

Stroud District Council TREE POLICY

Vision

A District where trees are valued for the significant contribution they make to wellbeing and quality of life within the area. Trees are managed to promote biodiversity, climate mitigation, and visual amenity whilst being managed and maintained in a way which promotes their safety and health.

Objectives

To ensure that the Council's tree stock is regularly inspected, in line with current best practice, and managed to ensure public safety and to minimise the risk to property.

1. To ensure that the Council's tree stock is maintained in a cost effective manner, maximising visual amenity and associated environmental benefits whilst minimising risks to public safety and property.
2. To ensure that the work undertaken on Council trees is done to a high standard, is appropriate and in line with best arboricultural practice.
3. To provide appropriate levels of information and advice to the public on the Council's tree stock.
4. To identify and ensure appropriate management of trees which are important for biodiversity, as wildlife corridors or as landscape features.
5. To promote the positive contribution made by trees to open spaces, including the value which they have for wildlife.
6. To identify opportunities for appropriate tree planting schemes including community orchards.

Policies

a) Stroud District Council will continue to carry out its rolling programme of tree inspections, together with an associated remedial programme of work. The results of these inspections and any associated works will be recoded in line with current best practice.

b) The Council will respond positively to tree matters involving safety (including highway safety) and will remove dead trees (except where biodiversity issues prevail) and dangerous and unsafe trees and branches. Trees which are in decline will be monitored in order to ensure that they pose no risk to people or property.

c) Where it can be demonstrated that a tree is the primary cause of direct damage to property the Council will act to rectify the problem. In cases of damage to property it must be clearly demonstrated that the tree is the

principal cause of the damage. (The effects of tree litter such as leaves, twigs, fruit etc will not be considered as direct damage and no action will be taken by the Council).

d) Except in exceptional circumstances the Council will not prune its tree stock to alleviate the obstruction of light or telecommunication signals or where branches overhang neighbouring properties.

e) Works will only be carried out on trees which are restricting the efficiency of solar panels where the solar panel pre-dates the presence of the tree.

f) The Council may carry out work on trees in response to its development priorities. Development priorities may include site or neighbourhood redesign, the redevelopment of parks, gardens and other green spaces, or woodland management schemes.

g) When carrying out tree works the Council will comply with all relevant legislation in respect of the protection of nesting birds and other wildlife. Only essential tree works will be carried out during the bird nesting season. Work will not be carried out on trees to address the issues of bird droppings. Prior to works being carried out on a mature tree the potential for bat roosts will be assessed. If it is found that there are features within the tree that are likely to be suitable for bat roosts, a survey will be carried. If bat roosts are found to be present appropriate mitigation measures will be implemented before any work takes place.

h) The Council will consider accepting third party sponsorship for tree work only where this has been identified as good arboricultural practice.

i) The Council will work with partners and community groups to identify opportunities to increase its tree stock through appropriate tree planting.

j) There will be a presumption against removal of existing trees and where this is necessary replacement in the same location, or if this is not possible in another more suitable location, will be considered.

k) The Council will consider planting new, species rich, native woodlands in appropriate locations to meet a variety of objectives, including habitat creation, the screening of unsightly development, the provision of shelter and the enhancement of the landscape.

l) Veteran trees will be managed in a way that preserves their unique characteristics. When managing trees and woodlands, consideration will be given to biodiversity issues in line with the Biodiversity Duty for Public Authorities enshrined in the Natural Environment and Rural Communities Act.

m) In planting or adopting trees or tree belts, the Council will be sensitive to the potential for damage or inconvenience, or the impeding of access, as the trees mature. In addition, the Council will recognise and take positive action to

prevent the potential conflict of interest where developments are proposed in close proximity to existing trees, treebelts and wooded areas.

n) Adequate resources will be made available in order to ensure that the Council complies with its duty of care in respect of tree safety.

o) All tree works carried out on behalf of the Council will comply with appropriate Standards and Legislation in respect of tree protection, and will be undertaken by competent and qualified contractors

p) This policy will be reviewed every 3-5 years or when there are major changes to legislation or best practice in respect of tree management.

Appendix A

RATIONAL FOR PROVISIONS WITHIN THE TREE POLICY

Tree Inspections

Stroud District Council carries out a rolling programme of tree inspections in order to ensure that its tree stock is kept safe and in a healthy condition. The survey records information on all Council owned trees and identify any tree which may pose a risk to health and safety. In the case of unsafe trees remedial actions is taken within a time scale recommended by inspectors. Other works are organised in line with the priorities identified by the inspectors. Appropriate re-inspection dates are set for all trees dependent on their age, condition, location and species. If however a resident has concerns regarding the condition of a particular tree, the Council will carry out a responsive inspection.

Dead, Dying and Dangerous Trees

The Council has a duty of care to ensure that the trees that it has responsibility for are in a safe condition, and therefore would seek to remove any dangerous trees, and to monitor trees which are in decline, to ensure they do not become dangerous. In the case of dead trees it may be possible to retain these where they have high wildlife value and they do not represent a danger. In some instances a dead tree could be reduced to a standing trunk to provide habitat for wildlife.

Dangerous Branches

A dangerous branch is one which is dead, shows signs of decay or damage, or weak attachment to the tree and which could cause harm or damage if it fell. Where a dangerous branch is identified the Council has an obligation to make it safe.

Damage to Property

Where it can be demonstrated that a tree is the primary cause of direct or indirect damage to property the Council has an obligation to rectify the problem. Direct damage may include tree roots lifting paving stones, or trunks or branches damaging garden walls or fences. Indirect damage may include subsidence due to soil shrinkage resulting from water extraction by tree roots. In cases of damage to property it should be clearly demonstrated, by the property owner, that the tree is the principal cause of the damage.

