

# Horrabridge Parish Council

## Tree Policy

### Introduction

Trees are a highly valued feature of the parish of Horrabridge; they make an enormous contribution to the character and beauty of our landscape and create /maintain environments rich in biodiversity. Horrabridge 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 Horrabridge 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.

### 1. Policy scope

This policy applies to all trees under Horrabridge Parish Council ownership/management, regardless of their location.

Set out below is an overview of responsibility for tree related issues which are not specifically managed by Horrabridge Parish Council.

West Devon Borough Council (WDBC) administer Tree Preservation Orders, Conservation Areas, Hedgerow Regulations, and planning applications relating to trees.

Trees growing on land which forms part of the adopted highway are the responsibility of the Highways Authority, Devon County Council.

Tree owners are directed to the Arboricultural Association's list of approved contractors and consultants (<https://www.trees.org.uk/>).

Although we believe this policy to be as comprehensive as possible, we acknowledge it does not cover every situation. HPC reserve 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.

### 2. 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, 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 conditioning 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.

### **3. Trees on Horrabridge Parish Council managed land**

The 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/management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance. All enquiries regarding trees on Horrabridge Parish Council managed land should be directed to the Council by email: [clerk@horrabridge-pc.gov.uk](mailto:clerk@horrabridge-pc.gov.uk): 01822 854045

#### **3.1 *Inspection of trees***

4.1.1 Informal observations – undertaken by people with good local knowledge and familiarity with local trees who are not tree specialists. Informal inspections are on-going, a part of daily life.

4.1.2 Formal observations – the inspection is not incidental to other activities, ground level checks to identify immediate instability, uprooting or other structural failure. Undertaken by people without tree related qualifications but do have a general knowledge of trees and the ability to recognise normal and abnormal appearance and growth for example fractured branches, rocking root plate. Frequency is determined by prioritising by risk, the decision is the judgement of Parish Council Clerk applying sensible reasonable behaviour. Appendix 1 contains details of how often formal observations will be carried out.

4.1.3 Detailed inspection – should be applied to individual, high value trees with high-priority concern in well-used areas. Carried out by a competent specialist and usually applied to trees valued for their heritage, amenity or habitat and those suspected of posing a high level of risk. Appendix 2 contains details of regularity of tree inspections in areas that the Parish Council manages.

#### **3.2 *Tree maintenance***

Our tree maintenance work will be conducted because 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.
- reports from residents;
- enquires from County, District and Parish Councillors;
- reports from utility companies;
- cyclic maintenance;
- emergency works (e.g., resulting from high winds).

The following categories will be used when prioritising tree works:

Priority	Response
Priority 1: Urgent Public Safety	From within 24 hours to one week depending upon the risk
Priority 2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year
Priority 3: Desirable	12 months where possible
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 the road or footpath;
- 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 failing or the likelihood of persons being close to the tree if it did fail.

#### **4. 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 15 cm diameter (6 inches) at a height of 1.3 metres, 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 is affected it may be more appropriate to erect a site notice including a map / schedule.

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.

#### **5. Dealing with tree care**

To ensure that requests for works to trees are dealt with efficiently, consistently, and fairly, our policy in relation to the more common types of requests is outlined below.

##### *5.1 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 Council ownership / management to maintain a minimum 5 metres clearance over roads and 2.4 metres over formal footpaths.

We will not prune trees that overhang neighbouring properties unless the trees are 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 Tree Preservation Order (TPO) or situated within a Conservation Area.

##### *5.2 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.

Where elderly, infirm, or disabled persons who spend a significant amount of time within their home are affected by loss of light, or it can be established that the presence of trees is detrimental to the health of such residents, further consideration will be given to the management approach to trees.

This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.

### *5.3 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 or townscape. 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.

### *5.4 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. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

Similarly, we will not prune or fell a tree in our ownership / management 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.

### *5.5 Overhead Cables / 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.

Problems caused by branches interfering with privately owned telephone wires can usually be eliminated through appropriate pruning and tree removal would not usually be considered.

We will not prune or fell a tree in our ownership / management to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

### *5.6 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 / management that bears poisonous fruit / foliage (such as laburnum or yew).

However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate and take action, where appropriate.

### *5.7 Trees considered too big / too tall.*

We will not prune or fell a tree under council ownership / management 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).

This process is initiated 'soon after (a) tree is established' and 'larger trees should not normally be treated in this way' (BS3998: 2010 Tree work – Recommendations). '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 trees crown is not considered appropriate.

### *5.8 Personal Medical Complaint*

We will normally not prune or fell a tree under our ownership/management where a request has been made to do so because of a personal medical complaint. However, where it can be established that the presence of a tree is causing a detriment to the health of residents further consideration will be given to the management approach of trees.

### *5.9 Ivy*

Ivy (*Hedera helix*) 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.

## **6. 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 Tree Preservation Order (TPO) or situated within a Conservation Area.

Most species of deciduous tree will re-sprout from the stump when cut down. Many species will produce a new growth shoot from a root if it becomes exposed to sunlight through ground erosion. Some species readily produce shoots from their buried roots as a way to regenerate and this is often stimulated by stresses, such as heavy pruning or felling. Numerous tree species (including Cherry and Poplar) are therefore likely to produce vigorous root suckers as a response to being felled. Poisoning a stump to prevent such suckering is not always successful since application of herbicide onto a stump face often only affects the stump and the upper roots.

