

# **Stratton Parish Council**

## **TREE POLICY**

The Tree Policy was adopted by the Parish Council at its Meeting held on 20<sup>th</sup> September 2016.

### **GENERAL POLICY**

This policy defines the Council's approach to tree management on its land. It is intended to be a point of reference for the Public, Councillors and Officers to ensure a consistent and structured approach to the management of the Council's trees. This policy sets out a proactive and systematic method of management that will both conserve and enhance our tree population and the amenity value of our land. For sites of special character, or that have trees of particular significance, this general policy will be supplemented with the site's particular management needs.

### **TREE PROTECTION**

Due care will be taken by the Council to ensure that damage to trees by mowing and strimming is prevented. Longer grass margins around trees may be left. Protection will be provided for newly planted or young trees where appropriate, e.g. timber-sided planting boxes and strimmer guards.

### **TREE INSPECTIONS**

The Council has a duty of care for its trees and will inspect trees in high risk areas by a recognised tree surgeon as necessary. High risk areas will include such areas as adjacent to the public highway, major footpaths and other areas of high use such as the Council's play areas.

The Council will also consider requests to conduct tree work on the Council's land from members of the public. If the request concerns a potentially dangerous tree, the tree will be inspected on the same or next day. If the request is of a non-urgent nature, an inspection will be undertaken within 30 days. In all cases, the member of the public will be informed of this inspection policy and will be informed of any action to be taken resulting from the inspection.

The Council recognises the importance of mature and ancient trees and will balance safety with a duty to protect the environment. Higher levels of risk will be acceptable in areas of lower footfall (e.g. the middle of a woodland site) as opposed to highly visited areas (e.g. play areas). This will allow the Council to keep veteran trees to encourage biodiversity without creating undue risk.

### **TREE FELLING**

The Council will avoid felling trees unless it is necessary. This will usually be for health and safety purposes, or to prevent the spread of serious tree diseases and pests. However, the Council reserve the right to fell trees to prevent overcrowding,

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to improve habitats or restore landscapes in line with site management or where a tree is inappropriate to its location and has a significantly detrimental impact on the appearance or amenity of a site.

### **WOODY DEBRIS**

Subject to a safety assessment and if appropriate to the specific site, large woody debris will be left in situ for the creation of wildlife habitats. Where possible, the trunks will be left standing, or lying on the ground in habitat piles. Tree stumps will also be left in situ where it is safe to do so as they provide a valuable wildlife habitat whilst they rot down.

### **HEDGES**

Hedges are an attractive feature on our sites and provide an important habitat for a wide range of species, offering food, shelter, protection from predators, wintering and nesting sites, and act as transit corridors. It is recognised that trimming hedges too severely can have a detrimental impact on their wildlife value. Where there is no negative impact on health and safety (e.g. visibility for motorists), the Council aims to have taller, bushier hedges. However, the Council will ensure that hedge growth does not impair the safety of highways users nor impede their access. Unless for urgent health and safety reasons, hedge cutting will not be conducted between March and July.

### **MAINTENANCE**

Tree work will be prioritised and carried out according to identified hazard and risk. After investigation and inspection, the Council will produce a programme of works within the available budgets. The emphasis will be on planned, rather than reactive, tree maintenance.

The following categories will be used to categorise our tree works:

- **Emergency:** Dangerous trees requiring immediate attention  
Timescale for works: Same day or next day wherever possible
- **Category One:** Essential works to mitigate hazard  
Target timescale for works, Within 12 weeks of identification
- **Category Two:** Desirable works, e.g. to improve tree health, loosening/removing tree ties at the tree grows  
Target timescale for works: Within 6 months of identification
- **Category Three:** Non-essential works, e.g. thinning out, formative pruning  
Target timescale for works: Within 12 months of identification

Tree maintenance will be conducted by trained Council Officers or by Contractors subject to the nature of the work. All tree works will be conducted to comply with BS 3998: 2010 Trees Works - Recommendations.

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Tree pruning will be carried out when deemed necessary following an assessment.

