

Meopham Parish Council



Tree Management Policy policy

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MEOPHAM PARISH COUNCIL

Tree Management Policy

1. Introduction

1.1. This policy sets out the Parish Council's approach to the management of trees on land owned by Meopham 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 management of trees by Meopham 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. Tree Protection

Due care will be taken by the Council to ensure that damage to trees by mowing and strimming is prevented. Longer grass margins around trees may be left. Protection will be provided for newly planted or young trees where appropriate, e.g. timber-sided planting boxes and strimmer guards.

3. Inspection

3.1. All trees on Council-owned land will be inspected every two years by a qualified tree inspector and any recommendations made will be considered by the Council in line with this policy.

4. Maintenance

4.1. The Council has adopted a proactive approach to tree maintenance. However, only essential/minimal works will be undertaken in order to manage a tree because the Council supports a policy of tree preservation. The type of works undertaken will depend on the tree's location, the species of tree and its state of health at that time.

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

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

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

4.3.2. 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.

4.3.3. To abate an actionable nuisance where branches are touching buildings e.g. physical contact with walls, windows, gutters.

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

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

4.5. Woody debris will be removed only where its presence would impede maintenance of a site or represent a safety risk to the public. Subject to a safety assessment and if appropriate to the specific site, large woody debris will be left in situ for the creation of wildlife habitats. Tree stumps will also be left in situ where it is safe to do so as they provide a valuable wildlife habitat whilst they rot down.

4.6. 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.

4.7 Should it be necessary for the Parish Council to fell a tree, it is policy of the Council to replace that tree with an UK native species. The tree may be located in the same area but could be planted elsewhere should the original site be unsuitable.

5. Protected trees

5.1. A Tree Preservation Order (TPO) prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission.

5.2. It is an offence to cut down, lop, top, uproot or wilfully damage or destroy a tree in a Conservation Area without giving prior written notice to Gravesham Borough Council (GBC).

5.3. Additional approval will be obtained from the Tree Officer at GBC for trees on which there is a TPO or from the Conservation Officer, if located in a conservation area.

6. Requests for Tree Work

6.1. 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:

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

6.1.2. Solely for reasons of increasing sunlight/views to properties and gardens.

6.1.3. Solely 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.

6.1.4 During the nesting season (March to July), unless the work is for urgent health and safety reasons. It is an offence to intentionally damage or destroy the nest of any wild bird while it is in use or being built; therefore tree works will avoid this.

6.1.5 If a tree contains roosting bats (it is a criminal offence to recklessly or intentionally disturb bats, or to damage or destroy a roost). If work is required for health and safety reasons, the advice of English Nature will be sought.

6.1.6 Trees overhanging an adjacent property unless not doing so would pose a health and safety risk.

6.1.7 Removal of dead branches (conduct crown cleaning) from trees located in relatively quiet locations due to their ecological value. However, if the dead or diseased branches pose a health and safety risk, or are felt to be impacting upon the tree's health, crown cleaning will be conducted.

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

6.3. 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 or instability of the tree and providing that the tree in question is not protected by a TPO or situated within a Conservation Area.

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

6.5. 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:

6.5.1. Meopham Parish Council, The Windmill, Wrotham Road, Meopham, Kent DA13 0QA

6.5.2. clerk@meopham.org

6.5.3. For an informal conversation and advice regarding tree works, please call the Council Offices on 01474 813779.

7. Parish Council-owned Land

Camer and Meopham Green Ward

- Meopham Green
- Pitfield Green
- Pond Green

Hook Green and Nurstead Ward

- Hook Green
- Melliker Green
- Edmund Green
- Judson's Recreation Ground

Culverstone and Harvel Ward

- Harvel Green and Harvel Pond
- Culverstone Green
- Fowlerstone Green
- Culverstone Green

APPENDIX A

COMMON LAW: ADVICE ON CUTTING OF TREE BRANCHES

Under common law, a person may cut back any branch (or root) from a neighbour's tree that overhangs or encroaches onto their property. In cutting back any overhanging branches (or encroaching roots). The following points need to be observed.

- You must not trespass onto the land on which the trees are growing.
- Branches or roots must not be cut back beyond the boundary in anticipation of them overhanging.
- Any branches, fruit or roots that are removed must be carefully returned to the tree owner unless they agree otherwise.
- All work must be carried out carefully. For example you should avoid damaging property or carrying out work that would leave the tree unsafe or dangerous to avoid any comeback against yourself.
- You cannot alter the height of trees or hedges on neighbouring land.

While not required under common law, it would be courteous to notify the tree owner of your intentions to help allay any misunderstanding. Please be aware that your common law rights are intended to allow you to carry out the minimum amount of work. If you carry out extensive works and in so doing you make the tree unsafe, the tree owner may have a case against you for criminal damage. You should be especially careful if you are pruning roots.