



Heybridge Parish Council

Tree Policy

1. Introduction

Trees are a highly valued feature of Heybridge Parish; they make an enormous contribution to the character and beauty of our landscape and create/maintain environments rich in biodiversity. The Parish Council values its trees and recognises both the human and environmental benefits of having a healthy and sustainable tree population.

We also recognise that although trees are a positive feature, they can be the cause of a range of problems, from being a nuisance or inconvenience to potentially causing serious injury or even death. As a tree owner we have a direct responsibility for ensuring our trees do not pose a danger to the public or property and are managed appropriately. This policy sets out Heybridge Parish Council's approach to tree management.

We aim to inspect our tree stock at an appropriate frequency, depending upon number of pedestrians, vehicles and other targets either passing beneath or within falling distance of the tree, to ensure continued public safety. Following inspection the trees will be assigned a risk classification which will inform their prioritisation for maintenance works.

2. Policy Scope

This policy applies to all trees under Heybridge Parish Council ownership.

Trees growing on land which forms part of the adopted highway are the responsibility of the Highways Authority. Trees growing on land which forms part of the drainage system including ditches etc. are the responsibility of the Environment Agency or Anglian Water.

Although we believe this policy to be as comprehensive as possible, we acknowledge it does not cover every situation. The Parish Council reserves the right to exercise discretion in application of this policy when to do so would be in the best interests of the Council and its residents.

3. The Importance of Trees in the Urban and Rural Landscape

Trees are important features in the landscape. They help to create an attractive environment, making the Parish a better place to live, work, study and visit. They bring colour and contrast, screen unsightly structures, give privacy and soften the hard lines of streets and landscapes. Not only do trees

have a visual quality, but they also enhance the environment in less obvious ways:-

- They improve air quality by filtering airborne dust, smoke and fumes;
- They absorb traffic noise in built-up areas and can help limit noise pollution;
- They reduce temperature extremes by providing shelter in hot weather and insulation in cold weather; trees adjacent to buildings can reduce air conditions and heating costs;
- They act as a screen, increasing privacy in residential roads and gardens;
- They convert carbon dioxide to oxygen, increasing the quality of the air locally and helping to reduce the 'greenhouse effect';
- They provide food and habitat for birds and other wildlife, thus supporting nature conservation value and biodiversity;
- Research has shown that trees provide many psychological and health benefits and have been shown to reduce stress significantly.

4. Trees on Heybridge Parish Council Owned Land

The Parish Council has discretionary power to provide and maintain trees on open spaces and amenity land under the Open Space Act 1906. As such we have a responsibility to maintain trees within our ownership to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance. All enquiries regarding trees on Parish Council land should be directed to the Clerk.

5. Inspection of Trees

We work to a risk-based approach to tree management: a programme of inspection identifying and prioritising potential hazards.

6. Tree Maintenance

Tree maintenance is currently mostly 'reactive' in nature and conducted in response to reports received by the Council concerning specific trees. In future, a greater level of tree maintenance work will be conducted as a result of information gathered during pro-active tree inspections. However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and normally originates from the following:

- Programmed and routine inspections by a qualified tree inspector/consultant
- Ad-hoc inspections by the Tree Warden following enquiries, reports and service requests.
- Reports from residents
- Enquiries from County, District and Parish Councillors;
- Reports from utility companies;
- Emergency works (e.g. resulting from high winds.)

The following categories will be used with prioritising tree works:

Priority	Response
1 – urgent public safety	From within 24 hours to one week depending upon the risk
2 – non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year
3 - desirable	12 months where possible
4 – non-priority	No action proposed

A tree could warrant immediate attention if, for example:

- It has snapped or blown over;
- It is rocking (roots are damaged);
- It is uprooted but held up by another tree or building;
- A large branch has broken off or is hanging off the tree;
- It or its branch is blocking access to property;
- It has fallen on to a structure, such as a building or car.

A tree may be a risk to people or property but does not require immediate attention if: for example

- It is dead;
- It is dying (few leaves in summer or dieback in the crown);
- Its bark is loose and falling off;
- Mushrooms or fungi are growing on or near the tree;
- Old splits and cracks are in the trunk or large branches;
- Smaller branches or twigs are falling from the tree.

Trees will be made safe via pruning or felling and we would use the most cost effective approach. However, for certain High Value trees we would consider other options to reduce the risk to an acceptable level. This would include options to reduce the likelihood of the tree falling or the likelihood of persons being close to the tree if it did fall.

7. Publicising Tree Felling/Pruning

Where works are minor such as pruning (including repeat cyclical pruning of trees) or involve removing trees that are less than 15cm diameter at a height of 1.3m, we will not publicise the works.

Where works are more impacting, for example felling larger trees, carrying out works to a veteran tree or a tree with a Tree Protection Order (TPO), we will erect an informative site notice on or very close to the affected tree. If more than one tree at the same location are affected it may be more appropriate to erect a site notice including a map/schedule.

If a tree scheme (felling, pruning or planting) is judged to be more impacting on the local area we will consider more publicity as appropriate.

Where a competent officer has determined that the tree should be felled on public safety grounds there will be no public consultation and no right of objection.

8. Dealing with Tree Care

While works are sometimes necessary to ensure that trees are in a safe and healthy condition, we receive many requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment and enjoyment of the Parish by local residents and visitors. Many of the complaints received involve minor or seasonal issues that are generally considered foreseeable or social problems associated with living near trees, which can often be minimised through careful pruning and careful species selection when planting.

