

**TREE MANAGEMENT POLICY**

Drafted September 2020

This policy applies to all trees under Ludlow Town Council ownership / management.

We have a responsibility to maintain trees within our ownership / management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance. All enquiries regarding trees on Ludlow Town Council land should be directed to the Council on 01584 871970 or kate.adams@ludlow.gov.uk.

This document contains information relating to tree risk management, tree protection and tree maintenance.

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**GENERAL INTRODUCTION**

Trees are important features in the landscape. They help to create an attractive environment, making the area a better place to live, work, study and visit. They bring colour and contrast, screen unsightly structures, give privacy and soften the hard lines of streets and landscapes. Not only do trees have a visual quality, but they also enhance the environment in less obvious ways:

* 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 reduce temperature extremes by providing shelter in hot weather and insulation in cold weather
* trees adjacent to buildings can reduce air conditioning and heating costs;
* 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’;
* they provide food and habitat for birds and other wildlife, thus supporting nature conservation value and biodiversity;
* research has shown that trees provide many psychological and health benefits and have been shown to reduce stress significantly.

We receive many requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment and enjoyment of local residents and visitors.

Many enquiries received involve minor or seasonal issues that are generally considered to be foreseeable or social problems associated with living near trees, which can often be minimised through careful pruning and careful species selection when planting.

In all cases, consideration will be given as to whether the tree in question meets the necessary criteria for protection.

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 in this policy.

**Regular inspection of trees**

Trees should be inspected bi-annually by a qualified person, such as a Consultant Arborist, and work allocated accordingly.

Using a risk-based approach to tree management: a programme of inspection identifying and prioritising potential hazards.

Trees adjacent to the public highway or properties are considered to be highest priority.

Tree defects likely to cause a hazard are identified and the appropriate work is undertaken to remove the hazard.

**TREE MAINTENANCE**

Tree maintenance is currently mostly ‘reactive’ in nature and conducted in response to reports received by the council concerning specific trees.

In future, a greater level of tree maintenance work will be conducted as a result of information gathered during pro-active tree inspections. However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and could originate from the following:

* programmed and routine inspections by a qualified tree inspector/consultant
* ad-hoc inspections by Town Council staff following enquiries (from members of the public, other authorities or Councillors), reports and service requests
* cyclic maintenance
* emergency works (e.g. resulting from high winds).

The following categories will be used when prioritising tree works:

**Priority Response**

**Priority 1:** Urgent Public Safety

From within 24 hours to one week depending upon the risk

**Priority 2:** Non-urgent but essential work

Between 1 to 6 months depending upon the risk and time of year

**Priority 3:** Desirable

12 months where possible

**Non-priority:** No action proposed

A tree could warrant immediate or emergency attention if, for example:

* it has snapped or blown over
* it is rocking (roots are damaged)
* it is uprooted but held up by another tree or building
* a large branch has broken off or is hanging off the tree
* it or its branch is blocking the road or footpath
* it or its branch is blocking access to property
* it has fallen on to a structure, such as a building or car

A tree may be a risk to people or property but does not require immediate attention if, for example:

* it is dead
* it is dying (few leaves in summer or dieback in the crown)
* its bark is loose and falling off
* mushrooms or fungi are growing on or near the tree
* old splits and cracks are in the trunk or large branches
* smaller branches or twigs are falling from the tree.

Trees will be made safe via pruning or felling and we would use the most cost effective approach. However, for certain High Value trees we would consider other options to reduce the risk to an acceptable level. This would include options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

Whether a tree is High Value or not depends upon its visibility, rarity, historical importance etc. High Value trees are often considered for a Tree Protection Order (TPO) and may be in a local conservation area.

The Town Council will maintain a computer based system listing all trees on their property noting their position, species, inspection and maintenance history.

The Town Council’s Direct Labour Force staff and contractors’ tree work will comply with the “British Standards for Tree Work 3998 2010”, except where urgent emergency work may overrule them.

**Tree replacement**

* The Town Council will seek to replace all trees lost and where possible planting will take place in the same location.
* Trees planted will be based on guidance from a qualified arborist to take in to account specific conditions including available space etc.

Ivy provides roosting and shelter for birds as well as a late nectar source for insects.

