

ASHCHURCH RURAL PARISH COUNCIL

TREE MANAGEMENT POLICY

AIMS

To value trees for the significant contribution they make to wellbeing and 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.

INTRODUCTION

The Parish Council does not have a tree stock but should it acquire trees it has a responsibility to ensure they are regularly inspected and managed to ensure public safety and to minimise risk to property in particular in areas where the public may walk or sit beneath trees.

The Parish Council would do this with the following objectives in mind:

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.

Ensure that the work undertaken on Parish Council trees is done to a high standard, is appropriate and in accordance with best practice as it relates to arboriculture.

Ensure appropriate management of trees which are important for biodiversity, as wildlife corridors or as landscape features.

Promote the positive contribution made by trees to open spaces, including the value which they have for wildlife.

Identify opportunities for appropriate tree planting schemes including community orchards.

TREE WORKS - TREE INSPECTIONS

Should the Parish Council acquire a tree stock it should be visually inspected every 2 - 3 years, depending on the location and risk-assessment.

The Parish Council should also conduct its own routine annual visual assessment for dead branches, plus ensure that additional checks are carried out after periods of bad weather to identify damaged trees. The Parish Clerk should retain records of the safety checks where appropriate.

POLICIES

Should the Parish Council acquire a tree stock it 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.

Monitor Trees which are in decline in order to ensure they pose no risk to people or property.

Act promptly, where it can be demonstrated that a tree from the Parish Council's stock is the direct cause of damage to property, to rectify the problem. In cases of damage to property it must clearly be demonstrated that the tree is the principal cause of the damage.

(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 and work will not be carried out on trees to address the issues of bird droppings).

In addition:

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.

Prior to works being carried out on a mature tree the potential for bat roosts will be assessed. 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. If bat roosts are found to be present, appropriate mitigation measures will be implemented before any work takes place.

The Parish Council will consider accepting third party sponsorship for tree work only where this has been identified as good arboriculture practice and will work with partners and community groups to identify opportunities to acquire or increase its tree stock through appropriate tree planting.

Veteran trees will be managed in a way that preserves their unique characteristics and there will be a presumption against removal of existing trees and where this is necessary, replacement in the same location, or if this is not possible, consideration will be given to another more suitable location.

Where appropriate, the Parish Council will consider planting new, species rich, native woodlands in locations to meet a variety of objectives, including habitat creation, the screening of unsightly development, the provision of shelter and the enhancement of the landscape.

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, 2006 or any amendment to that legislation as a result of the United Kingdom's exit from the European Union.

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.

In addition, 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, tree belts and wooded areas.

Adequate resources will be made available in order to ensure that the Parish Council complies with its duty of care in respect of tree safety.

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.

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.

RATIONAL FOR PROVISIONS WITHIN THE TREE POLICY

Tree Inspections

Should a tree stock be acquired:

Ashchurch Rural Parish Council will carry out a rolling programme of tree inspections in order to ensure that its tree stock is kept safe and in a healthy condition.

The Parish Council will identify any tree that may pose a risk to health and safety and in the case of unsafe trees remedial actions will be taken within a time scale recommended by inspectors.

Other works will be organised in line with the priorities identified by the inspectors.

Appropriate re-inspection dates will be 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.

Dead, Dying and Dangerous Trees

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.

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. In some instances a dead tree could be reduced to a standing trunk to provide habitat for wildlife.

Dangerous Branches

A dangerous branch is one which is dead, shows signs of decay or damage, or weak attachment to the tree and which could cause harm or damage if it fell. Where a dangerous branch is identified the Parish Council has an obligation to make it safe.

Damage to Property

Where it can be demonstrated that a tree is the primary cause of direct or indirect damage to property the Parish Council has an obligation to rectify the problem. Direct damage may include tree roots lifting paving stones, or trunks or branches damaging garden walls or fences.

Indirect damage may include subsidence due to soil shrinkage resulting from water extraction by tree roots. 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.

Falling Leaves or Debris and Aphid Problems

The Parish Council is not legally responsible for fallen leaves or other tree debris such as cones, seeds, berries, fruit, blossom etc. 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.

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. Where honeydew affects cars it can be removed using warm soapy water, particularly if the car is washed as soon as possible.

Branches Affecting Telephone and Power Lines

Effective use of telephone lines and power supplies is the responsibility of the service provider. 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.

Television Reception

The Parish Council would not normally carry out works to trees, or remove trees in order to improve television reception. 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.

Overhanging Branches

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.

Under common law a property owner has a legal right to cut back overhanging branches to their boundary. This work should be carried out by a competent person to a good standard in accordance with British Standard 3998:2010, ('Recommendations for Treework').

Branches Obscuring Signs or Street Lighting Columns

Where 'council owned' trees are blocking street lights, road signs etc. and jeopardise public safety the Parish Council is obliged to alleviate the problem, 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.

Solar Panels

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.

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.

Development Priorities

From time to time it may be necessary for the Parish Council to carry out work on trees in response to its development priorities.

Development priorities may include maintenance and improvement or the redevelopment of parks, gardens and other green spaces. Where trees are removed the Parish Council would normally seek to replace them with species appropriate to the location and site conditions.

Trees in woodlands and other heavily wooded areas may also need to be thinned out periodically to encourage the growth of the most appropriate specimens and species.

Dead and Veteran Trees

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. Veteran trees, (trees which, because of their great age, size or condition, are of exceptional cultural, landscape or nature conservation value), should be managed and maintained in order to preserve their unique characteristics.

Wildlife

It would be unreasonable to expect the Parish Council to carry out work on trees in order to address the issue of bird droppings. Nesting birds are protected by the Wildlife and Countryside Act, 1981, (and other related wildlife law). Only health and safety works will normally be considered during the nesting season in order to avoid causing unintended disturbance to nesting birds.

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.

When carrying out tree works, the Parish Council is obliged to comply with

all legislation relating to the protection of wildlife.

Sponsorship of Tree Works

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.

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.

Sponsorship would only be considered where the works would normally form part of the Parish Council's scheduled work programme. No tree works would be considered which did not comply with BS 3998 2010.

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

Except in the case of overhanging branches, (see above), any unauthorised works to Parish Council owned trees carried out by any person would constitute criminal damage.

Standards

All works to Parish Council trees will be carried out in line with British Standard 3998: 2010 and any contractor carrying out work on behalf of the Parish Council should be Arboricultural Association approved, or able to demonstrate that they have achieved a similar standard of competency. All personnel undertaking tree works must wear the appropriate Personal Protective Clothing and be adequately trained.

Funding

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.

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.

Policy Adopted – 22 February 2021

Review – In the event of a tree stock being acquired but in any case in January 2024