



COTSWOLD DISTRICT COUNCIL

POLICY FOR THE MANAGEMENT OF TREES OWNED BY THE COUNCIL (2018)

1. TREE MANAGEMENT – KEY PRINCIPLES

- 1.1. Cotswold District Council will maintain and enhance the tree stock growing on Council owned land to provide landscape, amenity, ecological, environmental and historical benefits.
- 1.2. The Council will not fell or prune trees unless they are causing serious problems that cannot otherwise be overcome or the tree works form part of a comprehensive development scheme for which, where appropriate, planning permission has been obtained.
- 1.3. The Council will take reasonable care to see that neighbours and the public are safe from foreseeable harm as a result of trees within its ownership, in line with its common law duty and its duty under the Occupiers Liability Acts.

2. TREE WORKS – BALANCING RISK MANAGEMENT, THE BENEFITS FROM TREES AND RESOURCES

- 2.1. The Council will monitor and take action to control significant hazards and legal nuisances from trees in its ownership with appropriate balanced regard to risk management and the benefits provided by the tree(s).
- 2.2. All trees on Council owned land will be inspected at least once every year by a suitably qualified and experienced professional arboriculturist. These inspections may be informal observations or formal/detailed inspections, dependent on circumstances. Specific sites and trees may be inspected at more frequent intervals and after gales/snow depending on their size, species and location. A detailed inspection will be carried out at least every two years.
- 2.3. Individual site tree management strategies will be followed, where available.
- 2.4. The Council will keep records of all routine and emergency tree inspections and will undertake any recommended works as far as possible whilst having regard to its financial priorities and an assessment of risk.
- 2.5. Management will have regard to the landscape, amenity, ecological, environmental and historical value of trees. In addition to the risk management works, the Council will undertake works that benefit the health and amenity of its trees.

3. RESPONSE TO REQUESTS, COMPLAINTS AND NOTIFICATIONS

3.1 Trees are natural elements in the environment that grow over time and produce leaf litter and other debris. They are hosts to insects and birds. Tree owners are not generally considered responsible in law for the natural products of trees and their hosted communities.

3.2 The Council regularly receives requests to undertake works to trees in the Council's ownership. It is important that these requests are dealt with in a consistent manner. Except in very exceptional circumstances, the following principles will be followed:-

	Request/complaint/notification	Council action
3.1.1.	Driveway access/dropped kerb (the installation for vehicular crossovers)	The Council will not allow the removal of trees unless it can be shown that replacement trees can adequately replace the amenity lost within 5 years and unless a commuted sum for removal, planting and maintenance is provided. The commuted sum required (November 2017) is the cost of removal plus £750 for a replacement tree in a grass verge or open space or £3300 for a tree in hard surfacing requiring a designed tree planting pit.
3.1.2.	A tree reported to have been damaged in gales or to have become dangerous due to its condition or damage to its roots,	The Council will make an assessment of likely risk to people or property and have the tree inspected by a suitably qualified person within an appropriate timescale depending on the level of risk. This will normally be within 3 days.
3.1.3.	Shading and restriction of daylight and views	Except where the principles of part 8 of the Anti Social Behaviour Act 2003 would apply, the Council will not prune or fell its trees in response to complaints regarding the blocking of light or shading of private property or the blocking of views into or out of a private property.
3.1.4.	Interference of branches with overhead services	The Council will not prune or fell its trees in response to complaints regarding the presence of overhead services through the crowns of its trees

3.1.5.	Obstruction of pathways and highways and street lighting/traffic signs and signals	<p>The Council will prune its trees to maintain safe passage of pedestrians and vehicles along public rights of way and public highways and paths in parks and cemeteries. A clear height of 2.5m above footpaths, 3.5m above cycleways (where they are not shared with other vehicles) and 5.4m above highway carriageways will be maintained where possible.</p> <p>The County Council Highways have additional powers and responsibilities in respect of trees in private ownership near highways and public rights of way</p>
3.1.6.	Alleged damage to structures and underground pipes	<p>The Council will only consider pruning or felling its trees in relation to alleged damage if sufficient evidence in the form of appropriate expert reports is provided to show, on the balance of probabilities, that the trees are the cause of the damage and that no other reasonable forms of action to resolve the problem can be undertaken at proportionate costs.</p> <p>The Council will not consider undertaking pruning or felling of its trees in relation to alleged damage to underground pipes unless it is shown, on the balance of probabilities, that the trees caused the initial damage to the pipes and roots did not enter a drain or pipe that was already damaged due to poor construction, repair or existing damage</p>
3.1.7.	Deposits of Honeydew and bird dropping	<p>The Council will not prune or fell its trees in response to complaints regarding the fall of Honeydew or bird droppings.</p>
3.1.8.	Leaf and twiggy debris, cones, seed fall and pollen from trees,	<p>The Council will not prune or fell its trees in response to complaints regarding leaf, blossom, twig, seed and other natural debris from its trees.</p>
3.1.9.	Obstruction of CCTV cameras	<p>The Council will undertake pruning or felling of its trees in relation to the blocking of views from public CCTV</p>

