

Fenny Compton Parish Council Tree Management Policy

Version 1: March 2024

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1. Aims

- 1.1. To value trees for the significant contribution they make to wellbeing and the quality of life within the area. Trees are managed to promote biodiversity, climate mitigation, and visual amenity whilst being managed and maintained in a way which promotes their safety and health.

2. Introduction

- 2.1. The Parish Council has a responsibility to ensure that the Council's tree stock is regularly inspected and managed to ensure public safety and to minimise any risk to property, in particular in areas where the public may walk or sit beneath trees. The Parish Council does this with the following objectives in mind:
 - 2.1.1. ensure tree stock is maintained in a cost effective manner, maximising visual amenity and associated environmental benefits whilst minimising risks to public safety and property;
 - 2.1.2. ensure that the work undertaken on Parish Council trees is done to a high standard, is appropriate and in line with best arboricultural practice;
 - 2.1.3. ensure appropriate management of trees to provide biodiversity, wildlife corridors and landscape features;
 - 2.1.4. promote the positive contribution made by trees to open spaces, including the value which they have for wildlife.

3. Tree Inspections

- 3.1. The Parish Council's tree stock will be visually inspected by a qualified arboriculturist once every 3 years.
- 3.2. The Parish Council will conduct its own annual assessment, plus additional checks after periods of bad weather to identify damage.
- 3.3. The Parish Clerk will retain records of the safety checks.

4. Policies

- 4.1. The Parish Council will respond promptly to tree matters involving safety and will remove dead trees (except where biodiversity issues prevail) and dangerous and unsafe trees and branches, subject to the necessary planning permissions.
- 4.2. Trees which are in decline will be monitored in order to ensure they pose no risk to people or property.
- 4.3. Where it can be demonstrated that a tree from the Parish Council's stock risks damaging property, the Parish Council will act to rectify the problem.

- 4.4. The effects of tree litter such as leaves, twigs, fruit etc will not be considered as direct damage and no action will be taken by the Parish Council.
- 4.5. Except in exceptional circumstances, the Parish Council will not prune its tree stock to alleviate the obstruction of light or telecommunication signals where branches overhang neighbouring properties.
- 4.6. Works will only be carried out on trees which are restricting the efficiency of solar panels where the solar panels pre-date the presence of the tree.
- 4.7. When carrying out tree works the Parish Council will comply with all relevant legislation in respect of the protection of nesting birds and other wildlife. Only essential tree works will be carried out during the bird nesting season.
- 4.8. Work will not be carried out on trees to address the issues of bird droppings.
- 4.9. Prior to works being carried out on a mature tree the potential for bat roosts will be assessed.
- 4.10. If it is found that there are features within the tree that are likely to be suitable for bat roosts, a survey will be carried out. If bat roosts are found to be present appropriate mitigation measures will be implemented before any work takes place.
- 4.11. The Parish Council will consider accepting third party sponsorship for tree work only where the proposed works have been identified as good arboricultural practice.
- 4.12. There will be a presumption against removal of existing trees, but where this is necessary, replacement in the same location will be presumed and only if this is not possible will another location be considered, subject to the necessary planning permissions.
- 4.13. Veteran trees will be managed in a way that preserves their unique characteristics. When managing trees and woodlands, consideration will be given to biodiversity issues in line with the Biodiversity Duty for Public Authorities enshrined in the Natural Environment and Rural Communities Act.
- 4.14. In planting or adopting trees or tree belts, the Parish Council will be sensitive to the potential for damage or inconvenience, or the impeding of access, as the trees mature.
- 4.15. The Parish Council will recognise and take positive action to prevent the potential conflict of interest where developments are proposed in close proximity to existing trees, treebelts and wooded areas.
- 4.16. Adequate resources will be made available to ensure that the Parish Council complies with its duty of care in respect of tree safety.
- 4.17. All tree works carried out on behalf of the Parish Council will comply with appropriate Standards and Legislation in respect of tree protection, and will be undertaken by competent and qualified contractors. The appropriate Standards are referenced in section A 15 below.
- 4.18. This policy will be reviewed every 3-5 years or when there are major changes to legislation or best practice in respect of tree management.

