

# TREE MAINTENANCE POLICY

Reference	SNTC/OP002	Adopted by	Full Council
Prepared by	C Robson (Town Clerk)	Adopted date	23 July 2024
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## 1. INTRODUCTION

This is a policy for dealing with tree management across the land in St Neots Town Council's ownership and management. This policy does not cover trees on other authorities land, or land in private ownership which are outside of St Neots Town Council's control. Trees in private ownership are the responsibility of the private landowner. The policy also does not cover Tree Preservation Orders, Conservation Areas or high hedge legislation which is administered by Huntingdonshire District Council.

This Policy is intended to act as a point of reference for the public, Councillors, officers and professionally interested people to enable informed decision making and to establish a clear, consistent and more structured approach to the issues affecting trees.

Trees are a highly valued feature in the landscape and are of immense environmental and aesthetical value to the Town and its residents. They make a contribution to the character and beauty of our parks and open spaces, provide a habitat for wildlife, enrich the biodiversity, act as the Town lungs and help to reduce rising temperatures caused by climate change. Some trees in the Council's ownership may help absorb traffic noise in built-up areas and can help limit noise pollution; as such they act as a screen, increasing privacy in residential roads and gardens. St Neots Town Council recognises these benefits, seeking to preserve healthy trees.

We 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 our approach to tree management.

The overall aim of the tree policy is to ensure that our tree stock is retained whilst ensuring the health, safety and well-being of the public and property.

## 2. LEGISLATION

We have 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.

As the owner and manager of trees, St Neots Town Council has a legal duty of care to take all reasonable steps to ensure that any foreseeable hazards can be identified and made safe. This duty is laid down in the Occupiers Liability Act 1984 and the Health and Safety at Work Act 1974 Section 3.

Tree works shall be carried out whilst ensuring adherence to all wildlife and conservation laws are observed including:

- Wildlife and Countryside Act 1981 (amended 1995)
- The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004
- Countryside and Rights of Way Act 2000
- The Town and Country Planning (Trees) (Amendment) (England) Regulations 2008
- The Conservation of Habitats and Species Regulations 2010
- The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007
- The Hedgerows Regulations 1997.
- Highways Act 1980

### 3. INSPECTION OF TREES

The Town Council works to a risk-based approach to tree management: a programme of inspection identifying and prioritising potential hazards. The cycle of inspection for trees will be set according to their location and area of risk. A full inspection of all tree stock will happen every 5 years. Inspections are carried out by appropriately qualified individuals following the Council's financial regulations.

This inspection programme is designed to assess the trees' condition and health whilst highlighting any work that may be required to ensure the tree is retained in the best possible condition.

The decision to prescribe work to a tree is calculated on a risk basis. Risk is calculated through the process of a visual tree assessment. An evaluation of the tree takes into account many factors including:

- Location
- Size
- Species
- Presence of structural decay or defects
- Relationship of any fungal infection relative to species.

Tree defects likely to cause a hazard are identified, categorised and the appropriate work is undertaken where appropriate to remove the hazard.

In bad weather even the healthiest of trees can become hazardous. St Neots Town Council will take prompt action in such emergencies, to ensure that everything possible is done to protect road users, residents and property.

When the level of risk has been established by surveying the tree any works required will be dependent on reducing the risk to an acceptable level. The legal framework does not require the elimination of risk altogether, but that the risk is minimised to an acceptable level.

If a tree is highlighted to be dead, dying, diseased or dangerous and is posing an unacceptable risk to

public safety, it will be identified for felling.

There may be exceptional occasions when a higher risk may be acceptable for example if there is a tree of particular additional value or for reasons of heritage. In these circumstances the advice from an independent consultant will be sought. In addition to this further arboricultural advice or investigations into the condition of the tree may be sought.

#### 4. TREE MAINTENANCE / MANAGEMENT

The Town Council will ensure that tree maintenance work will be conducted as a result of information gathered during tree inspections. However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and normally originate from enquiries from councillors, residents, council officers, contractors or utility companies.

We receive 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 of the area 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 potentially be minimised through careful pruning and careful species selection when planting.

In all cases, consideration will be given as to whether the tree in question meets the necessary criteria for protection. We will respond positively to tree issues raised regarding safety and endeavour to undertake works to alleviate damage to property, though it is not possible or desirable to undertake all works requested. Some requests would not alleviate the problem whilst others would only be a temporary measure which could not be repeated due to restricted budgets. Pruning can be to the detriment of many trees and can have the adverse effect of accelerating additional growth.