9. Obstructing/ Overhanging Tree Branches

Tree branches can cause obstructions to public footpaths, roadways/signs, streetlights and open spaces. Appropriate pruning to eliminate hazards caused by obstructive branches will normally be acceptable, providing efforts are made to retain the shape of the tree.

We will undertake work to trees in Parish Council ownership to maintain a minimum 5 metres clearance over roads and 2.4metres over formal footpaths.

We will not prune trees that overhang neighbouring properties unless the trees are too dangerous or causing an actionable nuisance (i.e. touching the walls, roofs, windows, gutters, garage etc.). This will ensure that damage to property such as aerials, tiles or gutters is avoided.

Adjacent landowners do have a common law right to prune back tree branches to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a TPO or situated within a Conservation Area.

10. Shading and Loss of Light

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

11. Loss of View

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape. Historical records may be used to determine the level of management required. Pruning of trees for highway sight-line requirements will be dealt with on a case by case basis.

12. Trees Affecting Reception (Television/Satellite/Solar Panels)

Pruning in the short term may help improve television reception. However in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a booster. Residents are advised to contact their satellite or TV provider for specialist advice.

Similarly, we will not prune or fell a tree in our ownership to improve natural light to a solar panel. Whilst we recognise the need for renewable energy sources, trees are also important in tackling climate change.

13. Overhead Cable/Telephone Wires

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, we will encourage utility operators to adopt the most appropriate long term solution, giving consideration to tree health, local tree cover and visual amenity.

14. General/Minor Nuisances

We will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems are:-

- Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- Insects associated with trees (spiders, wasps, flies, etc.);
- Reduction or increase of moisture to gardens;
- Suckers or germinating seedlings in gardens;
- Leaves falling into gutters, drains or onto flat roofs;
- The build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with these issues alone.

We would not normally prune or fell a tree under our ownership that bears poisonous fruit/foliage (such as laburnum or yew.)

15. Trees Considered too big/too tall

We will not prune or fell a tree under Council ownership because it is considered to be 'too big' or 'too tall' for its surroundings. Trees grow adaptively to support themselves in relation to their surroundings and the typical loads they can be expected to experience. Trying to contain trees to a specific size is only a suitable management regime for certain species in specific circumstances (i.e. pollarding.)

'Crown reduction' can also be used to allow the retention of an important tree with structural defects, trees which cause an obstruction or trees which are likely to cause structural damage to property which would otherwise need to be removed. In all other situations, reducing the size of a tree's crown is not considered appropriate.

16. Ivy

Ivy is a native species which provides important habitat to a wide range of wildlife, especially as an important source of food and cover for birds. Ivy often grows on tree stems and branches and can restrict the full structural assessment of a tree. It is rarely a significant threat to healthy trees.

Ivy will be severed at the base of relevant trees where it restricts the full assessment of parts where a significant defect is suspected, or where ivy growth is so prolific it increases the sail area or affects the growth of the inner crown of a tree to an unacceptable level.

Once severed, ivy will be left *in situ* to die back. This will reduce the impact of any loss of cover/habitat to local biodiversity and will help prevent sun damage to newly exposed parts of the tree.

17. Damage and Tree Roots

Many tree conflicts arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

Root invasion in gardens – tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal.

Landowners do have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a TPO or situated within a Conservation Area. The mere encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

18. Damage to Walls and Fences

It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. Therefore, where trees are considered to be causing damage to walls or fences, we will only consider tree removal if the wall or fence is irreplaceable and of exceptional importance e.g. a retaining wall or of

historical interest, or if there is a risk to public health in leaving the tree which cannot otherwise be mitigated.

If a damaged wall or fence was constructed after planting of the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account.

19. Damage to Paths

It is often possible to repair paths to take account of adjacent trees and tree roots. Where trees are considered to be causing damage to paths or footpaths, we will not normally consider tree removal except where there is a risk to public health which cannot otherwise be mitigated.

20. Damage to Drains or Water Pipes

There is no evidence to suggest that tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense. Tree removal will not normally be considered.

21. Protected Trees – Tree Preservation Orders (TPO's)

A TPO is a legal document made, administered and enforced by the District Council to protect specific trees and woodlands with public amenity value. A TPO prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission.

22. Trees in Conservation Areas

It is an offence to cut down, prune, lop, top, uproot or wilfully damage or destroy a tree in a conservation area without giving prior written notice to the District Council.

23. Other factors constraining work to trees

- i) **Birds** – Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent major tree work involving tree removal/reduction and hedge cutting operations should not normally be undertaken during bird nesting/breeding season, which is considered to be from 1st March to 31st July.
- ii) **Bats** – Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended.) Causing damage to a roosting/nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

- iii) Restrictive Covenants – occasionally restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

24. Vandalism and Damage to Council Owned Trees

The main methods of deterring vandals are to plant large numbers of very young trees, known as whips, or to plant larger robust trees depending on the site. Another method is to put guards or fencing around trees, but these have to be large enough and strong enough to offer real protection.

We will investigate any reports of vandalism/damage to trees in our ownership and try to repair any damage where we can. Where possible, we will take legal action against the person(s) causing the damage.

25. Insurance Claims

Where trees are alleged to have caused direct or indirect damage to property and a formal claim is submitted the matter will be referred to the Parish Council's insurers.

30 March 2015

Clerk

Reviewed April 2016.

Reviewed and agreed 18 May 2017.