

Gosfield Parish Council Tree Management Policy

1.0. Why have a Policy?

1.1. There is a need to identify a long-term strategy for the future of trees in the village. This might include pruning, felling, replacement planting and encouragement of land and property owners to manage trees for their benefit and the community as a whole.

1.2. Gosfield Parish Council has developed this policy to guide and influence all decisions affecting the management of trees and hedges within the village. The policy will guide how the Parish Council manages trees within its jurisdiction and will provide guidance to landowners and residents when considering their trees and hedges. Every land owner remains responsible for trees and hedges on their property.

1.3. The Parish Survey of 2010 highlighted the fact that residents appreciate the rural character of Gosfield etc, etc.

1.4. The aim is to act in partnership with everyone in our community to allow speedy, effective and appropriate management of trees without undue bureaucracy and expense, whilst ensuring a healthy and safe tree population.

1.5. Additionally, there is a desire to achieve an overall improvement in the understanding of what the Parish Council is doing with regard to trees the Parish Council is responsible for, and that all matters relating to trees are dealt with following fair and regulated procedures.

1.6. The policy will apply to trees owned or managed by Gosfield Parish Council but should be used as a guide for the care of all trees in the parish. The policy will be used as a tool in any consultation arising from the planning process.

1.7. Gosfield Parish Council, in enacting this policy, in no way accepts any liability for trees and hedges not on property it owns or manages. If any aspect of this policy conflicts with statutory law or any aspect of common law or liability, the law takes precedence.

2.0 The Importance of Trees in the Parish

2.1. Our trees are a significant part of the parish. They contribute to the appearance of all parts of our community.

2.2. In a well-managed environment trees provide shelter, shade and pleasure, and a constantly changing backdrop to the landscape of the Parish, as well as habitats for wildlife. Trees provide privacy and can effectively conceal less attractive parts of the built environment.

2.3. An abundance of trees is visually attractive and can positively influence property values ensuring the parish remains a desirable place to live, work and visit.

2.4. Trees reduce the ‘Greenhouse Effect’ and improve air quality by naturally filtering the air of noxious dust and gases. Trees can provide an effective sound barrier to noise pollution from nearby roads.

2.5. However, unmanaged trees can adversely affect our quality of life in many different ways. Most people see trees as beneficial but do not want the adverse effects caused by the lack of tree management. They resent trees that shade the garden, protrude onto the paths and the highway, shed leaves, destroy the view, and ruin television and satellite reception.

2.6. A common sense approach must be adopted to ensure that all the pleasure and benefits of trees are gained without allowing them to blight the lives of individuals.

3.0. The protection of trees

3.1. All trees in the countryside, (but not in gardens, churchyards or public open spaces) fall within the scope of the Forestry Act 1967 (as amended). It is an offence to fell more than 2m³ for sale (or 5m³ for own use) of timber per calendar quarter without first applying for and receiving a Felling Licence from the Forestry Commission, unless the trees are less than 8cm diameter at breast height (Dbh) for clear felling, 10cm Dbh for forestry thinnings and 15cm Dbh for coppicing. This applies mainly to the owners and occupiers of farms and woodlands, but other land holdings may be included.

3.2. Some areas of land, including any trees on them, may be protected under the Wildlife and Countryside Act 1981 (as amended) as a Site of Special Scientific Interest. Parkhall Wood, in the Parish, is an example of such land. It is an offence to carry out many management operations on such land, including tree work, without consent from Natural England.

3.3. Trees may be protected by covenants attached to property. The Parish Council is unaware of any such trees in the parish.

3.4. Of most relevance to residents in the Parish, specific trees may be protected by Tree Preservation Orders or Conditions of Planning Consent, or grow within the Conservation Area. These are designated by Braintree District Council under planning legislation.

4.0. The Policy:-

- ensures that trees owned and managed by Gosfield Parish Council are adequately protected and cared for (Section 5),
- provides a framework for inspection and maintenance of Parish Council trees (Section 6),
- provides some guidance relating to the legal aspects of boundaries, encroaching trees, hedges and ‘right to light’ issues (Section7),

- Sets guidelines that the parish council will follow when responding to consultations and making decisions relating to tree protection, tree inspection and communicating with neighbouring land/property owners (Section 8),
- Provides information on emergency procedures with regard to potentially dangerous trees (Section 9)
- Considers future tree cover in the Parish (Section 10)

5.0. Tree Inspection

5.1. The Parish Council has a duty of care to any person on or adjacent to sites it owns. This includes taking reasonable steps to prevent reasonably foreseeable incidents. An independent inspection is required for Public Liability Insurance, held by the parish council, to be effective. Trees will be inspected by a suitably qualified arboricultural consultant.

6.0. Tree Maintenance

6.1. Tree maintenance will be carried out by an arboricultural contractor or, where possible, by a working party established by the parish council for a particular task. Advice may be sought from a qualified Arboricultural Consultant if this is justified by the nature of the work. All tree works will be conducted to comply with Bs3998 Works to Trees.

6.2. Pruning will be carried out:

- For health and safety reasons e. g. to remove some of the lower branches of a tree located near a pathway or road allowing ease of passage for pedestrians and traffic to pass safely.
- where it is in accordance with site-specific management plans.