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.

#### 5. OVERHANGING TREES/BRANCHES

The Council has no legal obligation to prune overhanging trees unless they are causing direct damage to an adjacent property or are dangerous. The Council will not prune trees that overhang neighbouring properties unless the trees are dangerous or are causing an actionable nuisance. This reflects the Council's position as an owner of a large tree stock and the resources available.

Adjacent landowners are entitled to prune encroaching tree branches or roots back to the boundary of their property providing that the works do not unbalance the tree or do other damage to it. Legally, they are required to retain the prunings and offer them back to the Council, but the Council is not obliged to accept them.

Where access to the Council's land is required in order to undertake tree works, the adjacent landowner must seek the permission of the Council to enter their land. This will not be unreasonably refused.

It is a requirement that all Contractors working on Council land are suitably qualified to undertake the proposed work. It is also a requirement that adequate public liability insurance (a minimum of £5m or £10m when adjacent of a highway) is in place and that appropriate risk assessments and method statements have been completed. The Council will request evidence of this before permitting access.

## 6. PRUNING TREES FOR LIGHT IMPROVEMENT

A common complaint about urban trees is that they block light from properties or shade gardens. However, the seriousness of this effect is variable and often removal of the tree will have little effect on the amount of sunlight reaching the house or garden. An example of this is where the house is north facing and the tree is small or at a distance.

There is no right to light under the law and therefore the Council has no legal obligation to abate this perceived nuisance.

However the Council will consider taking action (pruning or felling) in the following circumstances:

- Trees over 12m in height – distance between base of the tree and the window of the nearest habitable room is less than 5m.
- Trees smaller than 12m high – distance between base of the tree and the window of the nearest habitable room is less than half the height of the tree.
- Where the separation between the edge of the tree canopy and a vertical line through that window is less than 2m. A 'habitable room' means a dining room, lounge, kitchen, study or bedroom but specifically excludes WCs, bathrooms, utility rooms, landings and hallways.

It is recognised through the preparation of the Equalities Impact Assessment that there are exceptional circumstances in which this approach needs to be more flexible. Where it can be established that the presence of trees is causing a detriment to the health of residents, further consideration will be given to the management approach of trees. This consideration will also take in to account the quality and importance of the tree in question. This approach is important as the presence of trees also has a beneficial impact on other residents and the reduction in the number or size of trees may have a greater impact than on just one original enquirer.

Where a situation falls within these guidelines cases will be prioritised according to proximity and account will also be taken of the orientation of the affected window. The results of any consultation exercise may modify decisions if it appears that any work would be by and large unpopular with the rest of the community.

## 7. PRUNING TREES TO IMPROVE TELEVISION, SATELLITE OR RADIO, RECEPTION

Interference with television or satellite reception can be a cause for frequent complaints. Interference is worse when leaves are on trees and in bad windy and rainy weather. Satellite reception is more sensitive to interference than television reception. Some Councils have seen an increase in these complaints in recent years with the advent of this new technology and increased numbers of subscribers.

There is no right to good reception and in many cases it is possible to resolve issues of poor reception by finding an engineering solution.

The Council will only consider requests to prune trees to improve reception where all the following conditions are true:

- Efforts have been made to find an engineering solution to the problem and have not been successful;
- The work required is consistent with good arboricultural practice and will not unduly affect the amenity or health of the tree;
- The work required can be executed within financial resources available.

## 8. PRUNING FOR CLEARANCE OF OVERHEAD POWER CABLES AND TELECOMMUNICATIONS EQUIPMENT

In accordance with Schedule 4 of the Electricity Act 1989, electricity suppliers are empowered to remove obstruction to their equipment. This applies where any tree is or will be in such close proximity to an electric line or electrical plant that it will obstruct or interfere with the installation, maintenance or working of the line or plant; or constitute an unacceptable source of danger to the public. In accordance with Schedule 3A of the Communications Act 2003, telecoms operators may require trees to be lopped to prevent obstruction or interference.

## 9. PRUNING TO PREVENT DIRECT DAMAGE TO PROPERTY

Trees or branches proven beyond reasonable doubt to be the cause of serious structural damage to buildings as identified by a competent professional assessor may be removed by the Council. We endeavour to provide a 1.5 metre clearance from overhanging trees to a dwelling house (not property boundaries).