		cameras on a site by site basis in consultation with the Police and Parish/Town Councils. The Council will not prune or fell its trees in response to complaints about blocking views in CCTV operated on private property.
3.1.10.	Obstruction of television reception, satellites or solar panels	The Council will not prune or fell its trees in response to complaints about interference with television reception, satellite dish reception or solar panels.
3.1.11.	Poisonous trees	The Council will not prune or fell a tree that bears potentially poisonous fruit / foliage (for example laburnum and yew).
3.1.12.	Issues relating to personal medical conditions	The Council will not prune or fell its trees in response to complaints regarding personal medical conditions.
3.1.13	Overhanging branches	The Council will not prune or fell its trees in response to complaints regarding overhanging branches unless the branches cause loss to an established business or livelihood.

4. TREE PLANTING

4.1. The Council will increase the quality and quantity of its tree stock by planting in suitable locations with appropriate species to enhance the enjoyment of open spaces, promote local distinctiveness and conserve the environment.

4.2. In all new plantings the Council will seek to establish appropriate trees for the locations. Where trees are felled, every effort will be made, subject to budgetary and site constraints, to re-plant as close as appropriate to the felled trees, provided that

- there are no constraints to planting (e.g. archaeology, underground services)
- planting is appropriate in landscape and townscape terms
- planting is appropriate in arboricultural terms (e.g. that the initial felling was not to prevent tree over-crowding)

4.3. Planting and Maintenance of New Trees

4.3.1. All new trees will be planted and maintained in accordance with good arboricultural practice.

4.3.2. All newly planted trees will be inspected annually for a period of 5 years and any that have died or failed to establish will be replaced.

4.4. Where possible the Council will work with local communities and Town and Parish Councils to ensure that any tree planting on Council owned land meets local need and to obtain the assistance of the local community in the long-term establishment of the trees.

5. TREE WORKS PRIORITISATION

5.1. In order to ensure that the tree management budget is spent in a focused and targeted manner, a prioritisation scheme will be followed.

Priority 1 - Maintenance works to trees, based on a system of risk assessment. Each tree to be individually risk assessed and appropriate works prioritised within set timeframes.

Priority 2 – Planting of trees on sites where significant trees have been felled.

Priority 3 – Implementation of individual site tree management strategies and the planting of new trees (other than replacement planting – priority 2).

6. DISPOSING OF COUNCIL OWNED LAND

6.1 Prior to the sale or long lease of Council owned land, the Council will consider if tree(s) on the land merit protection by a Tree Preservation Order. In considering the merits of a Tree Preservation Order the Council will consider the contribution the tree(s) makes to the amenity of the area, potential risks to the tree(s) posed by the disposal, the relevant Local Plan policies and the long term maintenance of the tree(s).

7. COMMUNICATIONS

7.1. In order to ensure that local communities are aware of any significant tree works the following communications strategy will be followed -

If significant tree works are planned (for example felling of mature trees) the following individuals and organisations will be informed –

- Ward members
- Parish and town councils
- Neighbouring properties (by letter or site notice)
- Public (by site notice)
- Press and on the Council's website (where there is likely to be significant public interest)

- In some instances additional site notices will also be used.

7.2. In emergency situations, where trees are imminently dangerous and works have to be carried out at very short notice, this level of communication may not be possible.

8. DISPOSAL OF ARISING/REMOVAL OF TIMBER

8.1. The Council will require contractors engaged in tree surgery on its tree stock to remove all arisings and dispose of them in accordance with good practice. No burning of wood arisings or depositing of chippings will be allowed on Council land unless agreed as part of a works contract.

8.2. The removal of timber, deadwood, and leaf litter from Council owned trees and woodlands will not be allowed unless as part of a formal agreement.

9. MONITORING

9.1 An annual report will be made by the Tree Officers to the Heritage and Design Manager and the Head of Planning and Strategic Housing.

This tree management policy was approved by Cotswold District Council's Cabinet on 18th January 2018.

For further information: Heritage and Design Service, Cotswold District Council.
(01285) 623000
planning@cotswold.gov.uk