Tree felling or branch pruning in response to root invasion in gardens would not normally be appropriate, as such works are likely to worsen existing problems. The pure encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

### **6.1 *Damage to walls and fences***

It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. This can be achieved in a number of ways (for example installing a section of railing or bridging foundations around the base of a tree). Therefore, where trees are considered to be causing damage to wall or fences, we will only consider tree removal if the walls 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.

### **6.2 *Damage to paths***

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude they can be root pruned, or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. 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.

### *6.3 Damage to drains or water pipes.*

There is no evidence to suggest that the 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.

### *6.4 Trip Hazards*

We will make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership / management.

### *6.5 Installation of drop kerbs*

We will consider felling or pruning the roots of a tree under our ownership / management to allow the installation of a drop kerb. Each case will be considered on an individual basis.

## **7. Protected trees.**

### *7.1 Tree Preservation Orders (TPOs)*

A TPO is a legal document made, administered, and enforced by the local planning authority, to protect specified 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.

Horrabridge Parish Council recognises its responsibilities in regard to its trees that are protected by TPOs.

## **8. Other factors constraining work to trees.**

### *8.1 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.

### *8.2 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.

### *8.3 Restrictive Covenants*

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.



## **9. Vandalism and damage to Council owned/managed trees.**

Vandalism is an increasing pressure on trees. Usually, it is young newly planted trees that are damaged; however, mature trees are often damaged too. There are various ways in which vandalism can be counteracted, but none of these is 100% effective against determined attack.

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.

This latter approach tends to be the most expensive method and only appropriate in very high-profile positions. In the long run, increasing environmental awareness within schools and communities should help reduce vandalism. We will investigate any reports of vandalism / damage to trees in our ownership / management and try to repair any damage where we can.

Where possible, we will take legal action against the person(s) causing the damage.

## **10. Tree pruning techniques and who carries out the work.**

Horrabridge Parish Council will seek to ensure that tree works are carried out to the highest standards. In carrying out tree works, we and any third party working on trees over which we have a responsibility, will ensure that pruning conserves the overall amenity value, form and shape of the tree and all tree works must be carried out in accordance with British Standard 3998 – Recommendations for Tree Work. Particular pruning specifications may or may not be appropriate for trees of different ages, species, health and condition, or even between trees of the same species depending on their condition, age and environment. Clear and acceptable pruning objectives are necessary in advance of approval of a pruning specification.

## **11. Protection and Enforcement**

HPC will adopt a robust approach to damage to its property. Where HPC trees are felled or damaged without prior consent the matter will be referred to the police. Civil action will be considered to recover compensation for the loss of the tree and/or any remedial works including replanting with a suitable replacement, and aftercare. Accepted tree valuation methods will be applied, where appropriate, to establish a monetary value of the tree/s. Officer time investigating damage may also be incorporated in any claim.

HPC will also consider the use of Tree Preservation Orders in conjunction with the Local Planning Authority (WDBC) to increase the legal protection afforded to specific trees or woodlands which are considered to be under threat. Where damage is caused to a tree which is protected by a Tree Preservation Order, the Council will consider prosecution.

## **12. Tree Planting**

The principle aim of new planting will be to maintain and increase tree cover within the parish and to achieve a robust and diverse tree population, well suited to the planting location and able to meet

the challenges of a changing climate and pests and disease, whilst maximising amenity, biodiversity, and other tree related benefits.

All new tree planting will utilise high quality, disease free planting stock from reputable suppliers grown to British Standard 3936.

HPC recognises the contribution of native species to biodiversity and also to the character of the area, 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.

Trees will be selected which will be specifically suited to their location for the long term and will minimise future conflicts.

HPC is committed to replanting trees following a tree removal. Wherever possible at least one replacement tree will be planted for each tree removed. Where, due to location or other issue this is not appropriate, HPC will seek to plant at least one tree on land which it manages in the vicinity so the tree cover in the local area is not diminished.

### **13. Aftercare**

Good aftercare for 2-3 years after planting is essential to ensure that the investment in trees is not wasted; this is particularly true for larger 'standard' trees. Aftercare of trees can be time consuming and expensive.

HPC will actively seek to involve the local community to help with watering and aftercare of newly planted trees (also giving them a vested interest in the future health of the tree).

HPC will seek to plant tree stock, where possible, which has a lower aftercare requirement, increasing the cost effectiveness of planting schemes.

### **Appendix 1: Formal Observations**

Formal observations will be made on the Council's tree's once a month and after storms. A record will be kept of the inspection but a record every tree inspected will not be kept. Records will include the date of the inspection, who carried out the inspection and details of trees requiring treatment and presenting a serious risk. Actions taken will be recorded.

## Appendix 2: Schedule for Professional Tree Surveys

<b>Area</b>	<b>Survey regularity</b>	<b>Last Survey Completed</b>	<b>Next Survey Due/Booked for</b>
<b>Fillace Park</b>			
<b>Weir Park</b>			
<b>Cemetery</b>			
<b>Allotments</b>			
<b>Old Burial Ground</b>			