

Alcester Town Council Tree Management Policy

Alcester Town Council (ATC) owns many areas of open space in Alcester including over 400 trees and a consistent approach to tree management is required.

Trees are a highly valued feature and they make an enormous contribution to the character and beauty of our landscape and create/maintain environments rich in biodiversity. Alcester Town Council values its trees and recognises both the human and environmental benefits of having a healthy and sustainable tree population.

We also recognise that although trees are a positive feature, they can be the cause of a range of problems, from being a nuisance or inconvenience to potentially causing serious injury or even death. As a tree owner we have a direct responsibility for ensuring our trees do not pose a danger to the public or property and are managed appropriately. This policy sets out Alcester Town Council's approach to tree management.

We aim to inspect our tree stock at an appropriate frequency, to ensure continued public safety. Following inspection the trees will be assigned a risk classification which will inform their prioritisation for maintenance works.

This policy only applies to all trees under Alcester Town Council ownership/management, regardless of their location.

Although we believe this policy to be as comprehensive as possible, we acknowledge it does not cover every situation. ATC reserve the right to exercise discretion in application of this policy when to do so would be in the best interests of the Council and its residents.

The importance of trees in the urban and rural landscape

Trees are important features in the landscape. They help to create an attractive environment, making Alcester a better place to live, work, study and visit. They bring colour and contrast, screen unsightly structures, give privacy and soften the hard lines of 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 and helping to reduce the “greenhouse effect”;
- 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.

Trees on Alcester Town Council owned/managed land

ATC has a responsibility to maintain trees within our ownership/management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance. All enquiries regarding trees on Alcester Town Council land should be directed to the Council on 01789 766084 or by emailing office@alcester-tc.gov.uk

Inspection of trees

We work to a risk-based approach to tree management: a regular programme of inspection identifying and prioritising potential hazards.

Inspections by an independent consultant will be carried out every 3 years or as advised by the consultant. In addition, our staff will visually inspect trees on a regular basis.

Tree maintenance work

Our tree maintenance work will be conducted as a result of information gathered during pro- active tree inspections. However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and normally originates from the following:

- Programmed and routine inspections by a qualified tree inspector/consultant.
- Ad-hoc inspections by the Council staff following enquiries, reports and service requests;
- Reports from residents;
- Cyclic maintenance;

The following categories will be used when prioritising tree works:

Priority	Response
Priority 1: Urgent public safety	From within 24 hours to one week depending upon the risk
Priority 2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year
Priority 3: Desirable or Non-priority	12 months where possible No action proposed

A tree could warrant immediate attention if, for example:

- It has snapped or blown over;
- It is rocking (roots are damaged);
- It is uprooted but held up by another tree or building;
- A large branch has broken off or is hanging off the tree;
- It or its branch is blocking the road or footpath;
- It or its branch is blocking access to property;
- It has fallen on to a structure, such as a building or car.

A tree may be a risk to people or property but does not require immediate attention if: for example:

- It is dead;
- It is dying (few leaves in summer or dieback in the crown);
- Its bark is loose and falling off;
- Mushrooms or fungi are growing on or near the tree;
- Old splits and cracks are in the trunk or large branches;
- Smaller branches or twigs are falling from the tree.

Trees will be made safe via pruning or felling and we would use the most cost effective approach. However, for certain high value trees we would consider other options to reduce the risk to an acceptable level. This would include options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

Publicising tree felling pruning

Where works are minor such as pruning (including repeat cyclical pruning of trees) or involve removing trees that are less than 15 cm diameter (6 inches) at a height of 1.3 metres, we will not publicise the works.

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

Where a competent officer has determined that the tree should be felled on public safety grounds there will be no public consultation and no right of objection.

Dealing with tree care

While works are sometimes necessary to ensure that trees are in a safe and healthy condition, we receive many requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment and enjoyment by local residents and visitors.

Many of the complaints received involve minor or seasonal issues that are generally considered to be foreseeable or social problems associated with living near trees, which can often be minimised through careful pruning and careful species selection when planting.

To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, our policy in relation to the more common types of request is outlined below.

Obstructing/Overhanging Tree Branches

Tree branches can cause obstructions to public footpaths, streetlights and open spaces. Appropriate pruning to eliminate hazards caused by obstructive branches will normally be acceptable, providing efforts are made to retain the shape of the tree.

We will undertake work to trees in Council ownership/management to maintain a minimum 5 metres clearance over roads and 2.4 metres over formal footpaths.

We will not prune trees that overhang neighbouring properties unless the trees are dangerous or causing an actionable nuisance (i.e. touching the walls, roofs, windows, gutters, garage etc.). This will ensure that damage to property such as aerials, tiles or gutters is avoided.

Adjacent Landowners do have a common law right to prune back tree branches to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

Shading and Loss of Light

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

Where elderly, infirm or disabled persons who spend a significant amount of time within their home are affected by loss of light, or it can be established that the presence of trees is detrimental to the health of such residents, further consideration will be given to the management approach to trees. This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.

Loss of View

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape or townscape. Historical records may be used to determine the level of management required.

Trees affecting reception (Television/Satellite/Solar Panels)

Pruning in the short term may help improve television reception. However in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a booster. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

Similarly we will not prune or fell a tree in our ownership/management to improve natural light to a solar panel. Whilst we recognise the need for renewable energy sources, trees are also important in tackling climate change.

Overhead Cables/Telephone Wires

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Problems caused by branches interfering with privately owned telephone wires can usually be eliminated through appropriate pruning and tree removal would not usually be considered. We will not prune or fell a tree in our ownership/management to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

General/Minor Nuisances

We will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees.

