

# Kilmington Parish Council

## Tree Management Policy

This document has been compiled using guidance published by the National Tree Safety Group.

The NTSG believes that one fundamental concept should underlie the management of risks from trees. It is that the evaluation of what is reasonable should be based upon a balance between benefit and risk. This evaluation can be undertaken only in a local context, since trees provide many different types of benefit in a range of different circumstances. The NTSG position is underpinned by a set of five key principles:

1. Trees provide a wide variety of benefits to society
2. Trees are living organisms that naturally lose branches or fall
3. The overall risk to the public is extremely low
4. The owners of trees have a legal duty of care
5. Tree owners should take a balanced and proportionate approach to tree safety management.

Further information is available from <https://ntsgroup.org.uk>

### 1. Introduction

1.1. This policy sets out the Parish Council's approach to the management of trees on land owned and/or cared for by Kilmington Parish Council only. Other Councils, organisations, companies and private individuals may need to be contacted if a tree(s) is located on their land.

1.2. This document has been created to provide guidance for the public, Councillors and Council employees to ensure a clear and consistent approach is adhered to regarding the management of trees by Kilmington Parish Council.

1.3. If a tree falls and causes injury or damage, the relevant landowner could be held negligent if they have failed to take sufficient care of the tree. Therefore, as a landowner, the Council has a duty of care to ensure that all trees on Parish Council-owned land are kept in an acceptable condition and do not put people or property at unreasonable risk.

### 2. Inspections

2.1 **Detailed inspection** This is carried out by a qualified Arboricultural consultant (Arborist) on a 2 yearly basis.

The consultant provides the council with a schedule of the trees inspected, which details any actions which may be necessary, along with a timescale within which the actions should be performed. The timescale is based on the assessed risk posed.

**2.2 Formal inspections** These are purposeful visits to specific tree(s). Carried out by a qualified professional such as a tree surgeon. They can be for various reasons including :

2.2.1 Checking for damage following a significant weather event

2.2.2 Inspecting tree(s) more regularly between detailed inspections if recommended.

2.2.3 Following up a report from a member of the community raising concerns, e.g a broken hanging branch etc.

2.3 The arborist's survey is undertaken from the ground using the principles of Visual Tree Assessment (VTA). VTA is a systematic, non-invasive method of examining the health and structural condition of individual trees. By visually examining a tree, an arboriculturist can gather information on the condition of its roots, trunk and crown to make an assessment and draw conclusions about its general condition, health and vitality. If serious disease or mechanical weakness is suspected that cannot be confirmed using VTA techniques, then there may be a need for more detailed investigation, such as using specialist decay detection equipment or climbing techniques. Where necessary the arborist would recommend the use of specialist equipment or other more detailed investigations. If these techniques will not add any significant new information for his consideration then he would not recommend their use.

2.4 The arborist assess tree risk by relating any observable defects to the likelihood of those defects causing harm, using his knowledge and experience of tree hazard assessment and management, in order to inform a hazard rating for each inspected tree. This will be considered in relation to the nearby land use (or "target"). Whilst any one inspected tree may exhibit significant defects, the likelihood of that tree causing significant harm will be related to the size of the affected part, the probability of failure and the value of the target and/or the likelihood of persons being present within influencing distance of that tree at the time of failure. Risk cannot be reliably quantified in all situations and is therefore viewed in the context of a spectrum, with High and Low representing the extremes and Moderate being everything that falls in between.

2.5 Higher levels of risk may be acceptable in areas of lower footfall trees such as away from footpaths, roadways or structures or due to the small size of the trees. The Council recognises the importance of mature and ancient trees and of deadwood which may be present in these trees and small dead trees. These features can be important for their environmental biodiversity and wildlife value. The Council wish to encourage biodiversity so balancing safety with a duty to protect the environment will seek to retain such features where they pose very little risk of causing harm to persons or property due to the location of the affected trees away from footpaths, roadways or structures or due to the small size of the trees.

2.6 The Council are aware that it has Ash trees on some of its sites.. Ash Dieback Disease (ADD) is now widespread throughout Devon and surrounding counties, though specific symptoms are not always obvious on more mature trees. The rate of decline of infected trees and the long- term prognosis for the health of Ash trees generally is currently uncertain. Some sources suggest that the UK may experience losses of up to 90% or more of its Ash trees in some areas. Woodland trees, in particular, appear to be particularly prone to decline. Once

infected, trees can decline rapidly and quickly lose their structural integrity. On reaching less than 50% of their normal foliar density, they are likely to require removal where they pose a threat to persons or property but such trees can be difficult to fell or dismantle. Hence, where trees are in an early stage of infection, are in locations that are inaccessible to machinery and would pose a risk to persons or property if they declined further, it may be appropriate for the Council to consider the pre-emptive removal of such trees while it is still possible to deal with them safely using conventional techniques.

- 2.7 The identification of ADD infected Ash can be difficult from around October through early June, when trees are normally not in full leaf, unless the trees are very severely affected and contain large sections of deadwood.