The Council will cut back trees from properties where they touch windows, walls, roofs or gutters. This will ensure that damage to property such as aerials, tiles or gutters is avoided.

Cases of direct root damage will be considered on an individual basis. A balance will be struck between the nuisance experienced by individuals and the benefits offered by the tree to the wider community.

The Council will not normally take action in response to complaints that Council trees are damaging drains. Trees do not have the capacity to break into a sound drain, but they will ruthlessly exploit any existing fault. The removal of one tree will not prevent other vegetation from exploiting the same

opportunity. The Council's presumption is that the appropriate way to deal with tree root blockage of drains is for the property owner to ensure that the drains are watertight.

It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. This can be achieved in a number of ways (for example installing a section of railing or bridging foundations around the base of a tree). Therefore where trees are considered to be causing damage to walls or fences, we will only consider tree removal if the walls or fence are 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 and will not be considered appropriate for replacement.

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.

## 10. PRUNING TO PREVENT GENERAL NUISANCES

The Council will not fell or prune Council owned trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of their control.

There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be social problems associated with living near trees. Examples of such problems are:

- Falling leaves, sap, fruit, nuts, bird droppings or blossom;
- 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.

As with leaves, honeydew is not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with honeydew.

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 obstructing to a public highway, public right of way or access to property;
- Trees obstructing established essential fixtures and services situated in the highway;

Tree works MAY take place in the following situations:

- Trees deemed by the Council to be an inappropriate species for their situation;
- Trees in an area which is designated for development or redevelopment;
- To maintain historic or important vistas or in the interest of preservation of heritage or locally important structures;
- Re-pollarding or re-coppicing on a regular cycle;
- Trees giving rise to justifiable fears about risk of crime, or trees that have provided access and/or cover for criminal activity;
- Trees and branches restricting other grounds maintenance operations;
- Trees which need formative pruning to shape or train them during the early years;
- Thinning of trees where it will benefit adjacent specimens or those of more favourable species;
- The tree is a species which is known to ultimately outgrow its location and in doing so unreasonably restricts the use of the area;
  - To protect or enhance biodiversity;
  - To improve the aesthetics of the designed landscape;
  - Self-set trees on boundaries where they are a significant nuisance;

The Council will not undertake tree work operations which may be to the detriment of the tree. Tree works WILL NOT be carried out in the following situations or for the following reasons:

- Because trees are perceived as being too large by a member of the public;
- Obstruction of views from private residence;
- Where tree roots have entered gardens;
- To allow construction of new access or driveway to property;
- Erection of fencing, walls, play areas and sports pitches
- To facilitate the implementation of non- essential underground or over ground works.
- The tree 'moves in the wind'

## 11. 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.

## 12. VANDALISM AND DAMAGE TO COUNCIL OWNED/MANAGED TREES

Vandalism is an increasing pressure on trees. Usually, it is young newly planted trees that are damaged; however, mature trees are often damaged too. There are various ways in which vandalism can be counteracted, but none of these are 100% effective against determined attack.

The main methods of deterring vandals are to plant large numbers of very young trees, known as whips, or to plant larger robust trees depending on the site. Another method is to put guards or fencing around trees, but these must be large enough and strong enough to offer real protection.

This latter approach tends to be the most expensive method and only appropriate in very high-profile positions. In the long run, increasing environmental awareness within schools and communities should help reduce vandalism.

We will investigate any reports of vandalism or damage to trees in our ownership/ management and try to repair any damage where we can. Where appropriate, we will take legal action against the person(s) causing the damage.

Any felling or heavy pruning of Council trees on Council land is deemed as criminal damage. The perpetrator will be investigated and under the Anti-social Behaviour, Crime and Policing Act 2014 a Community Protection Notice may be issued, breach of which would result in a fine of up to £2,500 for an individual and £20,000 for a body.

## 13. RECORD KEEPING & APPLICATION OF THE POLICY

The Council, or its contractor, will retain adequate records of the details of inspection and maintenance regime for all trees.

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

All enquiries regarding trees on St Neots Town Council land should be directed to the Council on 01480 388911 or [enquiries@stneots-tc.gov.uk](mailto:enquiries@stneots-tc.gov.uk).