

Sutton-in-Craven Parish Council

Tree Management Policy

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1. INTRODUCTION

This is a policy for the management of trees **owned and maintained by Sutton-in-Craven Parish Council (SPC)**). (Section 8 provides some general guidance for residents) It is intended to act as a point of reference for councillors and members of the public to ensure a clear, consistent and structured approach to the management of our trees. SPC has a responsibility to take reasonable steps to manage its trees to reduce the risk of death or injury to those on parish council land.

Trees help to add a variety to our landscape and provide valuable habitats for many species, while providing us with cleaner air. SPC aims to preserve its trees for future generations to enjoy. SPC has trees situated in the conservation area and many of these have Tree Preservation Orders (TPOs) on them.

Any queries on trees belonging to SPC should be made to the clerk.suttonincraven@gmail.com

2. TREE RISK ASSESSMENT & LEVEL OF RESIDUAL RISK

It is not possible to eliminate all risks from trees however there are often indications that a tree may be in decline. SPC employs a professional and independent arboricultural consultant to undertake a Risk Assessment every 3/4 years, or more frequently where an individual tree has been found to require closer attention. The assessment records the condition and required maintenance schedule for SPC-owned trees and identifies any which pose a risk to health and safety. The tree maintenance schedule aims to reduce the risk to an acceptable level. The legal framework does not require the elimination of risk altogether, but that the residual risk is minimised to a tolerable level.

3. TREE MAINTENANCE SCHEDULES & PUBLIC REQUESTS FOR MAINTENANCE

Tree maintenance schedules will be put out to tender and works carried out in accordance with the Risk Assessment. SPC will also give consideration to any complaints or requests for maintenance from the public regarding trees on SPC-owned property, taking into account its

tree management policy and/or advice from a qualified tree surgeon. If a SPC-owned tree is inspected and found to be in such a condition that it poses a high risk to people or property and is considered to be an emergency situation, instruction will be given to our tree contractor to make the tree safe as soon as practicably possible. If a tree is identified as requiring action, but the risk to the public is not immediate, then the tree will be made safe depending on the degree of risk identified at the time of inspection.

4. TREE WORKS WILL TAKE PLACE WHEN

- (a) There are dead, dying or dangerous trees and branches that are found to be a danger to public safety
- (b) Trees or branches are creating an unreasonable obstruction to a public highway, highways signage, public right of way or access to property
- (c) A tree is causing an unacceptable trip hazard considered on the public highway, public right of way or access to property
- (d) A tree which is proven beyond reasonable doubt to be the cause of serious structural damage to buildings as identified by an independent competent professional assessor

5. TREE WORKS MAY TAKE PLACE WHEN

- (e) Trees are deemed by SPC to be an inappropriate species for their situation
- (f) To ensure that a streetlight can perform to its design specification without being unduly blocked by the presence of trees
- (g) Where a tree/branch is touching, or almost touching a dwelling – we aim to give a minimum of 1.5m clearance in these situations
- (h) To maintain historic vistas or in the interest of preservation of heritage structures
- (i) Trees giving rise to justifiable fears about risk of crime, or trees that have provided access and/or cover for criminal activity
- (j) Trees and branches restricting grounds maintenance operations
- (k) Trees which need formative pruning to shape or train them during the early years
- (l) Thinning of trees where it will benefit adjacent specimens or those of more favourable species
- (m) The tree is a species which is known to ultimately outgrow its location and in doing so unreasonably restricts the use of the area
- (n) Trees restricting repairs and maintenance of property
- (o) To protect or enhance biodiversity
- (p) To improve the aesthetics of the designed landscape

6. TREE WORKS WON'T TAKE PLACE WHEN

- (q) We will not prune or fell a tree because it is considered to be 'too big' or 'too tall', or to cut back branches of a healthy tree overhanging private property
- (r) We will not prune or fell a tree to remove or reduce any of the above categories, other than in extreme circumstances: Leaves, Sticky sap, Blossom, Tree pollen, Bird droppings, Falling fruit/berries/nuts
- (s) We will not prune or fell a tree to remove or reduce incidence of perceived pests such as bees, wasps, or other wildlife
- (t) We will not prune, fell or cut the roots of a tree to prevent roots entering a drain or pipe that is already broken or damaged
- (u) We will not prune, fell or remove roots from drains or repair root damage to structures where the tree has not been clearly demonstrated to be the principle cause
- (v) We will not prune or fell a tree to improve natural light or the view from a property
- (w) We will not prune or fell a tree to prevent interference with TV or satellite TV installation/reception or to prevent the shading of solar panels
- (x) SPC has no authority to intervene in a dispute between neighbours where non SPC owned trees are causing a nuisance or damage to property

7. TREE PLANTING

SPC will aim to replace any trees that are removed from its own land. All new tree planting will utilise high quality, disease free planting stock from reputable suppliers grown to British Standard 3936. Planting will be undertaken following the principles set out in the British Standard 8545 (2014) Trees:

From Nursery to Independence in the Landscape – Recommendations.

SPC recognises the contribution of native species to biodiversity and also to the character of Areas of Outstanding Natural Beauty (ANOB). However, this must be considered in tandem with the predicted impacts of climate change. The ultimate aim will be a robust tree stock of varied age distribution and a wide range of appropriate species and genetic material.

SPC will explore options relating to the provenance of trees (both in terms of origin of seed and all parts of the growing process) and will look for opportunities to support those suppliers who grow high quality, disease free trees which are likely to be suitable for the future. This will help to reduce risks associated with the importation of trees and soil which are a significant source of pests and disease which threaten UK trees.

