

WEST OXFORDSHIRE DISTRICT COUNCIL - TREE MANAGEMENT POLICY

1. PURPOSE

- 1.1. The purpose of this policy document is to set out the Council's key principles for managing the trees it owns or maintains and the management practices it will apply. 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.
- 1.2. It sets out how the Council will ensure the prudent and transparent use of resources and provide clarity and consistency in its responses to requests, complaints and notifications in relation to the tree(d) Estate.

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 and/or trees which it is required to maintain, in line with its common law duty and its duty under the Occupiers Liability Acts¹.

¹ In line with guidance set out in [Common sense risk management of trees Guidance on trees and public safety in the UK for owners, managers and advisers](#), National Tree Safety Group, 2024 or subsequent publications

- 2.3. The Council will not fell or prune trees within its ownership or those it maintains/manages unless:
- i. they are causing serious problems that cannot be resolved in another way;
 - ii. the work is required as part of an approved comprehensive development scheme (including, where necessary, planning permission); or
 - iii. the works align with a long-term management plan designed to protect or enhance amenity, ecological, environmental and historic value.
- 2.4. The likely presence of protected and priority species and other ecological features² will be fully assessed as part of any planned tree management works.
- 2.5. Opportunities to enhance biodiversity where appropriate, for example through the installation of bird and bat boxes³ will also be taken to contribute towards local nature recovery.

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

- 3.1. Management 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, and those it manages/maintains, to mitigate foreseeable risk to people and property, recognising that residual risk cannot be wholly eliminated. The Council will prioritise interventions by risk assessments and link works to longer term strategic objectives and may seek further advice for effective long-term schemes to help reduce risks for their future management.
- 3.3. For sites with significant tree stock (including parks, woodlands, open spaces, historic estates) site management strategies will be produced, setting out long-term objectives for canopy cover, structural diversity, succession planting, heritage specimen trees. Opportunities to link with wider green infrastructure, biodiversity, and climate resilience objectives will be explored.
- 3.4. The Council shall adopt a risk-based inspection regime including informal/visual inspections periodically, and more detailed inspections by qualified arboriculturists for higher-risk trees or sites.
- 3.5. Any recommended remedial works from inspections shall be recorded, prioritised and delivered insofar as resources allow.

² This includes species protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) as well as other relevant legislation such as the Wild Mammals Act 1996 and the Protection of Badgers Act 1992.

³ To ensure compliance with the council's statutory duty under the Environment Act 2021 to have regard to biodiversity conservation and enhancement.

3.6. The budget on tree estate management will be prioritised in the following way.

- i. Urgent safety works (identified via risk assessments)
- ii. Remedial works on high-priority trees or sites
- iii. Replacement planting
- iv. New planting / expansion of tree cover
- v. Longer-term enhancement, strategic planting, species diversity, resilience works

3.7. All inspections, findings, decisions, and works will be recorded in a tree management database.

3.8. The Council will adequately consider ecological impacts arising from planned tree works in consultation with an ecologist to inform the need for surveys and the implementation of mitigation and/or compensation measures.

3.9. In circumstances where any organisation or individual has caused significant material damage to or removed any public tree(s) that are the responsibility of or owned by the Council, the Council will carry out an investigation in line with its enforcement policy procedures. In very serious cases, including vandalism to trees or other suspected criminal damage, the Council may refer the matter to the Police.

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, bats and other wildlife. Tree owners are not generally considered responsible in law for the natural products of trees and their hosted communities, unless protected species are present whereby compliance with the relevant legislation would be necessary.

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 and transparent manner. To ensure this, other than in exceptional circumstances, the Council will apply the criteria set out in Table 1 below.

4.3. Where requests relate to safety, structural damage, or tree health, the Council shall assess risk and, where necessary, inspect within reasonable timescales.

Table 1 - How the council will respond to requests, complaints and notifications relating to its tree estate

	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 within its ownership or obligation to maintain, unless it can be shown that compensatory tree replacements can adequately resolve the amenity lost within 5 years or unless a commuted sum for removal, planting and maintenance is provided.
4.5.	A tree reported to have been damaged in gales or to have become dangerous due to its condition or damage to its roots	The Council will make an assessment of likely risk to people or property and have the tree inspected by a suitably qualified person within an appropriate timescale depending on the level of risk.
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	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. Statutory Undertakers as providers of overhead services have additional powers and responsibilities in respect of trees in private ownership.
4.8.	Obstruction of pathways and highways and street lighting/traffic signs and signals	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. The Council will manage its trees to maintain visibility of County Council highway signs and branches obstructing public highway lighting. The County Council Highways have additional powers and responsibilities in respect of trees in private ownership near highways and public rights of way
4.9.	Alleged damage to structures and underground pipes	The Council will not consider undertaking pruning or felling of its trees in relation to alleged/inferred damage.

		<p>The Council will respond to substantiated damages in relation to nuisance trees and/or subsidence claims 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>If reports are provided by parties affected by substantiated damages from trees in the Council's care, a third-party review of the submitted documents may be implemented by a registered consultant.</p>
4.10.	Deposits of Honeydew and bird droppings	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 its trees that bear 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 there is a clear safety risk or other justifiable reason within the legal constraints.
4.17.	Recently planted tree failure	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 PLANTING

- 5.1. 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, enhance biodiversity and contribute towards local nature recovery, and enhance structural and genetic diversity of its treescapes.
- 5.2. 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.
- 5.3. 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 areas 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 including the resilience of species to climate change.
 - v. Planting schemes and specifications will adhere to current biosecurity and tree health resilience strategies
 - vi. Alignment with appropriate opportunities identified in the Oxfordshire Local Nature Recovery Strategy (LNRS)
- 5.4. All new trees will be planted and maintained in accordance with good arboricultural practice.
- 5.5. 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.
- 5.6. 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.

6. DISPOSAL OF ARISINGS/REMOVAL OF TIMBER

- 6.1. The Council will require contractors engaged in tree surgery on its tree estate to remove all arisings and dispose of them in accordance with best arboricultural practice⁴. No burning of wood arisings or depositing of chippings will be allowed on Council land unless agreed as part of a works contract.

⁴ For example, British Standard BS3998

- 6.2. 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. Deadwood and leaf litter provide important habitats for associated invertebrates, hedgehogs and other wildlife.
- 6.3. Safe disposal of arisings will be specified for each works contract and will include leaving material as habitat where appropriate.

7. COMMUNICATIONS

- 7.1. When the Council is not legally required to consult before doing tree works, in some cases the Council will endeavour to inform the following individuals and organisations: –
- i. The relevant ward Members;
 - ii. The relevant Parish or Town Council;
 - iii. Neighbouring properties (by letter or site notice);
 - iv. Public (by site notice(s) where applicable); and
 - v. The Council's website (where there is likely to be significant public interest)
- 7.2. In emergency situations, where trees are imminently dangerous and works have to be carried out at very short notice, full prior public notification may not be possible, but the Council will provide notice retrospectively where feasible.