However if left unmanaged it can swamp crowns, reduce photosynthetic rate and ultimately kill trees. It also increases the ‘sail’ area exposed to high wind which can lead to failure of branches that may otherwise have withstood high winds.

**LEGISLATION**

There is a range of legislation which has been considered during the development of this policy, for example:

**Tree Preservation Orders (TPOs)**

* A TPO is a legal document made, administered and enforced by the local planning authority, to protect specified trees and woodlands with public amenity value.
* A TPO prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission.
* The Town Council recognizes its responsibilities in regard to its trees that are protected by TPOs and works closely with Shropshire Council.
* The Town Council recognizes that Tree Preservation Orders (TPOs), in respect of trees or woodland, is considered to have a significant impact on the amenity of a local area.

**Conservation areas**

* In addition to those trees protected by a Tree Preservation Order, the Town & Country Planning Act (1990) also makes special provision for trees in conservation areas.
* It is an offence to cut down, prune, lop, top, uproot or wilfully damage or destroy a tree in a conservation area without giving prior written notice to Shropshire Council.

**The Owner’s Liability Act (1957)** explains the duty of care to minimise the risk of damage to the public.

**The Forestry Act (1967)** requires certain permissions and licences to be granted where felling of trees is proposed within a woodland setting. Ludlow Town Council will ensure that any proposed felling is fully compliant with the requirements of the Forestry Act.

The Wildlife & Countryside Act (1981, as amended **CROW Act 2000**) states that it is illegal to intentionally or recklessly damage or destroy the nest of a wild bird while that nest is in use or being built.

Under the **Wildlife & Conservation Act 1981** (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent major tree work involving tree removal / reduction and hedge cutting operations should not normally be undertaken during bird nesting / breeding season, which is considered to be from 1st March to 31st July.

Bats are a European Protected Species and are protected by the **Conservation of Habitats and Species Regulations 2010** and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting / nesting site is a criminal offence which can lead to imprisonment.

Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

**The Hedgerow Regulations (1997)** introduced powers allowing important rural native hedgerows to be protected.

**Publicising tree felling/pruning**

* Where works are minor such as pruning (including repeat cyclical pruning of trees) or involve removing trees that are less than 15 cm diameter (6 inches) at a height of 1.3 metres, we will not publicise the works.
* Where works are more impacting, for example, felling larger trees, carrying out works to a veteran tree or a tree with a Tree Protection Order (TPO), we will erect an informative site notice on or very close to the affected tree. If more than one tree at the same location are affected it may be more appropriate to erect a site notice including a map / schedule. We will also tell 10 houses opposite and either side by letter (if applicable), copying in the relevant residents’ association / community groups as they are known to us and the ward councillors.
* If a tree scheme (felling, pruning or planting) is judged to be more impacting on the local area we will consider more publicity as appropriate.
* Where a competent officer has determined that the tree should be felled on public safety grounds there will be no public consultation and no right of objection. This would always be in discussion with Shropshire Council.
* In all cases, consideration will be given as to whether the tree in question meets the necessary criteria for protection.

**ISSUES CREATED BY TREES**

**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 undertake work to trees in Council ownership / management to maintain a minimum 5 metres clearance over roads and 2.4 metres over formal footpaths.
* 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.

**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. However we will consider taking action (pruning or felling) in the following circumstances:
* if the height of the tree is more than 12metres and the distance between the base of the tree and the window of the nearest habitable room is less than 5metres;
* if the height of the tree is less than 12 metres and the distance between the base of the tree and the window of the nearest habitable room is less than half the height of the tree (where the separation between the edge of the tree canopy and a vertical line through that window is less than 2metres).
* A ‘habitable room’ is a dining room, lounge, kitchen, study or bedroom but not a WC, bathrooms, utility room, landing or hallway.
* Where elderly, infirm or disabled persons who spend a significant amount of time within their home are affected by loss of light, or it can be established that the presence of trees is detrimental to the health of such residents, further consideration will be given to the management approach to trees. This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.

**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 townscape. Historical records may be used to determine the level of management required.

**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.

**Personal Medical Complaint**

* We will normally not prune or fell a tree under our ownership/management where a request has been made to do so because of a personal medical complaint. However, where it can be established that the presence of a tree is causing a detriment to the health of resident’s further consideration will be given to the management approach of trees.

