

Upper Rissington Parish Council

TREE MANAGEMENT POLICY

1. Objectives

Upper Rissington Parish Council will maintain and enhance the tree stock growing on Council owned land to provide landscape, amenity, ecological, environmental and historical benefits.

The Council will not fell or prune trees unless they are causing serious problems that cannot otherwise be overcome or the tree works form part of a comprehensive development scheme for which, where appropriate, planning permission has been obtained.

The Council will take reasonable care to see that neighbours and the public are safe from foreseeable harm as a result of trees within its ownership, in line with its common law duty and its duty under the Occupiers Liability Acts.

The Council will provide appropriate levels of information to the public on the Council's tree stock. If you have any questions about Council trees or policy, please contact the Parish Clerk.

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2. Tree Surveys and Inspections

Upper Rissington Parish Council's programme of tree inspections is undertaken by an independent professional arboriculturalist. The survey records information on Council owned trees and identifies any which pose a risk to health and safety. Remedial action is undertaken on any tree which pose a risk on a timescale recommended by inspectors.

All trees will be re-inspected every 3 years with more frequent inspections where necessary on those posing a higher level of risk. Works required are identified as part of the inspection and undertaken on a priority basis. Priority works are carried out for health and safety reasons, damage to property, crime prevention and to facilitate other maintenance operations.

The Council will keep records of all tree inspections and will undertake any recommended works as far as possible whilst having regard to its resources and an assessment of risk.

3. Standards

All works to Council trees is carried out in line with British Standard 3998: 2010 'Recommendations for Treework' and will be undertaken by competent, qualified contractors.

4. Tree Preservation Order

Many trees in Upper Rissington are subject to a Tree Preservation Order (TPO).

- TPO No 2. (Little Rissington Airbase Gloucestershire) 1997, or
- TPO No. 2011/26 (Bristol Road, Upper Rissington Gloucestershire) 2011

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage (including damage to roots), wilful destruction of trees without the local planning authority's written consent.

The Council recognizes its responsibilities in respect of protected trees growing on its land.

5. Response To Requests, Complaints And Notifications

The Council regularly receives requests to undertake works to trees in the Council's ownership. It is important that these requests are dealt with in a consistent manner.

Tree works WILL take place in the following situations:

- Dead, dying or dangerous trees and branches that are or likely to be a danger public safety.
- Trees or branches creating unreasonable obstruction to a public highway, public right of way or access to property. (A clear height of 2.5m above footpaths, 3.5m above cycleways and 5.4m above highway carriageways will be maintained where possible.)
- Branches obscuring signs or street lighting columns.
- Trees or branches proven or likely to cause damage to a dwelling house or garage. We endeavour to provide a 1.5 metre clearance from overhanging trees to a dwelling house (not property boundaries).
- A tree which is proven beyond reasonable doubt to be the cause of serious structural damage to buildings as identified by a competent professional assessor.

Tree works MAY take place in the following situations:

- Trees which need formative pruning to shape or train them during the early years.
- Re-pollarding or re-coppicing on a regular cycle.
- Thinning of trees where it will benefit adjacent specimens or more favourable species.
- Trees deemed by the Council to be an inappropriate species for their situation.
- Trees restricting repairs and maintenance of property.
- Trees and branches restricting grounds maintenance operations.
- Trees giving rise to justifiable fears about risk of crime, or trees that have provided access and/or cover for criminal activity.
- Self-seeded trees on boundaries where they are a significant nuisance.

Tree works WILL NOT be carried out in the following situations:

- Interference with television/satellite/internet signals and private CCTV operations.
- To prevent or reduce interference with telephone wires.
- Branches overhanging neighbouring property where there is no risk to a dwelling house.
- Because trees are perceived as being too large by a member of the public.
- Prevention of shade, except in exceptional circumstances.
- Obstruction of views from private residence.
- Prevention or clearance of seasonal occurrences such as leaf, flower, seed, blossom, pollen, fruit fall, cones.
- Prevention of bird droppings and aphid honeydew.
- To allow construction of new access or driveway to property.
- To facilitate the implementation of non-essential underground or over ground services.

- Where trees are restricting the efficiency of solar panels unless the solar panel pre-dates the presence of the tree.

6. Damage to Property

Where it can be demonstrated that a tree is the primary cause of direct or indirect damage to property the Council has an obligation to rectify the problem. In cases of damage to property it should be clearly demonstrated, by the property owner, that the tree is the principal cause of the damage.

