Marchwood Parish Council
Tree Management Policy

1. Introduction

Marchwood Parish Council (MPC) has adopted parts of New Forest District Council's Corporate Tree Strategy which are relevant in order to maintain a consistent approach to tree management in the Parish of Marchwood.

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

We also recognise that although trees are a positive feature, they can be the cause of 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 Marchwood Parish Council's approach to tree management.

We aim to inspect our tree stock at an appropriate frequency, depending upon the number of pedestrians, vehicles and other targets either passing beneath or within falling distance of the tree, to ensure continued public safety. Following inspection, the trees will be reinspected at intervals ~~assigned a risk classification~~ which will inform their prioritisation for maintenance works.

2. Policy scope

This policy applies to all trees under Marchwood Parish Council ownership / management, regardless of their location.

Set out below is an overview of responsibility for tree related issues which are not specifically managed by Marchwood Parish Council.

New Forest District Council (NFDC) and the New Forest National Park Authority (NFNPA) work in partnership, and the majority of planning related tree services are currently administered by the National Park on behalf of NFDC under a service level agreement. This relates to trees, both in the National Park, and the wider New Forest District Council area. This includes administering Tree Preservation Orders, Conservation Areas, Hedgerow Regulations and planning applications relating to trees (email: trees@newforestnpa.gov.uk. Telephone no. 01590 646600).

The NFDC Planning Department deal with enquiries relating to the Local Government (Miscellaneous Provisions) Act 1976 Section 23 & 24, in relation to dangerous trees in private ownership and enquiries relating to High Hedges (Anti-Social Behavior Act 2003 Part 8). (Telephone no. 023 8028 5000).

Trees growing on land which form part of the adopted highway are the responsibility of the Highways Authority, Hampshire County Council. (Telephone no. 0845 603 5368 Website: www.hants.gov.uk).

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The Forestry Commission is responsible for the management of trees on Crown land within the New Forest area (Telephone no. 02380 283141 Email: southern.reception@forestry.gov.uk).

The NFDC Corporate Tree Team provides a tree management and advisory service to Marchwood Parish Council. This strategy does not specifically relate to those arrangements, however, the principles set out in this document are generally applied in the delivery of this service.

Marchwood Parish Council is happy to give brief informal advice relating to the management of private trees. Tree owners are directed to the Arboricultural Association's list of approved contractors and consultants (www.trees.org.uk).

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

3. The importance of trees in the urban and rural landscape

Trees are important features in the landscape. They help to create an attractive environment, making the Parish a better place to live, work, study and visit. They bring colour and contrast, screen unsightly structures, give privacy and soften the hard lines of streets and landscapes. Not only do trees have a visual quality, but they also enhance the environment in less obvious ways:

- They improve air quality by filtering airborne dust, smoke and fumes.
- They absorb traffic noise in built-up areas and can help limit noise pollution.
- They reduce temperature extremes by providing shelter in hot weather and insulation in cold weather; trees adjacent to buildings can reduce air conditioning and heating costs.
- They act as a screen, increasing privacy in residential roads and gardens.
- They convert carbon dioxide to oxygen, increasing the quality of the air locally andhelping to reduce the 'greenhouse effect';
- They provide food and habitat for birds and other wildlife, thus supporting natureconservation value and biodiversity.
- Research has shown that trees provide many psychological and health benefits andhave been shown to reduce stress significantly.

4. Trees on Marchwood Parish Council owned / managed land.

The Council has discretionary power to provide and maintain trees on open spaces and amenity land under the Open Space Act 1906. As such we have a responsibility to maintain trees within our ownership / management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance. All enquiries regarding trees on Marchwood Parish Council land should be directed to the Council on 02380 860273 / via our website.

5. Inspection of trees

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We work to a risk-based approach to tree management: a program of inspection identifying and prioritising potential hazards. As NFDC carry out the inspections on behalf of the Parish Council, Marchwood Parish Council has adopted the NFDC Corporate Tree Risk Strategy in regard to tree inspection priorities.

6. Tree maintenance

Our tree maintenance work will be conducted as a result of information gathered during pro-active tree inspections. However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and normally originates from the following:

- Programmed and routine inspections by a qualified tree inspector/consultant.
- Ad-hoc inspections by the Maintenance & Facilities Supervisor following enquiries, reports and service requests.
- Reports from residents.
- Enquiries from County, District and Parish Councillors.
- Reports from utility companies.
- Cyclic maintenance.
- Emergency works (e.g. resulting from high winds).

The following categories will be used when prioritising tree works:

Priority	**Response**
Priority 1: Urgent Public Safety	From within 24 hours to one week depending upon the risk
Priority 2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year
Priority 3: Desirable	12 months where possible
Non-priority	No action proposed

A tree could warrant immediate attention if, for example:

- it has snapped or blown over;
- it is rocking (roots are damaged);
- it is uprooted but held up by another tree or building;
- a large branch has broken off or is hanging off the tree;
- it or its branch is blocking the road or footpath;
- it or its branch is blocking access to property;
- it has fallen onto a structure, such as a building or car.

