropriate species to enhance the enjoyment of open spaces, promote local distinctiveness, conserve the environment and enhance structural and genetic diversity of its treescapes.

6.2 In all new plantings the Council will seek to establish appropriate trees for the locations. Where trees are felled, every effort will be made, subject to budgetary and site constraints, to replant.

6.3 Prior to planting trees a range of factors will be considered to determine the appropriateness of a location, species or scheme:

- i. Constraints to planting (e.g. archaeology, underground services, highways)
- ii. Planting is appropriate to and will make a contribution to the landscape/townscape and how the area is used
- iii. Planting is appropriate in arboricultural terms (e.g. that the initial felling was not to prevent tree over-crowding)
- iv. Planting schemes are designed for the specific site conditions and specifications to promote high levels of success.
- v. Planting schemes and specifications will adhere to current biosecurity and tree health resilience strategies.

- 6.4 All new trees will be planted and maintained in accordance with good Arboricultural practice.
- 6.5 All newly planted trees will be included in site tree inspections and any that have died or failed to establish will be replaced where appropriate in line with principles in the above. Where possible the Council will work with local communities and Town and Parish Councils to ensure that any tree planting on Council owned land meets local need and to obtain the assistance of the local community in the long-term establishment of the trees.
- 6.6 Requests for memorial or commemorative planting will be considered where details and standards are appropriate to the location and long-term management is provided for.

## **7 COMMUNICATIONS**

- 7.1 In order to ensure that local communities are aware of any significant tree works the following communications strategy will be followed -

If significant tree works are planned (for example felling of mature trees or significant reductions) the following individuals and organisations will be informed –

- i. Ward members
- ii. Parish and town councils
- iii. Neighbouring properties (by letter or site notice)
- iv. Public (by site notice)
- v. Press and on the Council's website (where there is likely to be significant public interest)

- In some instances additional site notices will also be used.

- 7.2 In emergency situations, where trees are imminently dangerous and works have to be carried out at very short notice, this level of communication may not be possible.

## **8 DISPOSAL OF ARISING/REMOVAL OF TIMBER**

- 8.1 The Council will require contractors engaged in tree surgery on its tree estate to remove all arisings and dispose of them in accordance with good practice. No burning of wood arisings or depositing of chippings will be allowed on Council land unless agreed as part of a works contract.
- 8.2 The removal of timber, deadwood, and leaf litter from Council owned trees and woodlands will not be allowed unless as part of a formal agreement.
- 8.3 Safe disposal of arisings will be specified for each works contract and will include leaving material as habitat where appropriate.

## **9 MONITORING**

- 9.1 The Council will produce an annual statement regarding tree management works and planting.