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Appendix A

Rationale for Provisions within the Tree Policy

A 1. Tree Inspections

- A 1.1. The Parish Council carries out a rolling programme of tree inspections to ensure that its tree stock is kept safe and in a healthy condition. The survey records information on all Parish Council owned trees and identifies any tree which may pose a risk to health and safety.
- A 1.2. In the case of unsafe trees, a remedial action is taken within a time scale recommended by inspectors. Other works are organised in line with the priorities identified by the inspectors.
- A 1.3. Appropriate re-inspection dates are set for all trees dependent on their age, condition, location and species. If however a resident has concerns regarding the condition of a particular tree, the Parish Council will carry out a responsive inspection.

A 2. Dead, Dying and Dangerous Trees

- A 2.1. The Parish Council has a duty of care to ensure that the trees that it has responsibility for are in a safe condition, and therefore would seek to remove any dangerous trees, and to monitor trees which are in decline, to ensure they do not become dangerous.
- A 2.2. In the case of dead trees it may be possible to retain these where they have high wildlife value and they do not represent a danger.
- A 2.3. In some instances a dead tree could be reduced to a standing trunk to provide habitat for wildlife.

A 3. Dangerous Branches

- A 3.1. A dangerous branch is one which is dead, or has structural defects that could lead to its failure and which could cause harm or damage if it fell.
- A 3.2. Where a dangerous branch is identified, the Parish Council has an obligation to make it safe.

A 4. Damage to Property

- A 4.1. Where it can be demonstrated that a tree from the Parish Council's stock risks causing direct or indirect damage to property the Parish Council has an obligation to rectify the problem.
- A 4.2. Direct damage may include tree roots lifting paving stones, or trunks or branches damaging garden walls or fences.
- A 4.3. Indirect damage may include subsidence due to soil shrinkage resulting from water extraction by tree roots.
- A 4.4. In cases of damage to property it should be clearly demonstrated, by the property owner, that the tree is the principal cause of the damage.

A 5. Falling Leaves or Debris and Aphid Problem

- A 5.1. The Parish Council is not legally responsible for fallen leaves or other tree debris such as cones, seeds, berries, fruit, blossom etc..
- A 5.2. Pruning of trees is not a solution to this occurrence and felling a tree to address issues of leaf litter etc. would be difficult to justify.
- A 5.3. The same criterion applies to trees which host aphids with associated honeydew. There is little that can be done about the aphids which cause this problem, and pruning the tree will only offer temporary relief and any regrowth is more likely to be colonised by aphids.
- A 5.4. Where honeydew affects cars it can be removed using warm soapy water, particularly if the car is washed as soon as possible.

A 6. Obstruction of Light to Houses or Gardens

- A 6.1. It is usually very difficult to prune a tree in order to give a lasting improvement in light levels to a property. Often the extent of pruning required to alleviate light obstruction can be damaging to the tree or destroy its amenity value, and thick re-growth following pruning can make shading problems worse.
- A 6.2. There is no obligation on the Parish Council to carry out work on trees to address shading issues.

A 7. Branches Affecting Telephone and Power Lines

- A 7.1. Effective use of telephone lines and power supplies is the responsibility of the service provider.
- A 7.2. If residents are experiencing problems with telephone reception or suspect a tree is interfering with a power line, they are advised to contact their service provider for advice.

A 8. Television Reception

- A 8.1. The Parish Council would not normally carry out works to trees, or remove trees in order to improve television reception.
- A 8.2. Aerials and satellite dishes should be carefully sited at the time of installation, with consideration being given to how neighbouring trees may grow in the future.

A 9. Overhanging Branches

- A 9.1. The Parish Council has a similar responsibility to a private land owner or neighbour in respect of overhanging branches, and is only obliged to cut them back in circumstances where damage is being caused to adjacent structures or the tree is dangerous.
- A 9.2. Under common law a property owner has a legal right to cut back overhanging branches to their boundary. This work should be done to a good standard (British Standard 3998:1989 'Recommendations for Treework') by a competent person.