Trees will be made safe via pruning or felling and we would use the most cost-effective approach. However, for certain high value trees we would consider other options to reduce the risk to an acceptable level. This would include options to reduce the likelihood of the tree failing or the likelihood of persons being close to thetree if it did fail.

7. Dealing with tree care

While works are sometimes necessary to ensure that trees are in a safe and healthy condition, we receive many requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment and enjoyment of the Parish by local residents and visitors.

To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, our policy in relation to the more common types of requests is outlined below.

8. Obstructing / Overhanging Tree Branches

Tree branches can cause obstructions to public footpaths, roadways / signs, streetlights and open spaces. Appropriate pruning to eliminate hazards caused by obstructive branches will normally be acceptable, providing efforts are made to retain the shape of the tree.

We will undertake work to trees in Council ownership / management to maintain a minimum of 5.5 meters clearance over roads and 3 meters over formal footpaths.

We will not prune trees that overhang neighboring properties unless the trees are dangerous or causing an actionable nuisance. This will ensure that damage to property 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.

9. Shading and Loss of Light

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

10. Loss of View

Trees will not be pruned for views or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape or townscape. Historical records may be used to determine the level of management required. Pruning of trees for highway sight-line requirements will be dealt with by the Highway Authority.

11. Trees affecting reception (Television / Satellite / Solar Panels)

Pruning in the short term may help improve television reception. However, in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a booster. Residents are advised to contact their satellite or TV provider for specialist advice.

Similarly, we will not prune or fell a tree in our ownership / management to improve natural light to a solar panel. Whilst we recognise the need for renewable energy sources, trees are also important in tackling climate change.

12. Overhead Cables / Telephone Wires

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, we will encourage utility operators to adopt the most appropriate long-term solution, giving consideration to tree health, local tree cover and visual amenity.

Problems caused by branches interfering with privately owned telephone wires can usually be eliminated through appropriate pruning and tree removal would not usually be considered.

We will not prune or fell a tree in our ownership / management to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

13. General / Minor Nuisances

We will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems are:

- falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- insects associated with trees (spiders, wasps, flies etc);
- reduction or increase of moisture to gardens;
- suckers or germinating seedlings in gardens;
- leaves falling into gutters, drains or onto flat roofs;
- the build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with these issues alone.

We would not normally prune or fell a tree under our ownership / management that bears poisonous fruit / foliage (such as laburnum or yew).

14. Trees considered too big / too tall

We will not prune or fell a tree under council ownership / management because it is

considered to be 'too big' or 'too tall' for its surroundings. Trees grow adaptively to support themselves in relation to their surroundings and the typical loads they can be expected to experience. Trying to contain trees to a specific size is only a suitable management regime for certain species in specific circumstances (i.e. pollarding).

This process is initiated 'soon after (a) tree is established' and 'larger trees should not normally be treated in this way' (BS3998: 2010 Tree work – Recommendations). 'Crown reduction' can also be used to allow the retention of an important tree with structural defects, trees which cause an obstruction or trees which are likely to

cause structural damage to property which would otherwise need to be removed. In all other situations, reducing the size of a tree crown is not considered appropriate.

15. **Personal Medical Complaint**

We will normally not prune or fell a tree under our ownership/management where a request has been made to do so because of a personal medical complaint.

16. Ivy

Ivy (Hedera helix) is a native species which provides important habitat to a wide range of wildlife, especially as an important source of food and cover for birds. Ivy often grows on tree stems and branches and can restrict the full structural assessment of a tree. It is rarely a significant threat to healthy trees.

Ivy will be severed at the base of relevant trees where it restricts the full assessment of parts where a significant defect is suspected, or where ivy growth is so prolific it increases the sail area or affects the growth of the inner crown of a tree to an unacceptable level.

Once severed, ivy will be left in situ to die back. This will reduce the impact of any loss of cover/habitat to local biodiversity and will help prevent sun damage to newly exposed parts of the tree.

17. Damage and tree roots

Many tree conflicts arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigatedon an individual basis. The following guidance will be used in assessing levels ofnuisance and identifying appropriate action.

Root invasion in gardens; tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners do have a common law right to prune back tree roots to their boundary, providing that this wouldnot 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.

Most species of deciduous tree will re-sprout from the stump when cut down. Many species will produce a new growth shoot from a root if it becomes exposed to sunlight through ground erosion. Some species readily produce shoots from their buried roots as a way to regenerate and this is often stimulated by stresses, such as heavy pruning or felling. Numerous tree species (including Cherry and Poplar) are therefore

likely to produce vigorous root suckers as a response to being felled. Poisoning a stump to prevent such suckering is not always successful since application of herbicide onto a stump face often only affects the stump and the upper roots.

Tree felling or branch pruning in response to root invasion in gardens would not normallybe appropriate, as such works are likely to worsen existing problems. The pure encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

18. Damage to walls and fences

It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. This can be achieved in a number of ways (for example installing a section of railing or bridging foundations around the base of a tree). Therefore, where trees are considered to be causing damage to walls or fences, we will only consider tree removal if the walls or fence is irreplaceable and of exceptional importance e.g. a retaining wall or of historical interest, or if there is a risk to public health in leaving the tree which cannot otherwise be mitigated. If a damaged wall or fence was constructed after planting of the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account.