**Damage to property and tree roots**

* Tree conflict can arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.
* Tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners do 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 Tree Preservation Order (TPO) or situated within a Conservation Area.
* Most species of deciduous tree will re-sprout from the stump when cut down. Many species will produce a new growth shoot from a root if it becomes exposed to sunlight through ground erosion. Some species readily produce shoots from their buried roots as a way to regenerate and this is often stimulated by stresses, such as heavy pruning or felling. Numerous tree species (including Cherry and Poplar) are therefore likely to produce vigorous root suckers as a response to being felled. Poisoning a stump to prevent such suckering is not always successful since application of herbicide onto a stump face often only affects the stump and the upper roots.
* Tree felling or branch pruning in response to root invasion in gardens would not normally be appropriate, as such works are likely to worsen existing problems. The pure encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

**TREE PRUNING TECHNIQUES**

We will seek to ensure that tree works are carried out to the highest standards. In carrying out tree works, we and any third party working on trees over which we have a responsibility, will ensure that pruning conserves the overall amenity value, form and shape of the tree and all tree works must be carried out in accordance with British Standard 3998 – Recommendations for Tree Work. Particular pruning specifications may or may not be appropriate for trees of different ages, species, health and condition, or even between trees of the same species depending on their condition, age and environment. Clear and acceptable pruning objectives are necessary in advance of approval of a pruning specification. The pruning objectives may require implementation of one or more of the following operations:

**Crown lifting**

* The removal of the lowest branches of a tree so that the remaining lowest branches are at a specified height, usually 2.4m over a footpath and 5m over a road. This operation is undertaken for a number of reasons, such as to allow access under a tree; to clear branches from low structures; or to allow light under the canopy.

**Crown thinning**

* The removal of a specified proportion of branch material from the interior of the crown without affecting the shape of the tree. This operation is usually undertaken to reduce crown density; form a healthy branch structure by removing dead; diseased, damaged, crossing and rubbing branches, and allow more light through the canopy. Many tree species evolve a canopy density for adaptive reasons and crown-thinning can increase turbulence and cause drought stress and branch failures. For this reason, crown thinning is usually only acceptable when carried out as part of crown cleaning or balancing works.

**Crown Reduction**

* Reducing the overall size of the crown area by a specified percentage by pruning back the leaders and branch terminals to lateral branches that are large enough to assume the terminal roles (at least one third the diameter of the cut stem). Crown reduction up to a maximum of 15-20% may be acceptable to semi-mature trees providing cuts do not exceed 5-7cm and where shaping and restricting size and spread is essential. Crown reduction of mature or older trees is not normally acceptable as it can severely affect tree health and may lead to the death or decline of the tree and is generally only acceptable as management of last resort.

**Topping**

* This entails cutting at a certain height to reduce the height of the tree. Topping is not acceptable as it severely affects the public amenity and health of the tree, sometimes leading to death. Topping can also lead to future problems due to a flush of weak regrowth that can represent a danger and also exacerbate existing problems. If height reduction is considered essential and unavoidable, crown reduction (see above) is preferred.

**Pollarding**

* This severe operation entails the removal of the entire tree’s branch structure back to the trunk. Pollarding is an ancient way of maintaining trees that is sometimes necessary, particularly on trees that have been pollarded previously. Only certain species will tolerate this degree of pruning, and new growth may be weak and prone to tearing off.

**Dead Wooding or Crown Clean**

* This operation is similar to a crown thin except that only dead, diseased, crossing and rubbing branches are removed to tidy up the appearance of the tree. No healthy, sound wood is removed. This operation is recommended to help maintain a healthy, safe tree.

**Formative Pruning**

* The removal of problematic or potentially problematic branches, ensuring good tree development.

**Stump Grinding**

* Stump grinding is the practice of removing a tree stump to below ground level by mechanical means. We will carry out stump grinding where necessary to enable new trees to be planted or to remove a significant hazard. Where stump removal is not necessary tree stumps will be removed close to ground level so as not to leave a trip hazard.

 Website references:

The Arboricultural Association [www.trees.org.uk](http://www.trees.org.uk)

Acknowledgement

This Policy has been adopted from the Tree Policy introduced by Durham County Council in 2014 to suit the needs of Ludlow Town Council, which will also assist in providing a consistent approach in regard to Tree Management in the future.