



**HEDGE END TOWN COUNCIL**

# **TREE POLICY**

**Reviewed November 2020  
Recreation & Amenities Committee  
(Minute R229)**



# 1. INTRODUCTION

Trees make an enormous contribution to the character and beauty of our landscape and help create and maintain environments rich in biodiversity.

There are both human and environmental benefits of having a healthy and sustainable tree population. Although trees are a positive feature, they can cause a range of problems, from being a nuisance or inconvenience to potentially causing serious injury or even death.

As a tree owner, the Council has a direct responsibility for ensuring that its trees do not pose a danger to the public or property and are managed appropriately.

## 2. POLICY SCOPE

This policy applies to all trees under Hedge End Town Councils ownership or management, regardless of location including its parks, allotments, cemeteries, woodlands and open spaces.

Whilst this policy is as comprehensive as possible, it does not cover every situation. Situations that occur outside of this policy's scope will be dealt with on a case by case basis at the Councils discretion.

# 3. THE IMPORTANCE OF TREES IN THE RURAL LANDSCAPE

Trees help to create an attractive environment, making the area a better place to live, work and visit. They bring colour and contrast, screen unsightly structures, give privacy, soften the hard lines of and contribute to the setting of the buildings, 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
- 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. LEGISLATION

There is a range of legislation that has been considered during the development of this policy including:

- Statutory duty of care under the Health and Safety at Work etc. Act 1974 and the Occupiers Liability Acts 1954 and 1984 to ensure so far as is reasonably practicable that trees are safe and not a danger to the public.
- Duty under the Highway Act to ensure that those trees within Council management/ ownership do not obstruct or become a danger to the highway.
- The Forestry Act (1967) requires certain permissions and licences to be granted where felling of trees is proposed within a woodland setting. Hedge End Town Council will ensure that any proposed felling is fully compliant with the requirements of the Forestry Act.
- Trees protected by a Tree Preservation Order or within Conservation Areas require planning permission prior to any routine work under the Town & Country Planning Act.
- The Wildlife & Countryside Act (1981, as amended CROW Act 2000) states that it is illegal to intentionally or recklessly damage or destroy the nest of a wild bird while that nest is in use or being built. For Schedule 1 (Wildlife and Countryside Act) bird species, it is also an offence to disturb birds whilst they are building or using a nest.
- Bats are a European Protected Species and are protected by the Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to or destroying a roost site, preventing access to a roost site and killing bats are all criminal offences that can lead to imprisonment or a fine
- The Hedgerow Regulations (1997) introduced powers allowing important rural hedgerows to be protected.

## 5. TREE MAINTENANCE

The Council is committed to protecting, improving and developing its tree stock. This will be achieved in three main ways:

- reactive tree inspection as a result of enquiries from the public, employees, Councillors, and other agencies
- through the adoption of a continuous programme of tree survey and maintenance of high-risk areas; and
- through seeking a continuous improvement in the quality and quantity of trees on public land, including tree planting, woodland thinning, and tree health improvements such as the addition of mulches around trees or changes to mowing regimes.

The Council's priority in the management of its trees will be that of public safety whilst maintaining the health and longevity of the trees. Where a tree constitutes a demonstrable hazard to people or property, then appropriate works will be undertaken.

Trees on public land will be encouraged through minimal intervention to develop as well-balanced individuals of a natural form characteristic of their particular species. Works on such trees will be carried out to the highest standards of arboricultural practice and in accordance with all relevant health and safety legislation. The Council will ensure all tree works are carried out to BS3998:2010 'Recommendations for Tree Work' (plus revisions) and will produce a detailed specification for all tree works.

The Council will maintain its trees adjacent highways and footways and clear growth that is obscuring street lighting and signs in line with the relevant sections of the Highways Act 1980 and Hampshire County Council Highway policy.

