



Goole Town Council

Tree Management Policy

February 2017

1. SUMMARY

1.1 Trees are a highly valued feature of the East Riding; they make an enormous contribution to the character and beauty of our landscape and create/maintain environments rich in biodiversity. Goole Town Council values its trees and recognises both the human and environmental benefits of having a healthy and sustainable tree population;

- Improving health by reducing stress
- Adapting to climate change by providing shade
- Mitigating climate change by absorbing carbon dioxide
- Reducing air pollution by removing particular matter
- Providing a habitat for wildlife
- Reducing flooding by rainwater interception and absorption

1.2 We also recognise that although trees are a positive feature, they can cause a range of problems, from being a nuisance or inconvenience to potentially causing serious injury or even death. As a tree owner we have a direct responsibility for ensuring our trees do not pose a danger to the public or property and are managed appropriately. This policy sets out our approach to tree management.

1.3 We aim to inspect our tree stock at an appropriate frequency, to ensure continued public safety. Following inspection the trees will be assigned a risk classification which will inform their prioritisation for maintenance works.

1.4 We aim to provide high standards of tree maintenance based on the latest arboricultural research.

2. POLICY SCOPE

2.1 This policy applies to all trees under our ownership/management, regardless of their location.

2.2 Although, we believe this policy to be as comprehensive as possible, we acknowledge it does not cover every situation. We reserve the right to exercise discretion in application of this policy when to do so would be in the best interests of the Council and its residents.

3. ADVICE TO RESIDENTS

3.1 Residents require permission from the Council to carry out any work on trees in its ownership or management. Residents should also check with the Planning Department that a tree or hedge is not protected by a Tree Preservation Order, and is not located within a Conservation Area.

3.2 Tree work is a highly skilled profession. Residents should not carry out any significant tree work unless they are confident that they possess all the skills to safely carry out the work without posing a risk to themselves or others. It is strongly advised that a professional tree surgeon be consulted for guidance before considering any work.

3.3 Residents are responsible for the proper disposal of any arisings from tree works. The Council will always prosecute fly tippers.

3.4 Every effort has been taken to make the Tree Policy as comprehensive as possible. However, we acknowledge that it would not be possible to anticipate every eventuality. The Council therefore reserves the right to exercise discretion in application of the policy where this is in the best interests of the Council.

4. COMMON LAW RIGHTS

- 4.1 In the English legal system, Common Law refers to laws that have been developed through precedent set by similar cases as opposed to being created through legislative statutes. Under English Common Law Rights, you have a right to remove (abate) the nuisance associated with trees encroaching onto your property. The following advice with respect to encroaching trees is given for general guidance only. You are advised to obtain independent legal advice before acting;
- 4.2 You can only consider removing those parts of the tree from the point where they cross the boundary of your property. You must not go beyond your property boundary without the permission of the tree owner. You have no legal right to cut or remove any part of a tree that does not overhang your property.
- 4.3 You are strongly advised to consult a professional tree surgeon for guidance on how best to prune back encroaching trees, unless the works are trivial meaning you could do the works with hand secateurs or similar.
- 4.4 You are strongly advised to tell the owner of the trees what you plan to do. You can find out if the trees are owned by the Council by contacting Goole Town Council.
- 4.5 Before you consider doing any works to the trees you should find out if they are protected by a Tree Preservation Order or if they are in a Conservation Area. If trees are protected, then you will need to gain consent by making an application/give notice to the Council.
- 4.6 Legally you do not own those parts of the tree that encroach over your property and you should make arrangements to return these to the owner. You are advised to discuss this with your neighbour to agree a mutually acceptable solution.
- 4.7 If your actions render a tree to be unsafe you may be liable for any subsequent damage that results from tree failure.

5. TREE MANAGEMENT

- 5.1 Goole Town Council's new approach to tree management is based on schedule inspections as part of a predetermined plan. Effective tree management requires for all inspections to accurately assess the risk of harm presented by a tree. If the risk of harm is found to be unacceptably high then remedial action is necessary.
- 5.2 The established technique used to measure the risk of harm presented by a tree is the Quantified Tree Risk Assessment (QTRA).

Quantified Tree Risk Assessment

(a) The first stage is to assess the probability that a tree would strike a target should it fail. This is expressed as the *probability* of harm.

- *Probability* of harm is high where trees are situated in areas that are busy with people or transport, or contain expensive structures.
- *Probability* of harm is low where trees are situated in areas that are not busy with people or transport, nor contain expensive structures.

(b) The second stage is to assess the condition of the tree in terms of its probability of failure within a year.

(c) The third stage is to assess the size of an impact should be tree fail. This is expressed as the *impact* potential.

Risk of Harm from Tree = (a) Probability of Harm x (b) Probability of Failure x (c) Impact Potential

- 5.3** If the risk of harm from a tree is found to exceed an acceptable level of 1/1-,000 per year, then action will need to be taken to reduce the risk. The timeframe to complete the work will be proportionate to the level of risk.
- 5.4** No tree is 100% safe. Even a tree presenting a risk of harm of less than 1/10,000 per year can fail - but the probability of this happening is extremely low.

