

## **Totton and Eling Town Council Tree Policy**

### **Introduction**

Trees are a vital component of the landscape and provide a wide range of benefits, not just by improving the way an area looks but also by providing a number of health, environmental, and economic benefits. Having a tree policy in place helps Councillors, Council officers and members of the public, understand the aims, reasoning and methods of tree care and maintenance employed in the management of the council's trees.

### **Responsibilities of Totton and Eling Town Council**

- To ensure trees on parish land do not pose a danger to people and property.
- To maintain and enhance tree stocks with adherence to planning requirements
- To ensure work is compliant with current legislation, safety and industry standards
- To adopt a tree surveying system that complies with Health and safety/ insurance requirements
- To ensure all staff and contractors are suitably trained, qualified and insured.

### **Tree Management/ risk assessment**

All trees of girth greater 300mm at 1.5m height in areas of high and moderate use will be subject to routine formal basic visual inspections annually, with additional checks when in the area, prior to special events or following severe weather. Work to remove potential hazards will be the main priority. If a tree is identified as having defects which could be hazardous, the risk will be assessed and an appropriate timescale for remedial work applied. Consultation with a specialist arborist may be required for more detailed investigations and advice on individual/groups of trees. Suitably experienced contractors will be employed to carry out the work. Where possible to minimise disturbance to nesting birds, and comply with the 1992 wildlife and countryside act, all non-urgent works will be carried out between the months September and February.

### **Examples of priorities**

High risk – emergency tree work requiring an urgent response - as soon as possible/within a couple of days e.g. fallen tree resting on structures, blocking a road or footpath, split or broken heavy limb with high risk of imminent failure over area of high usage.

Medium/moderate risk – within 1 month. Dead, diseased, dying trees or branches in areas of high usage and small branches touching buildings or property.

Low priority/low risk – non essential maintenance works in areas of low usage, such as dead wooding, cutting back to reduce encroachment, formative pruning and thinning works will be carried out during winter months if budget allows.

### **Protected trees**

There are a number of areas under Town Council ownership/management where trees are protected. Two conservation areas -Eling (churchyard, cemetery, glebe fields and river areas) and Hanger Farm (areas around the Arts centre). Tree protection orders are in place around Ibbotson Way, Kirk Gardens, open spaces off Calmore road, Snellgrove Close, Crabbs Way, Strides Way and Ringwood road.

Where trees are protected, the Town Council are permitted to carry out urgent safety works (classed as exempt works), but any additional maintenance work requires a planning application to the local planning authority, this is currently New Forest District Council. This process takes around six weeks.

### **Complaints about trees**

The Town Council receives many complaints about its trees. Often these complaints are about minor issues that are a natural consequence of having trees in the landscape. All complaints will be investigated in a timely manner, with a sympathetic approach. However, the council will only undertake work to trees where considered necessary on arboricultural grounds. The following most common complaints are generally not remedied by reasonable, light pruning:

- Impact of shade and loss of light
- Interference with TV, phone and satellite signals
- Views obstructed by trees
- Mess or nuisance from insects, birds, squirrels
- Mess or nuisance from leaves, fruits, berries, seeds, pollen
- A perception that a tree is too large to be safe
- Encroaching tree roots and overhanging branches

Councils have no legal obligation to prune overhanging trees unless they are causing direct damage to an adjacent property or are in a dangerous condition. Adjacent landowners are entitled to prune branches or roots back to the boundary of their property (where the trees are protected or in a conservation area – permission is required from the planning authority) as long as the work does not cause the tree long term damage and the work can be carried out without accessing the council's land. Legally, cuttings should be offered back to the tree owner who is not obliged to accept them. There is no right to light under the law, therefore the council has no legal obligation to carry out remedial works to address this complaint. However, the council will consider carrying out work in severe cases e.g. where overhanging growth is very low, very close to structures or surrounding a large percentage of a property boundary.

### **Allowing residents to pay for works to council trees**

The Town Council will consider approving the option for residents to pay for trees to be trimmed back in certain circumstances e.g. where a request for tree work has been declined due to low priority or lack of funding, but council officers are satisfied that the level of work requested is acceptable and would not be detrimental to the appearance, health and stability of the trees. This would be paid for in advance, with the council officers arranging the work through their approved contractors.

### **Structural damage to property**

Trees can cause damage to property either directly or indirectly, and this can result in third party insurance claims. Direct damage can occur when an expanding trunk or root is in contact with a path, or a lightly loaded garden wall, or where branches are in contact with a building or other structure. This type of damage is relatively common and usually easily solved by remedial pruning work.

Indirect damage usually referred to as subsidence, or heave, is a more complex interaction between the soil, building, climate and vegetation that occurs on some clay soils.

Trees are not the only factors that can cause building movement for example, internal alterations, land settlement, land slip, burst underground pipes, subterranean workings such as mine shafts and wells.

The council's insurers will require any claims for structural damage to be submitted with sufficient evidence from appropriate experts – usually via the complainant's insurers. Unwarranted claims, based on poorly investigated or inaccurate evidence will be challenged by the council's insurers.

Where proof of cause is found to be trees on council land, the council will undertake the appropriate works to alleviate damage as advised by its insurers and based on current industry standards.

### **Complaints about trees on land not owned by Totton and Eling Town council**

The council receives many complaints about trees on land belonging to other land owners such as Hampshire County Council, New Forest district council, housing associations, individual home owners and businesses.

Where the land owner is known, the enquiry will be re-directed to the land owner. Where the land owner is not known advice will be given as to the various methods of investigating land ownership.

### **Standards of Work**

Professional arboricultural contractors will be used for all tree works. Council officers will carry out regular checks on contractor's competence, safety and standards of work. These checks include: current employer's and public liability insurance to a minimum of £5 million, health and safety policy, risk assessments, professional qualifications/training, viewing any independent assessments of competence e.g. membership of trade associations or professional bodies, and obtaining/checking references.