



**KINGSMEAD**  
**PARISH COUNCIL**

Tree Management Policy

## 1 Document details

Release date:	11/12/2018
Version:	1.0
Author(s):	Lara
Owner:	Kingsmead Parish Council
Document name:	Communications & Media Policy

### 1.1 Revision history

Date of next revision: April 2022

Revision date	By	Summary of changes	Version

### 1.2 Approvals

This document requires the following approvals:

Date of Full Council Meeting	Minute Reference	Date of issue	Version

### 1.3 Distribution

This document has been distributed to:

Name	Date of issue	Version

## 2 Why have a policy?

- 2.1 There is a need to identify a long-term strategy for the future of trees and shrubbery in the Parish. This might include pruning, felling, replacement planting and encouragement of land and property owners to manage trees and shrubbery for their benefit and the wider community.
- 2.2 Kingsmead Parish Council has developed this policy to guide and influence all decisions affecting the management of trees and shrubbery within the Parish. The policy will guide how the Parish Council manages within its jurisdiction and will provide guidance to residents when considering their trees and shrubbery. Every landowner remains responsible for trees and shrubbery on their property.
- 2.3 Numerous comments on both social media and at Council events have highlighted the fact that residents appreciate the rural character of Kingsmead.
- 2.4 The aim is to act in partnership with everyone in our community to allow speedy, effective and appropriate management of trees and shrubbery without undue bureaucracy and expense, whilst ensuring a healthy and safe tree population.
- 2.5 Additionally, there is a desire to achieve an overall improvement in the understanding of what the Parish Council is doing regarding trees and shrubbery the Parish Council is responsible for, and that all matters relating to trees and shrubbery are dealt with following fair and regulated procedures.
- 2.6 The policy will apply to trees and shrubbery owned or managed by Kingsmead Parish Council but should be used as a guide for the care of all trees and shrubbery in the parish. The policy will be used as a tool in any consultation arising from the planning process.
- 2.7 Kingsmead Parish Council, in enacting this policy, in no way accepts any liability for trees and shrubbery not on property it owns or manages. If any aspect of this policy conflicts with statutory law or any aspect of common law or liability, the law takes precedence.

### 3 The Importance of Trees in the Parish

- 3.1 Our trees are a significant part of the parish. They contribute to the appearance of all parts of our community.
- 3.2 In a well-managed environment trees provide shelter, shade and pleasure, and a constantly changing backdrop to the landscape of the Parish, as well as habitats for wildlife. Trees provide privacy and can effectively conceal less attractive parts of the built environment.
- 3.3 An abundance of trees is visually attractive and can positively influence property values ensuring the parish remains a desirable place to live, work and visit.
- 3.4 Trees reduce the 'Greenhouse Effect' and improve air quality by naturally filtering the air of noxious dust and gases. Trees can provide an effective sound barrier to noise pollution from nearby roads.
- 3.5 However, unmanaged trees can adversely affect our quality of life in various ways. Most people see trees as beneficial but do not want the adverse effects caused by the lack of tree management. They resent trees that shade the garden, protrude onto the paths and the highway, shed leaves, destroy the view, and ruin television and satellite reception.
- 3.6 A common-sense approach must be adopted to ensure that all the pleasure and benefits of trees are gained without allowing them to blight the lives of individuals.

### 4 The protection of trees

- 4.1 All trees in the countryside, (but not in gardens, churchyards or public open spaces) fall within the scope of the Forestry Act 1967 (as amended). It is an offence to fell more than 2m<sup>3</sup> for sale (or 5m<sup>3</sup> for own use) of timber per calendar quarter without first applying for and receiving a Felling Licence from the Forestry Commission, unless the trees are less than 8cm diameter at breast height (Dbh) for clear felling, 10cm Dbh for forestry thinnings and 15cm Dbh for coppicing. This applies mainly to the owners and occupiers of farms and woodlands, but other land holdings may be included.
- 4.2 Some areas of land, including any trees on them, may be protected under the Wildlife and Countryside Act 1981 (as amended) as a Site of Special Scientific Interest. It is an offence to carry out many management operations on such land, including tree work, without consent from Natural England.
- 4.3 Trees may be protected by covenants attached to property. The Parish Council is unaware of any such trees in the Parish.
- 4.4 Of most relevance to residents in the Parish, specific trees may be protected by Tree Preservation Orders or conditions of planning permission or grow within the conservation area. These are designated by Cheshire West & Chester under planning legislation.

