

## **Great Ayton Parish Council**

### **TREE INSPECTION & MAINTENANCE POLICY**

#### **GENERAL POLICY**

This policy defines the Parish Council's approach to tree management on its land. It is intended to be a point of reference for the Public, Councillors, Officers and Employees to ensure a consistent and structured approach to the management of the Parish Council's trees. This policy sets out a proactive and systematic method of management that will both conserve and enhance our tree population and the amenity value of our land.

*NB: Trees situated alongside the public highway, adjacent to the road or on roadside verges are generally the responsibility of North Yorkshire County Council Highways department.*

#### **TREE INSPECTIONS**

The Parish Council has a duty of care for its trees and in the first instance a visual inspection will be carried out by a Parish Council employee or a competent volunteer. A specialist arboriculturalist will be asked to carry out an inspection should there be concerns of disease or where significant branches are overhanging public areas, footpaths, highways or residential property.

GAPC will take reasonable action to ensure that the trees that it manages are in a safe condition and ensure that they do not cause a legal nuisance. The frequency that trees should be inspected will depend upon the likelihood of harm being caused to persons or property in the event that the tree becomes unsafe. It is the Parish Council's policy to inspect trees on its own land at least bi-annually.

The Parish Council will consider requests to conduct tree work on the Council's land from member of the public, residents, tenants, local housing associations, HDC or NYCC. If the request concerns a potentially dangerous tree, the tree will be inspected on an urgent basis and reasonable action will be taken to mark the area with warning notices until works are completed. If the request is of a non-urgent nature, an inspection will be undertaken at a time convenient to the Parish Council. In all cases, the member of the concerned party will be informed of this inspection policy and will be informed of any action to be taken resulting from the inspection.

## TREE FELLING

Trees help to add variety to our landscape and provide valuable habitats for many species and as such Great Ayton Parish Council aims to preserve trees for future generations to enjoy. The Council recognises the importance of mature and ancient trees and will balance safety with a duty to protect the environment.

The Parish Council will avoid felling trees unless it is necessary, this will usually be for safety purposes, or to prevent the spread of serious tree diseases and pests however, the Parish Council reserves the right to fell trees to prevent overcrowding, to improve habitats or restore landscapes where a tree is inappropriate to its location and has a significantly detrimental impact on the appearance or amenity of a site.

## TREE MAINTENANCE

Tree work will be prioritised and carried out according to identified hazard and risk. After investigation and inspection, the Parish Council will produce a programme of works within the available budgets. The emphasis will be on planned, rather than reactive tree maintenance. Tree maintenance will be conducted by trained Parish Council employees or by suitably a qualified sub-contractor dependant to the nature of the work.

The following categories will be used to categorise our tree works:

- **Emergency:** Dangerous trees requiring immediate attention  
Timescale for works: Same day or next day wherever possible
- **Category One:** Essential works to mitigate an emerging hazard  
Target timescale for works, Within 12 weeks of identification
- **Category Two:** Desirable works, e.g. to improve tree health.  
Target timescale for works: Within 6 months of identification
- **Category Three:** Non-essential works, e.g. thinning out, formative pruning  
Target timescale for works: Within 12 months of identification

## TREE PRUNING

Tree pruning will be carried out when deemed necessary following an assessment:

- for safety reasons e.g. to remove some of the lower branches of a tree located near a road to enable traffic to pass safely
- where it benefits the health of the tree e.g. pollarding will be conducted regularly on certain species where it extends the lifespan of the tree and prevents splitting
- where it is in-line with site-specific management plans

## **NO OBLIGATION TO ACT**

When the Council will not undertake tree pruning or removal maintenance:

- In response to natural occurrences that do not pose a safety risk, such as falling seeds/fruit, bird droppings, falling leaves, or sap exudation.
- Where trees have a negative impact on television reception, where the canopy is blocking lighting, with the exception of street lighting.
- Where the tree is blocking views from a residence.
- During the nesting season (March to July), unless the work is for urgent 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.)
- 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 safety reasons, the advice of English Nature will be sought.
- Where trees are overhanging an adjacent building unless it poses a risk to persons or property.
- Removal of dead branches / crown cleaning from trees located in relatively quiet locations due to their ecological value. However, if the dead or diseased branches pose a safety risk or are felt to be impacting upon the tree's health, crown cleaning will be conducted.

Although the Council will not normally undertake maintenance work on its trees under the above circumstances, it will provide advice to members of the public, etc if they wish to carry out their own works on trees which belong to the Parish Council and which are overhanging their property. This does not mean that the Council accepts any financial responsibility for work carried out by the members of the public, but merely offers best advice on what is allowed under common law.

## **TREE PRESERVATION ORDER – Hambleton District Council responsibility**

A Tree Preservation Order (TPO) is a form of planning control that protects trees that make important contribution to their local surroundings. TPOs are made when trees are under threat of being cut down or damaged.

It is illegal to cut down, prune, or damage a tree protected by a TPO without Hambleton District Council's consent. The unauthorised lopping or felling of a tree is a serious criminal offence and can result in a large fine and a criminal record.

Consent is needed to work on a protected tree, if you wish to undertake felling or crown reduction, please discuss your proposals with Hambleton District Council before submitting an application.

## **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.

If the trees in question are subject to a tree preservation order or are growing in a conservation area, then an application (in the case of tree preservation orders) or 'Notice of Intent' (in the case of trees growing in a conservation area) may be required and the following points will apply.

- The person intending to submit an application or notice must inform the owner of the land on which the trees are growing that an application or notice is to be made.
- The granting of consent in the case of a tree preservation order or the raising of no objection in the case of trees in a conservation area means that the tree work applied for is acceptable in arboriculture and planning terms only. It does not give the person submitting the application or notice an automatic legal right to carry out the work. The question of ownership is a civil rather than a planning issue and the landowner's permission must be obtained in addition to any planning approval.
- Any application or notice relates to the land and the landowner may also carry out the approved works if they so wish.