

GENERAL STATEMENT

This policy details the methods for managing tree stock and green spaces owned and maintained by the Council.

The policy has been written to:-

Ensure that the Council maintains a safe tree stock, in line with the duty of care.

Ensure consistency with regard to requests for tree maintenance.

Ensure environmental preservation and enhancement wherever possible and practicable.

Ensure that green spaces are (maintained to provide an) attractive and safe (environment) for visitors (whilst preserving/enhancing a natural habitat for wildlife

BENEFITS OF TREES

Trees have many benefits, for example, they:-

Provide shelter from the sun, wind and rain

Stabilise soil – particularly important on sites adjacent to water bodies.

Filter atmospheric pollution

Provide a barrier to noise and screening poor views

Provide a valuable habitat for wildlife

Provide pleasant green settings in which to live and work

Soften the impact of development

Commemorate or celebrate individuals, events and/or communities

TREE MANAGEMENT – GENERAL

Trees will not be removed unless there is a demonstrable arboriculture, safety or legal reason for the removal. All requests for any arboriculture work to trees growing on Council land will be inspected and authorised by selected third parties in liaison with any relevant authority with whom permissions are required. If tree works are required in the bird nesting season (March – August) trees will be examined for evidence of nesting. Where a bird's nest is found, tree works will not commence until satisfactory evidence fledglings have vacated the site, unless an extreme risk to public safety is considered.

No tree work will be undertaken on trees where there is potential to impact upon protected species (for example bats or badgers) until consultation has been undertaken with appropriate external consultants.

The Council is encouraged to consider when dealing with planning applications for privately owned land, whether there are Council owned trees on adjacent land that may be affected by the development before approving the application (e.g. initially for site access, dropped kerbs or storage of materials and secondarily shading, distance from finished development etc). The Council is committed to explore and develop opportunities, wherever deemed suitable, to utilise the arising by products generated by arboriculture operations towards greater environmental sustainability.

CLAIMS FOR SUBSIDENCE AND DAMAGE

When investigating claims of subsidence and damage to properties from tree roots emanating from a tree owned and maintained by the Council, the Council requires the property owner to submit a structural engineers report. This will enable the Council to review the evidence and determine the appropriate course of action.

The report must cover:-

Physical damage, presence of live roots of a relevant species, seasonal movement or variation of the damage during different seasons. All claims regarding subsidence will be referred to the Council's Insurer along with a brief report detailing the age, type, and condition of the tree and any other factors that may be of importance to the claim. If evidence is insufficient any claim will be dismissed.

DAMAGE TO PROPERTY CAUSED BY TREES

The Council will cut back trees, in a responsible and sympathetic manner, from properties where they touch windows, walls, roofs or gutters. This will ensure that damage to property such as tiles or gutters is avoided. This will be completed, whilst adhering to the maintenance policy, in a timescale appropriate to the situation.

OBSTRUCTION BY OVERHANGING BRANCHES

Tree branches from Council trees that obstruct footpaths, the carriageway, highway signage or street lighting will be inspected and have the necessary pruning work undertaken within the timescale appropriate to the situation. Low branches overhanging private gardens will be cleared to a height of 3m maximum when requested by the property owner again the policy will be adhered to and works completed within an appropriate timescale

TELEVISION OR SATELLITE SIGNALS

There is no legal right to good television or satellite signals and no legal requirements to rectify a loss of television, satellite or radio service in respect of trees. Interference is not at present a legal nuisance, and in many cases it is possible to resolve issues of poor reception involving trees by finding an engineering solution.

SHADE OR BLOCKING OF LIGHT

There is no legal right to light under the law and therefore the Council has no legal obligation to abate this perceived nuisance. The Council will consider applications to prune trees on an individual basis and that the work can be executed within financial resources available.

LEAF/FRUIT FALL AND SECRETIONS

Tree work will not be carried out solely to alleviate problems caused by natural and or seasonal phenomena as follows:-

Falling leaves, sap exudation (e.g. honeydew), falling fruits and nuts, bird droppings, blossom, reduction or increase moisture to gardens, blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves, presence of algae and moss build up

HIGHWAY TREE MANAGEMENT

Roadside trees only fall under the Parish Councils jurisdiction when they are positioned on Parish Council owned land. For example, North Kelsey Parish Council maintains the grass on many roadside areas on behalf of Lincolnshire County Council but the liability for these areas remains with Lincolnshire County Council.

METHODS OF MANAGEMENT

Wherever possible the Parish Council will endeavour to undertake preventative and aesthetic maintenance, however, due to the large amount and complexity of the managed tree stock and situations this is not always practicable and certain areas will be maintained following hazard identification or when issues become evident.

SCHEDULED SURVEYS

Proactive inspections of trees need to be undertaken in the areas owned and managed by the Council where a more detailed inspection of trees is required in order to identify any work required. Trees which require monitoring because of their condition or location will also be noted. Re-inspection of individual trees will depend on the level of risk associated with them. An independent tree survey will be carried out every three years.

TREE PRESERVATION ORDERS

Tree Preservation Orders (TPOs) are made by West Lindsey District Council to protect specific trees, groups of trees or woodlands in the interests of amenity for example if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Where a TPO is made under Section 198 of the Town and County Planning Act 1990 and related regulations, the tree or group of trees are identified on a location plan. Copies of the order are served on the owners of land upon which the trees are growing. A TPO prohibits the cutting down, topping, lopping, uprooting wilful damage or wilful destruction of trees without the written consent of the council. In certain circumstances, such consent may be given for example in order to accommodate development, but the TPO enables the council to set conditions and control these actions which can include a requirement to obtain new planting to replace trees which are removed. If a tree is cut down, topped, lopped, uprooted, wilfully destroyed or wilfully damaged this is in contravention of a TPO, the responsible person may be criminally prosecuted and liable to pay a substantial fine.

TREES ON PRIVATE LAND

The Council is not under any duty, statutorily or at common law, to take any action in relation to trees on private land. A tree belongs to the owner of the land on which it is growing, and under Common Law, that person is responsible for managing and maintaining it so that it is not a nuisance to anyone else. Similarly, the Occupiers Liability Acts of 1957 and 1984 place a duty of care on occupiers to ensure that their trees are not a danger to others. It is expected that private parties will take care of their own responsibilities and therefore the council should not be considered as the first point of contact in attempting to resolve concerns about the danger posed by trees in private ownership. If a privately owned tree is causing an obstruction to a road or other highway, powers exist under the Highways Act 1980, to require the owner of the tree to remove the obstruction.

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