

2019-2022

Tree Management Policy



LEIGHTON-LINSLADE
TOWN COUNCIL

1.0 Introduction

- 1.1 The parish trees are of immense environmental and aesthetical value to the Town and its residents. They brighten up our parks and open spaces, provide a habitat for wildlife, act as the Town lungs and even help to reduce the rising temperatures caused by climate change. Leighton-Linslade Town Council recognises these benefits, seeking to preserve healthy trees and encourage the planting of new trees where possible.
- 1.2 Whilst the majority live and grow without incident, a number of trees located in densely populated areas pose challenges and risks that need to be managed. This policy outlines how we intend to increase the number of trees across the parish, how we intend to manage the tree stock effectively, and how we reduce the risk that certain trees pose to the public.
- 1.3 The Town Council is only responsible for trees positioned on land owned by the Town Council.
- 1.4 This tree policy does not cover trees in private ownership which are outside Leighton-Linslade Town Council's control. Trees in private ownership are the responsibility of the private landowner. The policy also does not cover Tree Preservation Orders, Conservation Areas or high hedge legislation which is administered by the Central Bedfordshire Council's Planning Department.

2.0 Aim of the Tree Management Policy

- 2.1 The overall aim of the tree policy is to ensure that our tree stock is retained, enhanced and increased in the most proactive manner whilst ensuring the health, safety and well-being of the public and property.

3.0 Management of the Council's Trees

- 3.1 Leighton-Linslade Town Council intends to undertake a rolling 2 year inspection programme of its trees. This information is held on a database of trees and plotted on our geographical information system.

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- 3.2 This inspection programme is designed to assess the trees' condition and health whilst highlighting any work that may be required to ensure the tree is retained in the best possible condition.

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Witley Parish Council v Cavanagh Judgement and Implications. The judge concluded this lime tree should have been inspected at least every two years and ideally every 18 months when trees were in and out of leaf. Witley Parish Council appealed.

- 3.3 If a tree is highlighted to be dead, dying, diseased or dangerous and is posing an unacceptable risk to public safety, it will be identified for felling.

Rejecting the appeal, the Court of Appeal took the opportunity to reiterate the relevant legal principles as to a landowner's duty in respect of trees. By reference to the judgment in Stagecoach South Western Trains v Hind [2014]

- 3.4 The decision to prescribe work to a tree is calculated on a risk basis. Risk is calculated through the process of a visual tree assessment (Department of Environment, 'Research for Amenity Trees No.4 The Body Language of Trees'). An evaluation of the tree takes into account many factors including:

- Size
- Species
- Presence of structural decay or defects
- Relationship of any fungal infection relative to species

- 3.5 All these factors are considered in relation to the potential target, the damage that could be caused if the tree were to fail and the likelihood of it doing so.

- 3.6 If defects are observed, further detailed examination may be carried out using a range of decay detection equipment before any decision is taken regarding the trees future management.

- 3.7 If a contractor, rather than the Council's own Officers, recommends a tree for felling the Council's Qualified Officer will inspect this tree again prior to the felling taking place to ensure the Officer is confident that this is the correct decision.

- 3.8 In conjunction with the inspection programme, the Council will maintain a rolling maintenance programme carrying out cyclical works and works highlighted by an appointed inspector or the Qualified Officer. This rolling programme will reduce avoidable risks and issues, for example:

- Vehicle and pedestrian collision
- The removal of identifiable risks

- The removal or pruning of trees where its relationship to a property causes excessive problems.
- Obstructing footpaths or driveways by branches or epicormic growth

3.9 Felling and or pruning **will not be undertaken** for the following reasons:

- Blocking light
- Television or satellite signals
- Residents do not '*like*' the tree
- Leaf or fruit drop
- Unproven allegations of subsidence or direct damage
- Construction of dropped kerbs or new driveways
- Perceived threat
- The tree's size; '*its got too big*'
- The tree '*moves in the wind*'
- Bird droppings
- Aphids
- Individuals medical conditions
- Erection of fencing, walls, play areas and sports pitches

3.10 The above is not an exhaustive list but is representative of a large number of customer enquiries. Further to an inspection the Qualified Officer may agree to undertake a variety of pruning operations to remedy complaints provided that the long-term health, appearance, or potential development of the tree is not affected.

3.11 As part of good arboricultural management the removal of trees will be carried out when the removal will benefit the long-term development of adjacent better quality trees i.e. woodland and copse management. Furthermore, formative pruning may be carried out following the Qualified Officer's inspections, for example:

- Removal of crossing, weak or competitive branches
- Crown balancing
- Dead wooding
- Crown lifting
- Crown thinning

3.12 All waste from tree surgery will be recycled, being used in a variety of situations, including: mulches for shrub beds, power station fuel, firewood, habitat piles or dead standing timber where suitable, thereby avoiding the use of landfill sites.

