

# HAMBLE PARISH COUNCIL

## TREE MANAGEMENT POLICY (2018)

### BACKGROUND

Trees, hedges, grass areas, and ditches are an important part of rural and urban landscapes. They provide vital habitats and food for wildlife, windbreaks in open areas, reduce pollution by cleaning the air, prevent flooding, help control extremes of temperature next to buildings, and assist with deadening traffic noise. Research also shows they can provide psychological and health benefits, helping to reduce stress.

The 'WeRHamble' Community Consultation in the Summer of 2017 also reinforced the desire by residents to consider these aspects with 75% of respondents valuing Wildlife & Open Spaces, and over 60% being very concerned by Air Quality.

The Council is committed to a long-term strategy of planting, protecting, retaining, improving, and developing its stock of trees, hedges, shrubs within the village. It will seek to continuously improve the quality and quantity of trees and vegetation within the Parish. Where replacement or new planting is required it will encourage the planting of appropriate native species. Where tree felling is necessary the Council will strive to replace two trees or hedging whips for each tree removed, and place them in an appropriate location nearby.

The Council also wishes to encourage other land and property owners within the Parish to adopt similar principles for the management of trees having consideration to wildlife and the whole community where possible.

### INTRODUCTION

As part of the 2017 Review work has been undertaken to:

- Tree Management Policy – 2018
- Guidance to Residents & Businesses on Tree Ownership & Neighbouring Trees- 2018
- Update the HPC Tree Risk Assessment Plan 2017 -2022

This **Tree Management Policy** is designed to be a framework for the management of trees owned and managed by Hamble Parish Council. It will also inform the approach to the Tree Risk Assessment Plan, and will be used as a tool during Consultations with businesses, Assessment of Planning Applications, and Enquiries from Residents. This Policy should be read in conjunction with the **HPC Guidance on Tree Ownership & Neighbouring Trees** which is also available on the web site.

The Council has a duty of care to ensure that work is not undertaken on protected trees within the village without the appropriate permissions being sought. This includes all trees with Tree Preservation Orders (TPO's) and within the Hamble Conservation Area. The Council will also consider the impacts on trees and related ecosystems of any planning applications placed before it, including residential, commercial, or highways and pathways applications (Traffic Regulation Orders).

### TREE MANAGEMENT PRINCIPLES

A principle of English Common and Statute Law is that land and tree owners have a duty of care to visitors, residents, passers-by, and even trespassers on their land. The Council has a statutory duty of care under the Health and Safety at Work etc. Act 1974 and the Occupiers Liability Acts

1954 and 1984 to ensure so far as is reasonably practicable its trees are safe and not a danger to the public.

The Council will ensure that trees on Public Land are retained wherever possible and are given appropriate protection from the effects of commercial and residential development and construction activities, including installation of underground utilities, paths, and cycle ways.

The Council will avoid felling trees unless deemed necessary. Tree felling will usually be for health and safety reasons, or to prevent the spread of serious tree diseases and pests. The Council reserve the right to fell trees to enhance or maintain a habitat, to prevent overcrowding, to restore landscapes in line with a particular site management plan, or to remove a tree that is inappropriate to its location and has a significantly detrimental impact on the appearance or amenity of a site.

The main principles adopted by the Council for Tree Management are:

- Wherever appropriate Trees will be retained
- Trees will be assessed on their likely risk to people or property
- Assessment will be based on competent advice from a Qualified Arborist
- To have in place procedures which identify and record significant trees
- To set up a regular programme of inspection which surveys significant trees on a cyclical basis (Tree Risk Assessment Plan)
- To identify trees that present the greatest risk,
  - taking remedial action as necessary using fully qualified practitioners
  - where felling is recommended ensure correct permissions for felling of any non-exempt trees are in place and the tree has been assessed for Bats and other protected wildlife
- To maintain clearance heights over highways, roads, and footpaths in accordance with the table in the Tree Risk Assessment Plan
- Significant Woodlands on Parish land will be managed as appropriate, and in accordance with accepted arboricultural and silvicultural practices which respect their value as landscape features, wildlife habitats, and recreational amenities
- Endeavour to undertake work outside of the main nature reproduction period – 1<sup>st</sup> March to 31<sup>st</sup> August
- Where possible notify nearby local residents in advance where major tree works will take place adjacent to residential properties
- To ensure all tree works are carried out to BS3998:2010 'Recommendations for Tree Work' (plus revisions) and to produce a specification for all tree works
- Make clear the circumstance in which the Council will not consider remedial work – see Exceptions below
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#### **EXCEPTIONS from consideration for REMEDIAL WORKS**

The Council **will not**, unless legally obliged to do so, consider undertaking remedial works to otherwise healthy and well-formed trees in the following circumstances:

- To create or reinstate private views
- Loss of light or shading of gardens, rooms or solar panels or where the canopy is blocking light
- *Due to the size or height of a tree (trees are naturally large organisms)*
- Trees and branches overhanging adjacent property, outbuildings, or gardens unless they pose a health or safety risk
- Reduced security by virtue of concealment or reduced visibility

- Alleged damage to property / gardens by roots or branches (direct or indirect)
- Interference with transmitted signals (TV, satellite, cable, or other forms of electronic communication or reception)
- Interference with BT & electricity company services
- During the bird reproduction season unless work is required for urgent health or safety reasons
- Where a tree contains roosting bats unless work is required for urgent health or safety reasons
- Presence of vermin
- In response to a natural event that does not pose a health and safety risk, such as falling nuts, shedding of leaf, seed, fir cone, twig, flower litter, fruit debris, general vegetative detritus, wildlife droppings including bird droppings
- Vandalism e.g. thrown apples
- Dripping secretions such as honeydew, sap
- Hay fever/ allergies
- Dampness/ algae/ moss/ fungal growth

### **TREE INSPECTIONS AND RISK ASSESSMENTS (Tree Surveys)**

The Council will have in place a planned inspection programme which ensures trees are inspected as often as is necessary. Inspections will be undertaken by a Qualified Arborist who is a suitably experienced and competent person to undertake Tree Surveys based on a Risk Assessment Approach.

Areas of Land with Council managed trees will have Tree Surveys undertaken on a cyclical basis. Due dates for Surveys are identified in the Council Tree Risk Assessment Plan. Areas of land with high footfall, or buildings in close proximity to trees, will be inspected more frequently than distant pieces of land where there are no buildings or infrequent use by people. The criteria for assessment will be in the Tree Risk Assessment Plan.

### **TREE SURVEYORS & CONTRACTORS FOR REMEDIAL WORK**

The Council will employ Qualified Arborists to undertake Tree Surveys. The Arborists will produce Tree Survey Reports which identify any actions that need to be taken, and qualified Contractors will be sought to undertake the necessary remedial works where it is not practical for the Council Ground staff to undertake the work.

### **RISK CONTROL**

Where necessary, during Tree Surveys the Arborist will consider how the risk of accidents can be reduced and these will be identified in the Tree Survey Reports.

### **TREE PRESERVATION ORDERS (TPO) & CONSERVATION AREA**

The Council will apply to the Local Planning Authority (LPA) – for Hamble this is Eastleigh Borough Council – when remedial work is required on a Tree which it owns that has a TPO or is in the Conservation area. The Council will also consider trees on private land that may benefit from having a TPO placed on them and where necessary refer the tree to other local authorities or organisations.

### **TREE FELLING EXEMPTIONS**

The Council will ensure any minor tree works are undertaken within Forestry Commission guidelines. Certain types of felling do not need permission from the Forestry Commission. The Forestry Act 1967, as amended and related regulation gives these exceptions in full.

## LOCAL AUTHORITY POWERS

Trees and vegetation within the Parish are owned and managed and maintained by 3 Local Authorities. They have certain powers to deal with dangerous trees not on their land which overhang or affect the management of the road or land. The main highways and streets within Hamble Parish Council are owned and maintained by Hampshire County Council (HCC). Some aspects are maintained by Eastleigh Borough Council street scene teams on behalf of HCC, and these Councils will, if necessary, give notice to an owner of tree(s) requiring them to cut or prune the tree. If the owner fails to comply the Authority may carry out the work and charge the owner. (Highways Act)

### Table for property, highway, footpath & pavements clearance distances (HCC & EBC recommended)

<b>Property</b>	2m clearance to houses & outbuildings, 3m over fences
<b>Highways</b>	5.3m over carriageway, 1.0m behind edge of carriageway
<b>Footpaths &amp; Pavements</b>	3.0m over footways & pavements, 500mm behind edge of footway or pavement where possible
<b>Rights of Way</b>	Heights over – as above, 1.5m width minimum-

From time to time Hamble Parish Council may also be the landowner and require clearance work to be carried out.

### CUTTING OF NEIGHBOURS TREES FROM PARISH LAND OR PUBLIC RIGHTS OF WAY

The Council will enter discussion with Neighbours who wish to undertake work on their own trees which requires access from Parish land or Public Rights of Way. Neighbours should seek permission to do so before undertaking any work.

### NEIGHBOURING PROPERTIES - OVER HANGING BRANCHES FROM COUNCIL TREES

The Council will enter discussion with Neighbours where they have concerns in such circumstances. Neighbours are required to contact the Council before attempting to undertake any work. Although neighbours do have a legal right to trim overhanging branches, only from within their property boundaries, they also have to offer the cut branches back to the Parish Council, so a dialogue should take place. Where neighbours undertake work in isolation this can result in an unbalanced tree which is not a desirable outcome. The Council will work with neighbours to resolve any problems associated with overhanging branches as there are often a variety of solutions and the best solution will be sought by the Council for the individual tree in question, which may well have been subject to a Tree Survey.

02.01.18