Falling Leaves or Debris and Aphid Problems

The Council is not legally responsible for fallen leaves or other tree debris such as cones, seeds, berries, fruit, blossom etc. Pruning of trees is not a

solution to this occurrence and felling a tree to address issues of leaf litter etc. would be difficult to justify. The same criterion applies to trees which host aphids with associated honeydew. There is little that can be done about the aphids which cause this problem, and pruning the tree will only offer temporary relief and any re-growth is more likely to be colonised by aphids. Where honeydew affects cars it can be removed using warm soapy water, particularly if the car is washed as soon as possible.

Obstruction of Light to Houses or Gardens

It is usually very difficult to prune a tree in order to give a lasting improvement in light levels to a property. Often the extent of pruning required to alleviate light obstruction can be damaging to the tree or destroy its amenity value, and thick re-growth following pruning can make shading problems worse. There is no obligation on the Council to carry out work on trees to address shading issues. However in exceptional circumstances, for example where light levels in a room that is occupied for a large part of the day are severely restricted by the presence of a tree, the Council may wish to act to alleviate the problem.

Branches Affecting Telephone and Power Lines

Effective use of telephone lines and power supplies is the responsibility of the service provider. If residents are experiencing problems with telephone reception or suspect a tree is interfering with a power line, they are advised to contact their service provider for advice.

Television Reception

The Council would not normally carry out works to trees, or remove trees in order to improve television reception. Aerials and satellite dishes should be carefully sited at the time of installation, with consideration being given to how neighbouring trees may grow in the future.

Overhanging Branches

The Council has a similar responsibility to a private land owner or neighbour in respect of overhanging branches, and is only obliged to cut them back in circumstances where damage is being caused to adjacent structures or the tree is dangerous.

Under common law a property owner has a legal right to cut back overhanging branches **to their boundary**. This work should be done to a good standard (British Standard 3998:1989 'Recommendations for Treework') by a competent person

Branches Obscuring Signs or Street Lighting Columns

Where trees are blocking street lights, road signs etc. and jeopardise public safety the Council is obliged to alleviate the problem, in most cases this can be done whilst retaining the tree. In extreme cases removal of the tree and replacement with a more suitable species may be necessary.

Solar Panels

It would be reasonable for the Council to consider requests to carry out work on trees which are restricting the efficiency of solar panels where the trees have been planted, or have self seeded, subsequent to the panels being installed. Where solar panels have been sited in locations where the presence of existing trees restricts the light they receive, or have been sited in locations where pre-existing, immature, trees will grow up to restrict light levels, it would be unreasonable to expect the Council to remove or reduce these trees.

Development Priorities

From time to time it may be necessary for the Council to carry out work on trees in response to its development priorities. Development priorities may include site or neighbourhood redesign, maintenance and improvement or the redevelopment of parks, gardens and other green spaces. Where trees are removed the Council would normally seek to replace them with species appropriate to the location and site conditions.

Trees in woodlands and other heavily wooded areas may also need to be thinned out periodically to encourage the growth of the most appropriate specimens and species.

Where appropriate the Council will normally consider retaining dead standing trees for the benefit of wildlife, and managing tree belts and woodland areas in order to maximise their wildlife value. Veteran trees (trees which, because of their great age, size or condition, are of exceptional cultural, landscape or nature conservation value) are managed and maintained in order to preserve their unique characteristics.

Wildlife

It would be unreasonable to expect the Council to carry out work on trees in order to address the issue of bird droppings. Nesting birds are protected by the Countryside and Wildlife act (and other related wildlife law) and only health and safety works would normally be considered during the nesting season in order to avoid causing unintended disturbance to nesting birds. It may be necessary to obtain a license from DEFRA to carry out essential Health and Safety works to a tree in which birds are nesting, or on sites where badgers and other protected species are present. When carrying out tree

works, the Council is obliged to comply with all legislation relating to the protection of wildlife.

Sponsorship of Tree Works

The Council often receives offers from residents to sponsor tree works in order to address issues that the resident is concerned about. This usually results from a refusal by the Council to carry out works that have been initially requested by the resident. It would not be reasonable for the Council to accept offers of sponsorship from a third party to carry out tree works which would not be in the interest of the tree or in line with the Tree Policy. Sponsorship would only be considered where the works would normally form part of the Council's scheduled work programme. No tree works would be considered which did not comply with BS 3998 2010 (see below). In cases where the Council would consider accepting sponsorship the work to be undertaken would be carried out by Council contractors working under the supervision of a Council Officer. Except in the case of overhanging branches (see above) any unauthorised works to Council owned trees carried out by any person would constitute criminal damage.

Standards

All works to Council trees is carried out in line with British Standard 3998: 2010 'Recommendations for Treework'. In addition any contractor carrying out work on behalf of the Council should be Arboricultural Association approved, or able to demonstrate that they have achieved a similar standard of competency. All personnel undertaking tree works must wear the appropriate Personal Protective Clothing and be adequately trained. The Council will aim to provide an out of hours tree service which, in the event of an emergency, will respond within 2 hours.

Funding

Where land is to be adopted by the Council an appropriate commuted sum will be required in order to maintain and manage any tree or hedgerow on that land and, where appropriate, to plant additional trees or hedgerows.

The Council will ensure that adequate resources are made available in order to meet its legal liabilities in respect of tree safety. Extra resources may be required if prolonged periods of extreme weather prevail.