4.0 Wildlife and Conservation

4.1 Tree works shall be carried out whilst ensuring adherence to all wildlife and conservation laws are adhered to including:

- Wildlife and Countryside Act 1981 (amended 1995)
- The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004
- Countryside and Rights of Way Act 2000

- The Town and Country Planning (Trees) (Amendment) (England) Regulations 2008
- The Conservation of Habitats and Species Regulations 2010
- The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007
- The Hedgerows Regulations 1997

4.2 The Council recognises the different levels of risk represented by a hazard tree when it is located in different sites and will manage them in accordance with Department of Environment Research for Amenity Trees No. 7 'Principals of Tree Hazard Assessment and Management'.

4.3 Higher levels of risk will be acceptable in locations where there is a lower footfall e.g. middle of a woodland area as apposed to a highway situation. This will allow the retention of veteran trees without undue risk whilst encouraging bio-diversity and habitat retention.

5.0 Communicating with the public and members

5.1 The Council will inform Ward Councillors and appropriate 'Friends Groups' of any major tree works such as pollarding or felling before any works are carried out in their ward/park. If there is a large number of trees to fell in one location the Council will also erect notices to inform the public of the proposed works.

5.2 In the event of emergency health and safety work that must be carried out immediately (e.g. storm conditions), an Officer will notify Ward Councillors retrospectively.

5.3 Felling is the last resort and will only be carried out when deemed necessary by the Qualified Officer. However, public safety is paramount and for this reason the public will be informed of tree works, via Ward Councillors and notices, but will not be consulted for approval.

6.0 Council Trees and Development

6.1 Requests for tree works and/or removal of trees from Council owned land to allow development shall be considered by the elected members as part of the decision as to whether to approve the planning application. Officers will not take this decision, although advice will be provided to the elected members.

6.2 Members are encouraged to consider when dealing with planning applications for privately owned land, whether there are Council owned trees on adjacent plots that may be affected by the development before approving the application (e.g. for site access, dropped kerbs or storage of materials).

7.0 Subsidence

7.1 Subsidence is a complex interaction between the soil, building, climate and vegetation that occurs on highly shrinkable clay soils when the soil supporting all or part of a building dries out and consequently shrinks, resulting in part of a building moving downwards. Trees lose water from the leaves through transpiration that is replenished by water taken from the soil by the roots. If the tree takes more water from the soil than is replaced by rainfall the soil will gradually dry out. Trees have a large root system and they can dry the soil to a greater depth, critically below the level of foundations. The amount of water trees can remove from the soil

can vary between different species. This policy seeks to set out the Council's response to subsidence claims against its own trees. The opposite of subsidence is a process called 'heave' and this occurs as a shrinkable clay soil re-hydrates (becomes wet again) and begins to increase in volume exerting upward pressure. Heave can also cause damage to buildings and is just as undesirable as subsidence but occurs less frequently.

7.2 All claims regarding subsidence will be referred to the Council's Insurer.

7.3 The insurers for the claimant or their consultants must provide evidence of ALL the following items before any works are carried out to Council owned trees.

- Physical damage
- Presence of live roots of a suitable species
- Seasonal movement or variation of the damage during different seasons.

7.4 If the above evidence is provided, the Council will adhere to the advice supplied by insurers with regard to what, if any, works are required to the trees. If evidence is insufficient any claim will be dismissed.

8.0 Replacement Trees

8.1 It is the Council's policy that every tree felled should be replaced to ensure that over the years the Town retains its tree stock for future generations, although it is recognised that it is not always practical or prudent to replace a tree in the same location or with the same species that was previously planted.

8.2 The Council will work proactively to manage or facilitate replacement tree planting, which may include but not be limited to, working with the community and friends groups, considering new planting schemes, including memorial trees, community woodlands and by encouraging funding from new developments for tree planting through working with the Planning Department.

Appendix 1

Procedure - Arboricultural Works on Trees.

1. Before any work is undertaken trees will be inspected by the Qualified Officer, or suitably qualified independent surveyors. An inspection sheet must be filled in and filed at the time of inspection.

2. If any work is required to any tree(s) the Qualified Officer must issue a formal work instruction. This instruction must include the following information:
 - a. Location of tree(s)
 - b. Where the tree is difficult to locate a small dot of paint is to be sprayed on the base of the trunk
 - c. Type of tree(s) (Genus and Species or Common Name)
 - d. Details of the work required to the tree(s)
 - e. Priority of works e.g. One Month
 - f. Site Specific Risk Assessments
 - g. Location Maps from Council's G.I.S mapping system clearly showing the location of the tree(s). Two plans to be produced where necessary a) Close up including ID number and b) a generic site plan to provide easily identifiable locations

3. If the tree(s) require felling then the following tasks must be completed:
 - a. Inform Ward Councillors and appropriate Friends Groups at the first opportunity of the felling works and timescales.