Pruning will be carried out:

- for health and safety reasons e.g. to remove some of the lower branches of a tree located near a road to enable traffic to pass safely
- where it benefits the health of the tree e.g. pollarding will be conducted regularly on certain species where it extends the lifespan of the tree and prevents splitting
- where it is in-line with site-specific management plans

There may be time when the tree maintenance the Council conducts does not meet the expectation of members of the public requesting works. In this situation, members of the public are advised to write formally to the Council and their comments will be reviewed.

When the Council will not undertake tree pruning or removal maintenance:

- in response to natural occurrences that do not pose a health and safety risk, such as falling nuts, bird droppings, falling leaves, or sap exudation
- where trees have a negative impact on television reception, where the canopy is blocking lighting, with the exception of street lighting
- where the tree is blocking views from a residence
- during the nesting season (March to July), unless the work is for urgent health and safety reasons. It is an offence to intentionally damage or destroy the nest of any wild bird while it is in use or being built; therefore tree works will avoid this
- if a tree contains roosting bats (it is a criminal offence to recklessly or intentionally disturb bats, or to damage or destroy a roost). If work is required for health and safety reasons, the advice of English Nature will be sought
- trees overhanging an adjacent property unless it poses a health and safety risk
- removal of dead branches (conduct crown cleaning) from trees located in relatively quiet locations due to their ecological value. However, if the dead or diseased branches pose a health and safety risk, or are felt to be impacting upon the tree's health, crown cleaning will be conducted

Although the Council will not automatically undertake maintenance work on its trees under the above circumstances, it will provide advice to members of the public, if they wish to carry out their own works on trees which belong to the Council and overhang their property. This does not mean that the Council accepts any financial responsibility for work carried out by the members of the public, but merely offers best advice on what is allowed under common law. This advice is shown on Appendix A - Common Law - Advice on Cutting of Trees Branches.

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### **TREE PRESERVATION ORDER - West Dorset District Council responsibility**

A Tree Preservation Order (TPO) is a form of planning control that protects trees that make important contribution to their local surroundings. TPOs are made when trees are under threat of being cut down or damaged.

It is illegal to cut down, prune, or damage a tree protected by a TPO without West Dorset District Council's consent. The unauthorised lopping or felling of a tree is a serious criminal offence and can result in a large fine and a criminal record.

Consent is needed to work on a protected tree, if you wish to undertake felling or crown reduction, please discuss your proposals with West Dorset District Council before submitting an application. It can take up to eight weeks for a decision to be made on a protected tree. Further details are available from West Dorset District Council.

This policy to be reviewed in May 2019

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### **APPENDIX A**

#### **COMMON LAW - ADVICE ON CUTTING OF TREE BRANCHES**

Under common law, a person may cut back any branch (or root) from a neighbour's tree that overhangs or encroaches onto their property. In cutting back any overhanging branches (or encroaching roots). The following points need to be observed.

- You must not trespass onto the land on which the trees are growing.
- Branches or roots must not be cut back beyond the boundary in anticipation of them overhanging.
- Any branches, fruit or roots that are removed must be carefully returned to the tree owner unless they agree otherwise.
- All work must be carried out carefully. For example you should avoid damaging property or carrying out work that would leave the tree unsafe or dangerous to avoid any comeback against yourself.
- You cannot alter the height of trees or hedges on neighbouring land.

While not required under common law, it would be courteous to notify the tree owner of your intentions to help allay any misunderstanding.

Please be aware that your common law rights are intended to allow you to carry out the minimum amount of work. If you carry out extensive works and in so doing you make the tree unsafe, the tree owner may have a case against you for criminal damage. You should be especially careful if you are pruning roots.

If the trees in question are subject to a tree preservation order or are growing in a conservation area then an application (in the case of tree preservation orders) or 'Notice of Intent' (in the case of trees growing in a conservation area) may be required and the following points will apply.

- The person intending to submit an application or notice must inform the owner of the land on which the trees are growing that an application or notice is to be made.
- The granting of consent in the case of a tree preservation order or the raising of no objection in the case of trees in a conservation area means that the tree work applied for is acceptable in arboricultural and planning terms only. It does not give the person submitting the application or notice an automatic legal right to carry out the work. The question of ownership is a civil rather than a planning issue and the landowner's permission must be obtained in addition to any planning approval.
- Any application or notice relates to the land and the landowner may also carry out the approved works if they so wish.