All claims relating to subsidence will be referred to and managed by the Council's insurance company. When investigating claims of subsidence and damage to properties from a tree owned and maintained by the Council, the onus will be on the claimant to provide evidence that the tree is the cause. The claimant or their building insurers must submit a structural engineers report demonstrating that on balance of probability the tree is the cause of the damage. This will enable the Council to review the evidence and determine the appropriate course of action.

7. Pay For Service

Where tree work is not justifiable as the result of a request for service from a resident, some residents may wish to pay for the work themselves. This will often be in relation to issues like shading or concerns about the height of the tree.

Except in the case of overhanging branches (see above), any unauthorised works to Council owned trees carried out by any person would be treated as criminal damage.

8. Criminal Damage

Any felling or heavy pruning of Council trees on Council land is deemed as criminal damage. We will investigate any reports of vandalism / damage to trees in our ownership or management and try to repair any damage where we can. Where possible, we will take legal action against the person(s) causing the damage.

9. Trees Not Owned by the Council

Cotswold District Council has powers under the Local Government (Miscellaneous Provisions) Act 1976 – Section 23 to intervene to deal with dangerous trees where the owner of the tree fails to act within a reasonable time. It cannot be used in circumstances where, for example there is a fear of trees falling in a high wind.

If a neighbour's tree is causing a nuisance and you cannot come to an amicable agreement, then Citizens Advice may be able to assist. Upper Rissington Parish Council is unable to intervene in disputes regarding privately owned trees.

This policy was adopted by the Council on 27 May 2020. It will be reviewed every three years or when there are major changes to legislation or best practice in respect of tree management.

Appendix A: RATIONALE FOR PROVISIONS WITHIN THE TREE POLICY

Falling Leaves or Debris and Aphid Problems

Trees are natural elements in the environment that grow over time and produce leaf litter and other debris. They are hosts to insects and birds. Tree owners are not generally considered responsible in law for the natural products of trees and their hosted communities.

The Council is not legally responsible for fallen leaves or other tree debris such as cones, seeds, berries, fruit, blossom etc. Pruning of trees is not a solution to this occurrence and felling a tree to address issues of leaf litter etc. would be difficult to justify.

Where gutters are regularly blocked by fallen leaves gutter guards may be fitted to provide a low maintenance solution at the property owner's expense.

The same criterion applies to trees which host aphids with associated honeydew. There is little that can be done about the aphids which cause this problem, pruning the tree will only offer temporary relief and any re-growth is more likely to be colonised by aphids. Where honeydew affects cars, it can be removed using warm soapy water.

Wildlife

It would be unreasonable to expect the Council to carry out work on trees in order to address the issue of bird droppings. Nesting birds are protected by the Countryside and Wildlife act (and other related wildlife law) and only health and safety works would normally be considered during the nesting season in order to avoid causing unintended disturbance to nesting birds. It may be necessary to obtain a license from DEFRA to carry out essential works to a tree in which birds are nesting, or on sites where badgers and other protected species are present. When carrying out tree works, the Council is obliged to comply with all legislation relating to the protection of wildlife.

Obstruction of Light to Houses or Gardens

There is no legal right to light therefore the Council has no obligation to abate this nuisance. It is usually very difficult to prune a tree in order to give a lasting improvement in light levels to a property. Often the extent of pruning required to alleviate light obstruction can be damaging to the tree or destroy its amenity value, and thick re-growth following pruning can make shading problems worse. There is no obligation on the Council to carry out work on trees to address shading issues.

However, in exceptional circumstances, the Council may undertake steps to alleviate the problem. Action may be considered where light levels in a room that is occupied for a large part of the day are severely restricted by the presence of a tree, or two or more trees more than 12metres high form a barrier located to the south and/or west of a property and within 5metres of the property boundary.

Cases will be considered on an individual basis alongside the species size and location of the tree, the aesthetic value of the tree, benefits to the wider community and financial resources available.

Obstruction of Light to Solar Panels

It would be reasonable for the Council to consider requests to carry out work on trees which are restricting the efficiency of solar panels where the trees have been planted, or have self-seeded, subsequent to the panels being installed. Where solar panels have been sited in locations where the presence of existing trees restricts the light they receive, or have been sited in locations where pre-existing, immature, trees will grow up to restrict light levels, it would be unreasonable to expect the Council to remove or reduce these trees.