A 10. Branches Obscuring Signs or Street Lighting Columns

- A 10.1. Where trees are blocking street lights, road signs etc. and jeopardise public safety the Parish Council is obliged to alleviate the problem.
- A 10.2. In most cases this can be done whilst retaining the tree. In extreme cases removal of the tree and replacement with a more suitable species may be necessary.

A 11. Solar Panels

- A 11.1. It would be reasonable for the Parish Council to consider requests to carry out work on trees which are restricting the efficiency of solar panels where the trees have been planted, or have self seeded subsequent to the panels being installed.
- A 11.2. Where solar panels have been sited in locations where the presence of existing trees restricts the light they receive, or have been sited in locations where pre-existing, immature trees will grow up to restrict light levels, it would be unreasonable to expect the Parish Council to remove or reduce these trees.

A 12. Development Priorities

- A 12.1. From time to time it may be necessary for the Parish Council to carry out work on trees in response to its development priorities.
- A 12.2. Development priorities may include maintenance and improvement or the redevelopment of parks, gardens and other green spaces.
- A 12.3. Where trees are removed the Parish Council would normally seek to replace them with species appropriate to the location and site conditions.
- A 12.4. Where appropriate the Parish Council will normally consider retaining dead standing trees for the benefit of wildlife, and managing tree belts and woodland areas in order to maximise their wildlife value.
- A 12.5. Veteran trees (trees which, because of their great age, size or condition, are of exceptional cultural, landscape or nature conservation value) are managed and maintained in order to preserve their unique characteristics.

A 13. Wildlife

- A 13.1. It would be unreasonable to expect the Parish Council to carry out work on trees in order to address the issue of bird droppings.
- A 13.2. Nesting birds are protected by the Countryside and Wildlife act (and other related wildlife law) and only health and safety works would normally be considered during the nesting season in order to avoid causing unintended disturbance to nesting birds.
- A 13.3. It may be necessary to obtain a license from DEFRA to carry out essential Health and Safety works to a tree in which birds are nesting, or on sites where badgers and other protected species are present.

A 13.4. When carrying out tree works, the Parish Council is obliged to comply with all legislation relating to the protection of wildlife.

A 14. Sponsorship of Tree Works

A 14.1. The Parish Council may receive offers from residents to sponsor tree works in order to address issues that the resident is concerned about. This can be the result of a refusal by the Parish Council to carry out works that have been initially requested by the resident.

A 14.2. It would not be reasonable for the Parish Council to accept offers of sponsorship from a third party to carry out tree works which would not be in the interest of the tree or in line with the Tree Policy.

A 14.3. Sponsorship would only be considered where the works would normally form part of the Parish Council's scheduled work programme.

A 14.4. In cases where the Parish Council would consider accepting sponsorship the work to be undertaken would be carried out by Parish Council contractors working under the supervision of a Parish Council Officer.

A 14.5. Except in the case of overhanging branches any unauthorised works to Parish Council owned trees carried out by any person would constitute criminal damage.

A 15. Standards

A 15.1. All works to Parish Council trees is carried out in line with British Standard 3998: 2010 'Recommendations for Treework'.

A 15.2. Any contractor carrying out work on behalf of the Parish Council should either be approved by the Arboricultural Association or able to demonstrate that they have achieved an equivalent standard of competency.

A 15.3. All personnel undertaking tree works must wear the appropriate Personal Protective Clothing and be adequately trained.

A 16. Funding

A 16.1. Where land is to be adopted by the Parish Council an appropriate commuted sum will be required in order to maintain and manage any tree or hedgerow on that land and, where appropriate, to plant additional trees or hedgerows.

A 16.2. The Parish Council will ensure that adequate resources are made available in order to meet its legal liabilities in respect of tree safety. Extra resources may be required if prolonged periods of extreme weather prevail.

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