6. TIMEFRAMES FOR TREE INSPECTIONS

- 6.1** All trees for which the Council are responsible will be inspected as part of a planned tree management process. Tree safety inspections are carried out by Arboricultural Contractors holding a valid Quantified Tree Risk Assessment (QTRA) licence and a full tree inspection will be carried out every 5 years.

7. TREE SAFETY INSPECTIONS

- 7.1** The purpose of a tree inspection is to determine the risk of harm posed by a tree to persons or property as accurately as possible.
- 7.2** During an inspection, an suitably qualified Arboriculture Contractor visually assesses the risk of harm presented by the trees at the inspection site. If necessary, the risk of harm from a particular tree can be calculated on site.
- 7.3** Any tree works required are decided upon, and a level of urgency is ascribed to the job and the urgency if the tree works is proportionate to the risk of harm.

8. PARKS AND GREENSPACES

- 8.1** Trees in parks and greenspaces are managed to reflect the circumstances of the site and their type, age and condition. Trees in parks generally have more room to grow compared to street trees and usually grow to their full height and spread.
- 8.2** Ongoing maintenance includes removing dead wood, formative pruning (to remove problems in tree form when the tree is young so avoiding expensive problems later), removing low branches from pathways and removing trees when they come to the end of their safe and useful life.
- 8.3** Available resources will be used to plant new trees where a need has been identified. Where management plans do not exist, trees will be selected and sited to compliment and enhance the park or green space.

9. NEWLY PLANTED TREES

- 9.1** All newly planted street trees are subject to a three-year maintenance programme to ensure that they become established. This includes watering which is done anytime between early April and late summer according to weather conditions. In dry summers, trees may need to be watered ten or more times.
- 9.2** Newly planted trees should be regularly watered (for first three years after planting), but some trees may be missed or some trees, because of local conditions, need more water than others.

10. TREE FELLING

10.1 Tree removal is regrettable, but necessary under a number of circumstances. The decision to remove a tree is not taken lightly. Trees are usually felled because it is best option to reduce the risk of harm to an acceptable level (e.g. dead, dying or diseased trees).

10.2 There are other circumstances where trees may be felled and these are mostly at the discretion of Goole Town Council, such as where;

A tree has been proven to be causing subsidence
The removal of a tree would benefit surrounding trees

11. TREE PRUNING

11.1 Pruning a tree can often weaken its structure, and should therefore be avoided for reasons other than reducing risk of harm to people or property. Pruning for any other reasons would be exceptional and at the discretion of Goole Town Council.

12. POLICIES FOR THE LOCAL ENVIRONMENT

12.1 Tree touching a building - if a tree that is owned or managed by the Council is touching private property (dwelling, house, boundary wall, garage etc) the Council will take action to remove the nuisance.

If required the tree will be inspected within 1 working day if related to safety or damage to property. Work will be scheduled in accordance with the priority of the work identified as a result of the tree inspection.

12.2 Tree overhanging property - we will not prune or fell a tree that is owned or managed by the Council to alleviate the nuisance of branches overhanging private property.

The Council 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.

12.3 Tree roots and drains - the Council will not prune, fell or cut the roots of a tree that is owned or managed by the Council to prevent roots entering private drains that are already broken or damaged.

Customer advice - tree roots typically enter drains that are already broken or damaged. Trees themselves very rarely break or damage the drain in the first place. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. If you are concerned about the condition of your drains then you are advised to contact your water and sewerage company. Householders are usually responsible for the maintenance of the drains within/on their property.

12.4 Trees blocking natural light - the Council will not prune or fell a tree owned or managed by the Council to improve natural light to private property.

Customer advice - where trees within an urban environment are blocking light into a property there is no legal 'right to light'. The tree owner is not by law obliged or required to carry out work to the tree for the benefit or level of light.

12.5 Trees blocking views - the Council will not prune or fell a tree owned or managed by the Council to improve the view from private property.

12.6 Leaf fall from trees - the Council will not prune or fell a tree owned or managed by the Council to remove or reduce leaf fall or remove fallen leaves from private property.

Customer advice - the loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning. In parks and greenspaces, paths or other areas of hard standing are regularly cleared of fallen leaves, but leaves on grass/shrub beds are generally left until the majority of leaves have fallen before they are removed (unless leaving them would damage the grass in which case the accumulated leaves would be removed sooner).

12.7 Sap from trees - the Council will not prune or fell a tree owned or managed by the Council to prevent or reduce honeydew or other sticky residue falling onto private property.

Customer advice - Honeydew is caused by greenfly (aphids) feeding on the sap from the leaves and excreting their sugary, sticky waste. Often more likely to be colonised by a mould which causes it to go black. Unfortunately there is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief and any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by greenfly and in some years greenfly are more common especially following a mild winter. Honeydew is a natural and seasonal problem.

