

<b>Policy Name</b>	<b>Frequency of Review</b>	<b>Date adopted &amp; Minute Ref</b>
Tree Management	2 yearly	9.1.2019 Minute 18/146
	2 yearly	5.1.2022 Minute 21/166
	2 yearly	07.02.2024 Minute 23/484(4)

## **Bourton-on-the-Water Parish Council TREE MANAGEMENT POLICY**

### **1. Introduction**

Bourton on the Water Parish Council ("the Council") has adopted the following strategy in order to maintain a consistent approach to tree management within the parish.

Trees are a highly valued feature of the parish and contribute enormously to the character and beauty of the local landscape and the natural environment. A large number of local trees are located on land owned by the Council, which places a high value on the human and environmental benefits derived from having a healthy and sustainable tree population.

Whilst trees have a positive value to their community, they come with an inherent risk. Whilst the natural risk of accidents as a direct result of trees is extremely low, it is the duty of a responsible tree owner to assess any risks and to take appropriate action to mitigate these through active management.

This policy sets out the Council's approach to management of trees on land it owns, as well as for other trees outside its ownership.

### **2. Scope of policy**

This policy applies to all trees on all land owned by the Council; the Council's primary responsibility derives from the Occupier's Liability Act 1957 & 1984 and the Health & Safety at Work Act 1974. Additionally, the Council has the discretionary power to provide and maintain trees on open spaces and amenity land under the Open Space Act 1906.

While there is a natural low risk of death caused by trees (1:10 million for trees in public areas) legislation requires an occupier/owner to be able to demonstrate they have taken reasonable steps to assess the risk and put in place a proportionate and achievable strategy to minimise this risk.

Responsibility for trees which are on the public highway in Bourton remain the primary responsibility of the Highways Authority, Gloucestershire County Council. This responsibility derives from legislation set out in The Highways Act 1980. They will undertake action to reduce or minimise any risk, only when the tree is deemed to constitute a danger to passing traffic or pedestrians. On occasion, the Council may consider undertaking elective works to trees on public highways when such action is deemed to be in the community interest. However, any such works will be considered on a case-by-case basis only, and without prejudice or acceptance of permanent responsibility. In all other instances trees on the public highway will remain outside of the scope of this policy.

Responsibility for maintenance of trees on private land remains with the landowner, and any such trees are excluded from the scope of this policy.

### **3. The natural benefit of trees**

Trees are an important feature of the landscape and are integral to the Cotswolds Area of Outstanding Natural Beauty. They help to create an attractive environment, making the parish a better place to live, work and visit. Not only do trees have a visual quality, but they also enhance the environment in other ways:

- they provide food and habitat for birds and other wildlife, thus supporting nature conservation and biodiversity;
- they improve air quality by filtering airborne dust, smoke and fumes;
- they absorb traffic noise in built-up areas and can help limit noise pollution;
- they act as a screen, increasing privacy in residential roads and gardens;
- they convert carbon dioxide to oxygen, increasing the quality of the air locally and helping to reduce the "greenhouse effect."

#### **4. Long-term objective**

The principle aim of the Council's strategy is to maintain a diverse, robust and healthy local tree population whilst maximising amenity, biodiversity and other tree related benefits.

This will be achieved through regular maintenance work and the commissioning of replacement planting, whenever possible. The Council is committed to replanting trees following a tree removal through damage, disease or age. Wherever possible, one replacement tree will be planted for each tree removed, however, where this is not appropriate due to the location or for other reason, the Council will consider planting another tree on land which it owns in the vicinity so the tree population in the local area is not diminished.

#### **5. Management strategy – routine works**

Following the full Tree Surveys commissioned in 2021 and the additional trees surveyed in 2022 the Council will employ a qualified firm of tree surgeons to complete a 'negative report' every 36 months. (A negative report only records trees which require remedial works). In addition, if considered necessary a 'walk through' survey should be completed by an arboricultural professional following adverse weather events. The appointment of the contractor and decisions on the requirement for additional surveys to be taken by the Village Environment Committee, or the Clerk in cases of extreme urgency following adverse weather. Quotes to be obtained and considered in accordance with the Financial Regulations.