It is considered prudent that the next safety inspection be scheduled for summer 2023, so as to allow for a more ready assessment of the degree of infection (if any) within any Ash trees on site.

- 2.8 The Parish Council will also consider requests to conduct tree work on the Council's land from members of the public. If the request concerns a potentially dangerous tree, the tree will be inspected as soon as possible, ideally the same day or next day and a plan of action put into place. If the request is of a non-urgent nature, an inspection will be undertaken within 30 days. In all cases, the member of the public will be informed of this inspection and of any action to be taken resulting from the inspection.

### 3. Maintenance

3.1. The Council has adopted a proactive approach to tree maintenance. The type of works undertaken will depend on the tree's location, the species of tree and its state of health at that time.

3.2. Regular inspections will be carried out to identify issues at the earliest opportunity, so that preventative action can be taken where possible. Areas close to roads, buildings and with high public usage will be prioritised

3.3. As a guide, tree works will be undertaken in the following circumstances

3.3.1. Where an inspection has identified the tree as potentially hazardous or an immediate danger;

3.3.2. If the works are vital to the tree's long-term survival. Dead, dying or diseased trees will only be fully removed when there is no other option e.g. to prevent the spread of serious diseases/pests.

3.3.3. To reduce a nuisance where branches are touching buildings e.g. contact with walls, windows, gutters.

3.3.4. When previous maintenance regimes have determined future works are of the same specification for that specimen e.g. pollarding, crown reduction.

3.3.5. To improve habitats or restore landscapes in line with site management or where a tree is inappropriate to its location and has a significantly detrimental impact on the appearance or amenity of a site.

3.4 The impact on local wildlife of all tree works, specifically felling and pruning, will always be thoroughly considered, with the impact minimised where possible.

3.5. Where appropriate, dead and fallen wood will be left on site unless there are sound conservation and safety reasons for its removal.

3.6. All tree work will be carried out by a qualified tree surgeon appointed by the Parish Council and in accordance with BS/3998/2010 Recommendations for Tree Work 2010 (and any subsequent revisions). All works must have Parish Council approval and must be carried out by the Parish Council's appointed Tree Surgeon based on their professional advice.

#### 4. Protected Trees

4.1. Tree Preservation Order (TPO) - Permission must be applied for from East Devon District Council and granted before any works can take place on a protected tree. This includes pruning, dead wooding, felling or any disruption to the roots.

4.2 Trees over a given size within Conservation Areas are afforded similar protection as trees covered by tree preservation orders. Permission must be sought prior to works as above.

#### 5. Requests for Tree Work

5.1. Whilst the Council will consider the impact of trees in each case on individual merit, the Council will not fell or prune trees on Parish Council-owned land if it is for any of the following non-arboricultural reasons:

5.1.1. To alleviate problems caused by natural and/or seasonal phenomena e.g. falling leaves, fruit, seeds/berries, bird droppings, pollen etc.

5.1.2. For reasons of increasing sunlight/views to properties and gardens.

5.1.3. For the reason that the tree(s) is causing interference with television or satellite reception. In most cases the problem can be resolved by relocating the aerial or satellite dish. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning to enable clear television reception would only be considered in exceptional circumstances.

5.2. Adjacent landowners have a common law right to prune back tree branches to their boundary, providing that it would not lead to tree death and providing the tree in question is not protected by a TPO or situated within a Conservation Area.

5.3. Tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Tree felling and branch pruning in response to root invasion in gardens would not normally be appropriate as such works are likely to worsen the problem. The encroachment of roots into adjoining land is not considered to amount to actionable nuisance. Adjacent landowners 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 TPO or situated within a Conservation Area.

5.4. Landowners are reminded that if access to Council-owned land is required to carry out pruning they will require written permission from the Parish Council before carrying out such works. 4 of 4

5.5. The Parish Council will consider formal applications for tree works on its land, but these must be in writing, either by letter or email to the Parish Clerk.

6. Hedges Hedges are an attractive feature on Council-owned land and they provide an important habitat for a wide range of species, offering food, shelter, protection from predators, wintering and nesting sites, and acting as transit corridors. It is recognised that trimming hedges too severely can have a detrimental impact on their wildlife value. Where there is no negative impact on health and safety, the Council aims to have taller, bushier hedges. However, it will ensure that hedge growth does not impair the safety of highway or footpath users nor impede their access. Hedge cutting will not be conducted between March and August unless for urgent health and safety reasons.

7. **Parish Council-Owned Land**

The Common - Shute Road

Jubilee Green - off The Street / Gore lane -

Land adjacent to the brook – The Street/ Whitford Road

The Green – School Lane/ Whitford Road

Land to front of Village Hall

8. This policy will reviewed every two years, or when there are major changes to legislation or best practice in respect of tree management.

Policy adopted 3<sup>rd</sup> April 2023

Next review on or before 31<sup>st</sup> March 2025