12.8 Blossom of trees - the Council will not prune or fell any tree owned or managed by the Council to remove or reduce blossom fall from trees or remove fallen blossom from private land.

Customer advice - tree blossom usually heralds the start of Spring. Blossom is a natural occurrence, which cannot be avoided by pruning.

12.9 Bird droppings from trees - the Council will not prune or fell a tree owned or managed by the Council to remove or reduce bird droppings from the tree, or remove bird droppings from private land.

Customer advice - bird droppings may be a nuisance but the problem is not considered a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law). Warm soapy water will usually be sufficient to remove the bird droppings.

12.10 Fruit, Berries & Nuts from Trees - the Council will not prune or fell a tree owned or managed by the Council to remove or reduce the nuisance of fruit, berries or nuts, or remove fallen fruit from private land.

12.11 Wildlife and Insects in Trees - the Council will not prune or fell a tree owned or managed by the Council to remove or reduce incidence of bees, wasps and other insects or wild animals.

Customer advice - bees are protected species and advice should be taken before considering their removal. You may be able to dispose of individual wasps using an aerosol insect-repellent spray, but this will not control or eliminate the nest itself. Ideally the whole nest should be destroyed. This can be achieved with great caution but it is far safer to use pest control experts.

12.12 Satellite and Television Reception Blocked by Trees - the Council will not prune or fell a tree owned or managed by the Council to enable or ease installation or improve reception of satellite or television receivers.

Customer advice - it maybe that your satellite or TV provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or means to boost the signal. Please note that Goole Town Council will not reimburse costs associated with relocating a TV aerial or satellite dish.

12.13 Solar Collectors and Panels Obscured by Trees - the Council will not prune or fell a tree owned or managed by the Council to improve the performance of Solar Water Heating Collectors or Solar Panels such as Photovoltaic Cells.

Customer advice - whilst the Council appreciates that there is a need to provide renewable energy resources. Trees have an important role in maintaining and improving local amenity, in addition to contributing to local and national targets in tackling climate change. The presence of trees must be fully appreciated when considering a suitable location for the placement of solar collectors and panels.

12.14 Telephone Wires and Trees - the Council will not prune or fell a tree owned or managed by the Council to remove or reduce interference with telephone wires. There may be instances where the Council will undertake works to prune trees and reduce interference where pruning would be an effective measure.

Customer advice - your telephone service provider may be able to suggest an alternative solution to the problem.

12.15 Tree Considered Too Large - the Council will not prune or fell a tree owned or managed by the Council because it is considered to be 'too big' or 'too tall'.

Customer advice - a tree is not dangerous just because it may be considered too big for its surroundings. Goole Town Council does not recognise 'crown reduction' 'lopping' 'topping' or 'pollarding' as a form of management of any of our trees unless this has been specifically identified in the five yearly inspection.

12.16 Vandalism to Trees - we will look into any reports of vandalism to any tree owned or managed by the Council and try to repair any damage where we can.

Customer advice - we will generally plant larger trees that are more difficult to vandalise. In addition, we protect the tree with metal guarding, which is removed once the tree has become established, usually three years after planting. We actively promote tree planting and encourage local residents including young people to take part and care for the trees in their neighbourhood.

12.17 Anti-social Behaviour and Trees - where any tree owned or managed by the Town Council is associated with criminal activity or anti-social behaviour, measures to reduce the problem will be considered on a site by site basis.

Customer advice - where a tree is associated with criminal activity and/or anti-social behaviour, steps to reduce the problem will typically require the condition of a number of agencies to the problem. Some research shows that areas with lots of trees actually help to make places safer. But, neglected spaces with overgrown trees and untidy areas can encourage criminal activity and/or anti-social behaviour. The Council's tree and grounds maintenance programme tries to improve these areas by making the local environment cleaner, greener and safer.

You are not allowed to remove wood (or other parts of a tree) from parks, greenspaces or other Council land without consent. Unauthorised persons are not allowed to use a chainsaw of any type in parks, greenspaces or other Council land. If you see someone who may be removing wood without consent (person not associated with a relevant sign written vehicle and/or without clothing that clearly identifies who they are) or they are using a chainsaw, please telephone the Town Council.

12.18 Subsidence Caused by Tree - the Council will rigorously identify and defend any claims which are presumed to be either bogus or false.

Customer advice - if you believe that your property is suffering subsidence damage due to the action of tree owned or managed by the Council (or that you are concerned about potential damage) you are advised to contact your property insurer (private ownership) in the first instance so that you may discuss your concerns and agree an appropriate course of action. Should you, or those acting on your behalf, wish to make a claim for damages against the Council, alleging that a Council owned/managed tree is causing subsidence damage, then you will be required to submit an independent report to Goole Town Council.

12.19 Trip Hazards from Tree Roots - the Council will undertake measures to make safe unacceptable trip hazards caused by the growth of trees owned or managed by the Council.

Where tree roots are causing a trip hazard, this will be dealt with by Goole Town Council.