

## Tree Management Policy – Upper Clatford Parish Council

### 1. Introduction

1.1. This policy sets out Upper Clatford Parish Council's approach to the management of trees on land owned or leased by Upper Clatford Parish Council only. Other Councils, organisations, companies and private individuals may need to be contacted if a tree(s) is located on their land.

1.2. This document has been created to provide guidance for the public, councillors and Clerk to ensure a clear and consistent approach is adhered to regarding management of trees by Upper Clatford Parish Council (further referred to as the 'Council').

1.3. If a tree falls and causes injury or damage, the relevant landowner could be held negligent if they have failed to take sufficient care of the tree. Therefore, as a landowner, the Council has a duty of care to ensure that all trees on Parish Council-owned land are kept in an acceptable condition and do not put people or property at unreasonable risk.

### 2. Inspections

2.1. All trees on Parish Council-owned/leased land which are in excess of 15m or which represent a potential risk of injury or damage to property will be inspected by a qualified tree inspector and any recommendations made will be considered by the Council in line with this policy.

3.2. Regular inspections within a 5 year minimum cycle will be carried out to identify issues at the earliest juncture, so that preventative action can be taken where possible. Areas close to roads, buildings and with high public usage will be prioritised

### 3. Maintenance

3.1. The Council has adopted a proactive approach to tree maintenance. Only essential/minimal works will be undertaken in order to manage a tree because the Council supports a policy of tree preservation. The type of works undertaken will depend on the tree's location, the species of tree and its state of health at that time.

3.2. As a guide, tree works will be undertaken in the following circumstances:

3.2.1. Where an inspection has identified the tree as potentially hazardous or an immediate danger

3.2.2. If the works are vital to the tree's long-term survival. Dead, dying or diseased trees will only be fully removed when there is no other option, or when the risk to removal later on would be a health and safety issue for tree surgeons.

3.3.3. To abate an actionable nuisance where branches are touching buildings e.g. physical contact with walls, windows, gutters

3.3.4. When previous maintenance regimes have determined future works are of

the same specification for that specimen e.g. pollarding, crown reduction.

3.3. The impact on local wildlife of all tree works, specifically felling and pruning, will always be thoroughly considered, with the impact minimised where possible.

3.4. Routine, scheduled tree works will be carried out, wherever possible, outside the bird nesting season (February-July). Where works must be carried out between February and July, then thorough checks will take place to ascertain that no birds are nesting in that vicinity.

3.5. Where appropriate, dead and fallen wood will be left on site unless there are sound conservation and safety reasons for its removal.

3.6. All tree work will be carried out by a qualified tree surgeon appointed by the Council and in accordance with BS/3998/2010 Recommendations for Tree Work 2010 (and any subsequent revisions). All works must have Council approval and must be carried out by the Council's appointed Tree Surgeon based on their professional advice.

3.7. When a tree must be felled, wherever possible at least two or more replacement tree(s) should be planted either adjacent to the original, or at another location on Parish Council owned/leased land and with appropriate permissions sought. The health of replacement trees should be monitored for a 5 year period, and further replacements made if trees should die.

#### **4. Protected Trees**

4.1. A Tree Preservation Order (TPO) prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission. A record of trees with TPO is maintained by Test Valley Borough Council (TVBC) and includes trees at Red Rice (TPO 120), trees on the Green (TPO ???), trees on land opposite the Taskers Foundry site (TPO 146 & 146a), beech trees along the footpath at Clatford Manor (TPO 739).

4.2. It is an offence to cut down, lop, top, uproot or wilfully damage or destroy a tree in a Conservation Area without seeking consent from Test Valley Borough Council (TVBC).

#### **5. Requests for Tree Work**

5.1. The Parish Council will consider formal applications for tree works on its land, but these must be in writing, either by letter or email to the Parish Clerk.

5.2. Whilst the Council will consider the impact of trees in each case on individual merit, the Council will not fell or prune trees on Parish Council-owned land if it is for any of the following non-arboricultural reasons:

5.2.1. Solely to alleviate problems caused by natural and/or seasonal phenomena e.g. falling leaves, fruit, seeds/berries, bird droppings, pollen etc.

5.2.2. Solely for reasons of increasing sunlight/views to properties and gardens<sup>1</sup>.

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<sup>1</sup> Right of Lights Act 1959 is very rarely implicated for trees.

5.2.3. Solely for the reason that the tree(s) is causing interference with television or satellite reception. In most cases the problem can be resolved by relocating the aerial or satellite dish. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning to enable clear television reception would only be considered in exceptional circumstances.

5.3 Where it is considered reasonable by the Council that work could be undertaken on trees on Council owned land, but there is no requirement in accordance with the above criteria, a personal contribution of 50% of the cost of work is to be recovered from the originator of the request.

5.4 Adjacent landowners have a common law right to prune back tree branches to their boundary, providing that would not lead to tree death and providing the tree in question is not protected by a TPO or situated within a Conservation Area.

5.5. Tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Tree felling and branch pruning in response to root invasion in gardens would not normally be appropriate as such works are likely to worsen the problem. The encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

5.6. Landowners are reminded that if access to Council-owned land is required to carry out pruning they will require written permission from the Parish Council before carrying out such works.