6.3. The Parish Council will NOT undertake tree pruning or removal:

- in response to natural occurrences that do not pose a health and safety risk, such as falling fruit, falling leaves or dripping sap.
- where trees have a negative impact on television reception
- where the canopy is blocking lighting
- where a tree is blocking views from a residence
- during the nesting season unless the work is for urgent health and safety reasons. Tree work will be avoided between April and July inclusive as it is an offence to recklessly or intentionally damage or destroy the nest of any wild bird while it is in use or being built.
- if a tree contains a bat roost, whether or not it is occupied unless work is required for urgent health and safety reasons. The advice of Natural England will be sought as it is a criminal offence to recklessly or intentionally disturb bats, or to damage or destroy a bat roost
- trees overhanging an adjacent property unless it poses a health and safety risk
- removal of dead branches, or crown cleaning, from trees located in relatively quiet locations due to the branches ecological value. If the dead or diseased branches pose a health and safety risk or are impacting upon the trees health, crown cleaning will be carried out.

6.4. The parish council will avoid felling trees unless it is necessary. Tree felling will usually be for health and safety purposes, or to prevent the spread of serious tree diseases and pests. The Parish Council reserve the right to fell trees to prevent overcrowding, to harvest mature timber as part of the management of a site, to improve habitats, to restore landscapes in line with particular site management or to remove a tree that is inappropriate to its location and has a significantly detrimental impact on the appearance or amenity of the site.

6.5. If it is necessary to close a footpath onto or within Parish Council owned land in order to carry out tree works, 3 days notice should be given and notices announcing closure should be put up, unless the tree is an immediate danger.

7.0. Parish Council Response to Requests from owners of neighbouring property to carry out work to trees it owns.

7.1. Braintree District Council is the planning authority regarding trees in Conservation Areas, and trees protected by a Tree Preservation Order or Condition of Planning Consent. Gosfield Parish Council can only comment, unless they are the owner of the tree.

7.2. The most frequently asked question relating to trees is concern about overhang branches and leaf fall. The Parish Council reminds residents and land owners that pruning may be carried out on unprotected trees [not subject to a Tree preservation order or inside the Conservation area] where they overhang your property vertically in line with your boundary.

7.3. If the Parish Council is the owner of a protected tree, work to cut back overhanging branches to the boundary of properties will normally be agreed by Gosfield PC, provided that Braintree District Council give consent.

7.4. If the tree is protected, and cutting back to the boundary would harm the health or amenity value of the tree, the Parish Council will request that Braintree District Council refuse consent for the work. The District Council may in any case grant consent, or grant consent for lesser works.

7.5. If it is appropriate to cut back overhanging branches to a point beyond the boundary, e.g. to the trunk of the tree, this may be allowed by Gosfield PC, and contractors would be allowed to come on to the land to do so after requesting permission.

(For the sake of the appearance of the tree, it sometimes makes sense to cut back to the trunk. However, large pruning wounds on the trunk can be a source of infection and decay, and branch loss may be detrimental to habitat conservation e.g. bat roosts)

7.6. Residents have the right to choose a contractor for tree works although if the contractor has to come onto Parish Council property, the Parish Council retains the right to check their insurance and qualifications, and to see a written site-specific risk assessment, and to refuse access to them if these are not compliant with industry best practice.

7.7. Residents do not have the right to insist on work to Parish Council owned trees (other than cutting back to the boundary) which might damage the life, health and shape of the tree.

7.8. Where a tree on Parish Council land is dead or dying, if dead or dying branches overhang a neighbour's property, if the tree is in contact with permanent structures on the property (e.g. a house or garage), or if the tree is dangerous due to a defect such as severe main stem decay, the Parish Council is responsible and will pay for any work done. Other work requested by residents is at their (the resident's) expense.

7.9. If you are in any doubt as to the rights you may have or actions you are considering taking regarding trees owned by the parish council, please contact any parish councillor to discuss before proceeding. We will be happy to offer advice.

8.0. Parish Council Response to Consultations from Braintree District Council concerning applications for work to protected trees.

8.1. Braintree District Council consult the Parish Council on all planning applications, including proposed works to trees. The Parish Council can make comments, including objections, which will be considered by BDC before any decision is issued.

8.2. The Parish Council will consider every case on its merits, but will try to apply the same principles as apply to their own trees, as set out in sections 6 & 7.

9.0. Emergency Procedures

9.1. In adverse weather conditions, particularly strong wind or very high humidity, trees can fall over or shed branches. Unless there is an injury, or a road is blocked, do not 'contact the police.

9.2. If you are the owner, it will be your responsibility to ensure that the tree or part is cleared up, if necessary by a suitably qualified tree surgeon, unless it can be left where it is.

9.3. Addresses of tree surgeons can be found in various local guides, in the telephone book or on-line. In some cases, fallen trees can be particularly dangerous to clear up, requiring highly qualified and experienced contractors. The Arboricultural Association have a list of Approved Contractors on their web-site at www.trees.org.

10.0. Future Trees

10.1. The tree population across the UK is generally mature or over-mature. Gosfield is no exception. Although there is a large area of young woodland on the Airfield, and some woodlands in the Parish have been actively managed to contain a sustainable age range of trees, many of the hedgerow trees and trees on open spaces in the village, are mature. Some are in decline.

10.2. There is an insufficient population of young trees in our parish to replace these when they fall or are felled.

10.3. The Parish Council will give what support it can to planting initiatives, and may undertake new planting on its own land from time to time (e.g. the new Beech tree and the Commemorative Oak on the village playing field).

10.4. To draw attention to trees in Gosfield, the Parish Council may consider developing a tree trail in cooperation with other local landowners, if resources can be made available.

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