## 5 The Policy:

- ensures that trees and shrubbery owned and managed by Kingsmead Parish Council are adequately protected and cared for (Section 5),
- provides a framework for inspection and maintenance of Parish Council trees (Section 6),
- provides some guidance relating to the legal aspects of boundaries, encroaching trees, hedges and 'right to light' issues (Section 7),
- sets guidelines that the parish council will follow when responding to consultations and making decisions relating to tree protection, tree inspection and communicating with neighbouring land/property owners (Section 8),
- provides information on emergency procedures regarding potentially dangerous trees (Section 9),
- considers future tree cover in the Parish (Section 10).

## 6 Tree Inspection

- 6.1 An informal inspection is a visual inspection from the ground undertaken on a day-to-day basis by several people, including members of the public, parish employees and councillors. Unless something of concern were to be noted, this inspection would not be formally recorded.
- 6.2 A formal inspection is a visual inspection from the ground focussed on individually identified trees, including a close inspection of aspects of the tree such as noting of any growth around the tree, on the trunk, the condition of the bark and a general assessment of the canopy. This inspection can be undertaken by a non-tree specialist with a general knowledge of trees. This inspection should take place at specified intervals and be formally recorded.
- 6.3 A detailed formal inspection of individually identified trees, undertaken by a qualified person at regular stated intervals, those intervals aligned to the zone ascribed to the tree and any other factors of note, such as a known species threatened by disease, e.g., ash trees from ash-die back.
- 6.4 Trees in the ownership of the Parish Council will be subject to frequent informal inspections, biannual formal inspections (winter and summer) and at least 3 yearly detailed formal inspections by a qualified tree surgeon/arborist.
- 6.5 Notwithstanding the descriptions above, if a tree were to be notified as posing a real and immediate danger, a detailed, formal inspection would be scheduled.

## 7 Tree Maintenance

- 7.1 Tree maintenance will be carried out by an arboricultural contractor or, where possible, by a working party established by the Parish Council for a particular task. Advice may be sought from a qualified Arboricultural Consultant if this is justified by the nature of the work. All tree works will be conducted to comply with BS3998 Works to Trees.
- 7.2 Pruning will be carried out:
- for health and safety reasons e. g. to remove some of the lower branches of a tree located near a pathway or road allowing ease of passage for pedestrians and traffic to pass safely,
  - where it is in accordance with site-specific management plans.
- 7.3 The Parish Council will NOT undertake tree pruning or removal:
- in response to natural occurrences that do not pose a health and safety risk, such as falling fruit, falling leaves or dripping sap,
  - where trees have a negative impact on television reception,
  - where the canopy is blocking lighting,
  - where a tree is blocking views from a residence,
  - during the nesting season unless the work is for urgent health and safety reasons. Tree work will be avoided between April and August inclusive, as it is an offence to recklessly or intentionally damage or destroy the nest of any wild bird while it is in use or being built.
  - if a tree contains a bat roost, whether occupied or not, unless work is required for urgent health and safety reasons. The advice of Natural England will be sought as it is a criminal offence to recklessly or intentionally disturb bats, or to damage or destroy a bat roost,
  - trees overhanging an adjacent property unless it poses a health and safety risk,
  - removal of dead branches, or crown cleaning, from trees located in relatively quiet locations due to the branches ecological value. If the dead or diseased branches pose a health and safety risk or are impacting upon the tree's health, crown cleaning will be carried out.
- 7.4 The parish council will avoid felling trees unless it is necessary. Tree felling will usually be for health and safety purposes, or to prevent the spread of serious tree diseases and pests. The Parish Council reserve the right to fell trees to prevent overcrowding, to harvest mature timber as part of the management of a site, to improve habitats, to restore landscapes in line with site management or to remove a tree that is inappropriate to its location and has a significantly detrimental impact on the appearance or amenity of the site.
- 7.5 If it is necessary to close a footpath onto or within Parish Council owned land in order to carry out tree works, 3 days' notice should be given and notices announcing closure should be put up, unless the tree is an immediate danger.