The 2021 survey identified the following zones in terms of their footfall and risk rating:

- Willow trees on Lansdowne Road (High usage zone; red).
- Trees within St Lawrence Churchyard (Low usage zone; green).
- Trees on the village green, running parallel to High Street (High usage; red).
- Trees within the cemetery (High usage zone; red).
- Trees within the disused Baptist cemetery (Low usage; green).

Following each survey, the Council will commission works identified at the time of inspection, and schedule future inspections in line with the recommended frequency. All works identified at the time of any scheduled inspections will be instructed according to the timescales set out in the Tree Survey report. A budget or Earmarked Reserves will be set aside each year to undertake these routine maintenance works and any additional emergency work that may be required.

#### **6. Management strategy – ad-hoc works**

Tree maintenance work will primarily be instructed as a result of information gathered during scheduled tree inspections. However, reactive maintenance will always form a key element of a responsible tree management strategy and would normally originate from the following:

- 'Tree Friend' (formerly Tree Warden) inspections;
- resident reports;
- reports from utility companies following utility maintenance works;
- vandalism;
- emergency works resulting from e.g high winds, storms or flooding.

Any urgent ad-hoc works will be considered by Council as and when they arise so that funding may be approved. In cases where emergency work is required this may be approved by the Clerk in accordance with the Financial Regulations.

The Council has recruited a volunteer Tree Friend (formerly Tree Warden) whose role involves the periodic inspection of Council's trees and a routine inspection following a bad weather event and will include regular reporting of issues arising to the Village Environment Committee. Thus, any ad-hoc or emergency works may be identified between scheduled inspections and be instructed and completed without delay. The Tree Friend will attend relevant tree management courses as and when available, and the Council will make provision to fund training courses within its annual tree maintenance budget.

## **7. Dealing with requests for Tree Care**

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.

### **Obstructing / Overhanging Tree Branches**

Tree branches can cause obstructions to public footpaths, roadways / signs, streetlights and open spaces. Appropriate pruning to eliminate hazards caused by obstructive branches will normally be acceptable, providing efforts are made to retain the shape of the tree.

We will not prune trees that overhang neighbouring properties unless the trees are dangerous or causing an actionable nuisance (i.e. touching the walls, roofs, windows, gutters, garage etc.). This will ensure that damage to property such as aerials, tiles or gutters is avoided.

Adjacent Landowners do have a common law right to prune back tree branches **to their boundary**, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area. NB Work to a tree in a Conservation Area or which has a TPO must be subject to an application to the District Council and time allowed for consultation before work proceeds. If such a tree is taken down then it must be replaced.

### **Shading and Loss of Light**

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

### **Loss of View**

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape or 'parishscape'. Historical records may be used to determine the level of management required. Pruning of trees for highway sight-line requirements will be dealt with on a case-by-case basis.

### **Trees affecting reception (Television / Satellite / Solar Panels)**

Pruning in the short term may help improve television reception. However in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a booster. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

Similarly we will not prune or fell a tree in our ownership / management to improve natural light to a solar panel. Whilst we recognise the need for renewable energy sources, trees are also important in tackling climate change.

### **Overhead Cables / Telephone Wires**

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, we will encourage utility operators to adopt the most appropriate long-term solution, giving consideration to tree health, local tree cover and visual amenity.

Problems caused by branches interfering with privately owned telephone wires can usually be eliminated through appropriate pruning and tree removal would not usually be considered.

We will not prune or fell a tree in our ownership / management to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

### **General / Minor Nuisances**

We will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees.

Examples of such problems are:

- Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- Insects associated with trees (spiders, wasps, flies etc.);
- 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.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are 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 these issues alone.

We would not normally prune or fell a tree under our ownership / management that bears poisonous fruit / foliage (such as laburnum or yew).

However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate and take action, where appropriate.

#### **Trees considered too big / too tall**

We will not prune or fell a tree under council ownership / management because it is considered to be 'too big' or 'too tall' for its surroundings.