SPC will investigate the potential to source trees which meet this criterion and will support and work with those suppliers who can help achieve this goal. Trees will be selected which will be specifically suited to their location for the long term and will minimise future conflicts.

8. GUIDANCE FOR RESIDENTS

Tree Management Principles

A principle of English Common and Statute Law is that land and tree owners have a duty of care to visitors, residents, passers-by, and even trespassers on their land. The Land Owner has a statutory duty of care under the Health and Safety at Work etc Act 1974 and Occupiers Liability Acts 1954 and 1984 to ensure so far as is reasonably practicable its trees are safe and not a danger to the public.

Liability for Hazardous Trees

The owner and/or occupier of land upon which trees stand is generally liable for any loss or damage in resulting from falling branches or from the falling of the tree itself. Whilst the incidence of accidents is low falling branches have resulted in deaths and caused serious road accidents.

Under Health and Safety at Work etc. Act 1974, all occupiers have responsibilities to ensure the safety of those not in their employment. “Occupier” is generally taken to mean any person or having control of premises, in this case land.

There are clear legal responsibilities to assess risks that arise from trees, and to take suitable and sufficient steps to control such risks.

In addition, occupiers have duties under the Occupiers Liability Act 1984. This states that the occupier owes a “common law of duty of care” to visitors and those who enter his land or premises, and this duty of care extends to trespassers.

Liability of Tree Owners

Occupiers and anyone with responsibility for trees (e.g. a tenant) must take reasonable steps to manage and reduce risk and this include identifying and inspecting those trees that might cause injury or place property at risk. When hazardous trees are identified suitable remedial action should be taken to reduce risks.

Tree Works Permissions for Protected Trees – Tree Preservation Orders & Conservation Orders

Local Authorities retain control of trees that are covered by Tree Preservation Orders or in a Conservation Area. They will also consider trees on private land that may benefit from having a TPO placed on them and where necessary refer the tree to the other local authorities or organisations.

Any work to Trees on private property which have either a Tree Preservation Order or are located in a Conservation Area will require permission of the Local Planning Authority (LPA) which for Sutton-in-Craven Parish Council is Craven District Council.

Trees on your property without Protection

To help protect Britain’s forests, a felling license from the **Forestry Commission** is required to fell any tree. It is an offence to fell trees without a license if an exemption does not apply.

Trees on Your Property with Branches that Overhang Neighbouring Property

It is well established in law that neighbours have a legal right to trim, only from within their property, overhanging branches, however they must offer to return the cut branches. This can

often result in an unbalanced tree, therefore, where a problem exists Tree Owners are strongly advised to liaise with neighbours to avoid the risk of inappropriate action being taken to the tree.

Trees on your property that overhang, public highways, pavements, paths, public lighting.

It is advisable to ensure trees and vegetation which overhang public highways, pavements, paths and lighting are regularly maintained (out of nesting season) to ensure clearance widths and heights are maintained, otherwise they may be contacted by Local Authorities. Local authorities, including Parish Councils, have certain powers to deal with trees not on their land which overhang the highways, streets, pavements, paths and lighting. They can give notice to the owner requiring them to cut or prune the tree. If the owner fails to comply the Authority may carry out the work and charge the owner.

OTHER CONTROLS ON THE FELLING OF TREES

There are other controls on tree felling which may need to be taken into account. When you apply for your licence to fell trees you must also ensure that you take account of all other legislation. The following examples deal mainly with the need to get permission to fell trees.

Hedgerow Regulations. If trees to be felled are within a hedgerow and it is proposed to remove the hedgerow, permission will also be required under the Hedgerow Regulations 1997.

<https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>

SSSI. If work is to be carried out that is on or near or may affect a Site of Special Scientific Interest (SSSI), Natural England (NE), must be advised, in writing, so that they can assess the likely effect. A letter of consent may be required from them before any felling is carried out.

<https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest>

SINC. If work is to be carried out that is on or near or may affect a Site of Importance for Nature Conservation (SINC)

it is advisable to contact Craven District Council for further information.

Scheduled Ancient Monument. If work is to be carried out that is on or near or may affect a Scheduled Ancient Monument you must tell English Heritage (EH). A letter of consent may be required from them before any felling is carried out. <http://www.english-heritage.org.uk>

INFORMATION ON TREE CROWNING

General information - The common operations described and simply illustrated here show some of your options. An arborist should be able to help in defining the work that will be appropriate for the tree(s) and in line with British Standard 3998 – Recommendations for Tree Work.

Please note that the entire branch system is known as the 'crown'. LPA approval is not required to remove dead branches.

Crown Thinning - This reduces the density of the tree's crown without changing the overall shape and size of the tree. Thinning reduces the amount of foliage and allows more light through the canopy or crown. The amount of thinning proposed should be specified as a percentage (%)

of the leaf area (usually no more than 30%). Useful for letting more light into gardens and windows.

Crown Lifting - This means removing lower branches to increase the clearance between the ground and the crown. Identify the branches you wish to remove or specify a height above ground level to which you wish to "lift" the crown. Useful for allowing more light into gardens.

- Prevents low branches obstructing paths, drives etc.

Crown Reduction - The tree crown is reduced by shortening branches, and so changes the overall size and shape of the tree. Reductions are usually carried out all round the outer parts of the crown to maintain a balanced shape, but seldom should it include cutting through the main stem. The amount of reduction proposed should be stated in terms of the intended height and spread of the tree after pruning (rather than what percentage (%) of the overall crown is to be removed). Partial reduction may be useful for preventing branches contacting buildings, roofs and guttering.