## 8 Parish Council response to requests from owners of neighbouring property to carry out work to trees it owns.

- 8.1 Cheshire West & Chester is the planning authority regarding trees in conservation areas, trees protected by a Tree Preservation Order, or condition of planning permission.  
Kingsmead Parish Council can only comment, unless they are the owner of the tree.
- 8.2 The most frequently asked question relating to trees is concern about overhang branches and leaf fall. The Parish Council reminds residents and landowners that pruning may be carried out on unprotected trees (not subject to a Tree preservation order or inside the conservation area) where they overhang your property vertically in line with your boundary.
- 8.3 If the Parish Council is the owner of a protected tree, work to cut back overhanging branches to the boundary of properties will normally be agreed by Kingsmead PC, provided that Cheshire West & Chester provide consent.
- 8.4 If the tree is protected and cutting back to the boundary would harm the health or amenity value of the tree, the Parish Council will request that Cheshire West & Chester refuse consent for the work. CWaC may in any case grant consent or grant consent for lesser works.
- 8.5 If it is appropriate to cut back overhanging branches to a point beyond the boundary, e.g., to the trunk of the tree, this may be allowed by Kingsmead Parish Council, and contractors would be allowed to come on to the land to do so after requesting and receiving permission.
- (For the sake of the appearance of the tree, it sometimes makes sense to cut back to the trunk. However, large pruning wounds on the trunk can be a source of infection and decay, and branch loss may be detrimental to habitat conservation e.g., bat roosts).
- 8.6 Residents have the right to choose a contractor for tree works although if the contractor must come onto Parish Council property, the Parish Council retains the right to check their insurance and qualifications, and to see a written site-specific risk assessment, and to refuse access to them if these are not compliant with industry best practice.
- 8.7 Residents do not have the right to insist on work to Parish Council owned trees and shrubbery (other than cutting back to the boundary) which might damage the life, health and shape of the tree.
- 8.8 Where a tree on Parish Council land is dead or dying, if dead or dying branches overhang a neighbour's property, if the tree is in contact with permanent structures on the property (e.g., a house or garage), or if the tree is dangerous due to a defect such as severe main stem decay, the Parish Council is responsible and will pay for any work done. Other work requested by residents is at their (the resident's) expense.
- 8.9 If you are in any doubt as to the rights you may have or actions you are considering taking regarding trees and shrubbery owned by the Parish Council, please contact any Parish Councillor to discuss before proceeding. We will be happy to offer advice.
- 8.10 For a complete list of frequently asked questions (FAQs) refer to the Parish Council document that can be found here:

<https://www.kingsmeadpc.org.uk/wp-content/uploads/2013/01/Questions-about-trees.pdf>

## 9 Parish Council response to consultations from Cheshire West & Chester concerning applications for work to protected trees.

- 9.1 Cheshire West & Chester consult the Parish Council on all planning applications, including proposed works to trees. The Parish Council can make comments, including objections, which will be considered by CWaC before any decision is issued.
- 9.2 The Parish Council will consider every case on its merits but will try to apply the same principles as apply to their own trees, as set out in sections 6 & 7.

## 10 Emergency Procedures

- 10.1 In adverse weather conditions, particularly strong wind or extremely high humidity, trees can fall over or shed branches. Unless there is an injury, or a road is blocked, do not contact the police.
- 10.2 If you are the owner, it will be your responsibility to ensure that the tree or part is cleared up, if necessary, by a suitably qualified tree surgeon, unless it can be left in situ.
- 10.3 Addresses of tree surgeons can be found in various local guides, in the telephone book or on-line. In some cases, fallen trees can be particularly dangerous to clear up, requiring highly qualified and experienced contractors. The Arboricultural Association have a list of Approved Contractors on their website at: <https://trees.org>.

## 11 Future Trees

- 11.1 The tree population across the UK is generally mature or over-mature. Kingsmead is no exception. Although there is some area of young woodland in the Parish, and some woodlands in the Parish have been actively managed to contain a sustainable age range of trees, many of the hedgerow trees and trees on open spaces in the Parish are mature. Some are also in decline.
- 11.2 There is an insufficient population of young trees in our parish to replace these when they fall or are felled.
- 11.3 The Parish Council will give what support it can to planting initiatives and may undertake new planting on its own land from time to time (e.g., the new black poplars, oaks & rowans that have been planted throughout the Parish).
- 11.4 To draw attention to trees in Kingsmead, the Parish Council may consider developing a tree trail if resources can be made available.