## 5. TREE MAINTENANCE CONT'D

The Council will not unless legally obliged to do so undertake works to otherwise healthy and well-formed trees for reasons of:

- . Alleged damage to property / gardens by roots or branches (direct or indirect)
- . Bird droppings
- . Branches overhanging adjacent property / gardens etc
- . BT & electricity company services
- . Dampness/ algae/ moss
- . Hay fever/ allergies
- . Honeydew secretion
- . Interference with transmitted signals (TV, satellite or other forms of electronic communication or reception)
- . Loss of light or shading
- . Pruning or felling due to poisonous fruit or foliage
- . Reduced security by virtue of concealment or reduced visibility
- . Shedding of leaf, seed, fir cone, twig, flower litter and fruit debris and general vegetative detritus
- . Size or height (trees are naturally large organisms)
- . Solar panels
- . To create or reinstate private views
- . Vandalism e.g. thrown apples
- . Vermin

## 6. NOTIFYING OF TREE FELLING / PRUNING

Minor works involving pruning or removing smaller trees will not be publicised and will be carried out at the discretion of the Council

The Council will endeavour to inform adjacent properties when planned work will have a significant impact, for instance the felling of large boundary trees. This does not apply to emergency tree work.

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

When it is determined that a tree should be felled on public safety grounds, or if the tree is dead, there will be no public consultation and no right of objection.

Planned tree work to living trees covered by a Tree Preservation Order will be publicised by the Local Planning Authority and no additional publicity will be undertaken.

## 7. NESTING BIRDS

The Council is committed to limiting its environmental impact which includes protecting nesting birds and other animals. The Council will not knowingly carry out any work which will harm nesting birds or destroy their nests.

These simple operational rules are designed to help protect nesting birds and employees when planning and carrying out pruning operations:

- Tree pruning may be carried out any time of the year subject to a visual assessment being made prior to any works for nesting birds. If nesting birds are present or suspected, then the work will be delayed and only carried out once the nest is no longer in active use.
- Staff will not engage in tractor flail work during the bird nesting season (considered for this policy to be between 1st March and 31st July) unless there is an urgent requirement i.e. highway sightlines, highway encroachment or a highway section 154 notice
- If a tractor mounted flail must be used during the nesting season, then a record must be kept on the 'Nesting bird' assessment sheet.
- Light hedge trimming may be carried out with hedge trimmers or hand tools during the nesting season, primarily to maintain access, sightlines, encroachment, abatement of nuisance and to help control fast growing species such as brambles which can pose a threat to passers-by.
- Irrespective of the time of year, before engaging in any activity relating to hedge trimming or tree pruning, a visual assessment will be completed by walking, observing and thoroughly investigating the site.
- If nesting birds are present (or suspected to be present) the activity will not go ahead and will be postponed until the nest is no longer active.
- Should a bird nest be discovered during operations (at any time of year), all activities must cease, and the works rescheduled for a later date when the nest is no longer active.



## 8. COMMON LAW RIGHTS

Your rights (as a member of the public) extend to your boundary; under Common Law and providing that there is no legal protection on the tree (Tree Preservation Order, Conservation Area, Planning condition), residents may prune unprotected trees or hedges overhanging their land as far as their boundary without the consent of the tree owner, however you must not trespass on the tree owners land to do this. In addition, you should offer to return the arisings. Liability may be attached to you if the resultant works cause instability or lead to the decline or death of the tree.

## 9. TREES AND DEVELOPMENT

The Council will ensure that trees on public land are retained wherever possible and are given appropriate protection from the effects of development and construction activities, including the installation of underground utilities.

## 10. REPLACEMENT TREE PLANTING

Where trees are removed from land owned or managed by the Council, replacement planting will be carried out if appropriate.

Having too many of the same type of tree in a locality is a concern because of the increased risk of a devastating loss of one or more species of tree due to pests / diseases (such as Ash dieback) or other environmental factors. The Council will increase the resilience of its tree stock by planting a diverse mix of appropriate species.



## 11. UNAUTHORISED TREE WORK

The Council does not permit anyone to remove, fell, uproot, damage or kill trees growing within its land, and may take appropriate legal action for any such occurrence.

## 12. DANGEROUS TREES ON PRIVATE LAND

The Council has no authority or powers to act on or carry out works to any trees outside of its ownership.