Examples of such problems are:

- Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- Insects associated with trees (spiders, wasps, flies etc);
- Reduction or increase of moisture to gardens;
- Suckers or germinating seedlings in gardens;
- Leaves falling into gutters, drains or onto flat roofs;
- The build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out. Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. We would not normally prune or fell a tree under our ownership/management that bears poisonous fruit/foliage (such as laburnum or yew). However, where it is known that

unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate and take action, where appropriate.

Trees considered too big/too tall

We will not prune or fell a tree under council ownership/management because it is considered to be “too big” or “too tall” for its surroundings. Trees grow adaptively to support themselves in relation to their surroundings and the typical loads they can be expected to experience. Trying to contain trees to a specific size is only a suitable management regime for certain species in specific circumstances (i.e. pollarding). Crown reduction can also be used to allow the retention of an important tree with structural defects, trees which cause an obstruction or trees which are likely to cause structural damage to property which would otherwise need to be removed. In all other situations, reducing the size of a trees crown is not considered appropriate.

Personal Medical Complaint

We will normally not prune or fell a tree under our ownership/management where a request has been made to do so because of a personal medical complaint. However, where it can be established that the presence of a tree is causing a detriment to the health of residents, further consideration will be given to the management approach of trees.

Ivy

Ivy (*Hedera helix*) is a native species which provides important habitat to a wide range of wildlife, especially as an important source of food and cover for birds. Ivy often grows on tree stems and branches and can restrict the full structural assessment of a tree. It is rarely a significant threat to healthy trees.

Ivy will be severed at the base of relevant trees where a significant defect is suspected, or where ivy growth is so prolific it increases the sail area or affects the growth of the inner crown of a tree to an unacceptable level. Once severed, ivy will be left in situ to die back. This will reduce the impact of any loss of cover/habitat to local biodiversity and will help prevent sun damage to newly exposed parts of the tree.

Damage and tree roots

Many tree conflicts arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

Root invasion in gardens; tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners do have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

Tree felling or branch pruning in response to root invasion in gardens would not normally be appropriate, as such works are likely to worsen existing problems. The pure encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

Damage to walls and fences

It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. Therefore where trees are considered to be causing damage to walls or fences, we will only consider tree removal if the walls or fence is irreplaceable and of exceptional importance e.g. a retaining wall or of historical interest, or if there is a risk to public health in leaving the tree which cannot otherwise be mitigated. If a damaged wall or fence was constructed after planting of the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account.

Damage to paths

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude they can be root pruned, or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths or footpaths, we will not normally consider tree removal except where there is a risk to public health which cannot otherwise be mitigated.

Damage to drains or water pipes

There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense. Tree removal will not normally be considered.

Trip Hazards

We will make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership/management.

Protected trees

Tree Preservation Orders (TPOs)

A TPO is a legal document made, administered and enforced by the local planning authority, to protect specified trees and woodlands with public amenity value. A TPO prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission. ATC recognises its responsibilities in regard to trees that are protected by TPOs.

Other factors constraining work to trees

Birds

Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or

take wild birds, their young, their eggs or nests. Non-urgent major tree work involving tree removal/reduction and hedge cutting operations should not normally be undertaken during bird nesting/breeding season, which is considered to be from 1st March to 31st July.

Bats

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

Causing damage to a roosting/nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

Restrictive Covenants

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

Subsidence

While we recognise our responsibilities for the trees in our ownership/management, we will expect any claim against our own trees to be supported by sufficient evidence to show that the tree in question is a contributory factor in the subsidence. Where this evidence is provided, we will obtain expert specialist advice to verify submitted evidence as necessary. We will therefore require the following information in order to consider a claim associated with tree related subsidence:

- Description of type of damage;
- Indication of seasonal movement;
- Levels and distortion survey;
- Visual evidence of damage;
- Depth of foundations demonstrated from excavated trial holes;
- Analysis of soil type under foundation;
- Presence and identification of trees roots.

As set out in the accepted national guidance document “Subsidence of Low Rise Buildings” (Institution of Structural Engineers 2000) other potential influencing factors should be eliminated before the assumption is made that trees are the cause of structural movement.

Insurance Claims

Where trees are alleged to have caused direct or indirect damage to property and a formal claim is submitted the matter will be referred to the Council’s insurers. Members of the public who are concerned about tree related subsidence are advised to contact their insurers.

Protection and Enforcement

ATC will adopt a robust approach to damage to its property. Where ATC trees are felled, damaged or vandalised the matter will be referred to the police. Civil action will be

considered to recover compensation for the loss of the tree and/or any remedial works including replanting with a suitable replacement, and aftercare. Officer time investigating damage may also be incorporated in any claim.

Tree Planting

The principle aim of new planting will be to maintain and increase tree cover within the town and to achieve a robust and diverse tree population, well suited to the planting location and able to meet the challenges of a changing climate and pests and disease.

New tree planting will be considered when any trees are removed and it would be appropriate to replace them.

Aftercare

Good aftercare for 2-3 years after planting is essential to ensure that the investment in trees is not wasted; this is particularly true for larger standard trees. Aftercare of trees can be time consuming and expensive. ATC will actively seek to involve the local community to help with watering and aftercare of newly planted trees (also giving them a vested interest in the future health of the tree).

Approved by Finance and General Purposes Committee – 29th August 2023

Approved by Full Council – 5th September 2023