19. Damage to paths

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude they can be root pruned, or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths or footpaths, we will not normally consider tree removal except where there is a risk to public health which cannot otherwise be mitigated.

20. Damage to drains or water pipes

There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense. Tree removal will not normally be considered.

21. Trip Hazards

We will make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership / management.

22. Protected trees

Tree Preservation Orders (TPO's)

A TPO is a legal document made, administered and enforced by the local planning authority, to protect specified trees and woodlands with public amenity value.
A TPO prevents cutting down, uprooting, topping, lopping, willful damage or destruction of trees (including cutting roots) without permission.

Marchwood Parish Council recognizes its responsibilities in regard to its trees that are protected by TPOs.

23. **Trees in Conservation Areas**

It is an offence to cut down, prune, lop, top, uproot or willfully damage or destroy a tree in a conservation area.

The Parish Council recognizes its obligations when undertaking works to trees in conservation areas.

24. Other factors constraining work to trees

Birds

Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Work will be risk assessed and non-urgent major tree work involving tree removal / reduction and hedge cutting operations should not normally be undertaken during bird nesting / breeding season, which is considered to be from1st March to 31st July.

Bats

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting / nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

Restrictive Covenants

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

25. Vandalism and damage to council owned/managed trees

There are cases where trees we own / manage have been irrevocably damaged or removed without permission. We will investigate any reports of vandalism / damage to trees in our ownership / management and try to repair any damage where we can.

Where possible, we will take legal action against the person(s) causing the damage.

26. Biosecurity / Pest & Epidemic Management

Biosecurity is a set of precautions that aim to prevent the spread of pests, pathogens or invasive species. The threat to trees from these has never been greater and as a large

landowner we undertake to follow best practice and specific advice which is regularly published by the Forestry Commission. Attendances to high-risk sites are subject to risk assessment and we employ measures to minimise pest or disease spread.

27. Tree pruning techniques and who carries out the work

Marchwood Parish Council will seek to ensure that tree works are carried out to the highest standards. In carrying out tree works, we and any third party working on trees over which we have a responsibility, will ensure that pruning conserves the overall amenity value, form and shape of the tree and all tree works must be carried out in accordance with British Standard 3998 – Recommendations for Tree Work. Particular pruning specifications may or may not be appropriate for trees of different ages, species, health and condition, or even between trees of the same species depending on their condition, age and environment. Clear and acceptable pruning objectives are necessary in advance of approval of a pruning specification.

28. Stump Grinding

Stump grinding is the practice of removing a tree stump to below ground level by mechanical means. We will carry out stump grinding where necessary to enable new trees to be planted or to remove a significant hazard. Where stump removal is not necessary tree stumps will be removed close to ground level so as not to leave a trip hazard.

29. Damage Caused by Trees

Tree roots, stems and branches get thicker each year via a process called secondary thickening. Over time as they increase in size, they can disrupt or distort adjacent structures and surfaces. This is generally limited to 'lightly loaded' structures such as low walls, fences and paving. Trees generally deflect around more 'heavily loaded' structures such as houses.

In such circumstances alternatives to tree removal will be explored (i.e. engineering solutions). The asset value of the tree will be considered against the cost of alternatives. (i.e. applying the CAVAT (Capital Asset Valuation of Amenity Trees) system of evaluation.

Indirect damage to property (Subsidence)

Incidents of subsidence related damage involving MPC trees are rare; however, there are areas of shrinkable clay soil within the Parish.

Throughout the growing season, as part of the growth process, trees extract water from the soil and release it into the atmosphere. On highly shrinkable clay soils this can result in soil shrinkage or movement which, in specific circumstances, can lead to the differential movement of structures with the potential for damage. Such soil movement can also be attributable to a wide range of other factors including the climate, surface vegetation such as grass or shrubs, drainage issues and other factors linked to the design and installation of the structure/building. Careful analysis of a range of evidence is required to determine the cause on the balance of probabilities. As set out in the accepted national guidance document "Subsidence of Low-Rise Buildings" (Institution of Structural Engineer's 2000)

other potential influencing factors should be eliminated before the assumption is made that trees are the cause of structural movement.
Recent case law has helped to clarify the court's perspective on this issue and set out that alternative solutions to tree removal should be considered; and alsoclarified how tree owners should proactively manage the risk from trees on clay soils.

MPC will review its land holdings where there have been successful claims of damage and review if there are trees in this area which are likely to pose a 'real risk' and will take appropriate action.

30. Subsidence

While we recognise our responsibilities for the trees in our ownership / management, we will expect any claim against our own trees to be supported by sufficient evidence to show that the tree in question is a contributory factor in the subsidence. Where this evidence is provided, we will obtain expert specialistadvice to verify submitted evidence as necessary. We will therefore require the following information in order to consider a claim associated with tree related subsidence:

- description of type of damage;
- indication of seasonal movement;
- levels and distortion survey;
- visual evidence of damage;
- depth of foundations demonstrated from excavated trial holes;
- analysis of soil type under foundation;
- presence and identification of tree roots.

We will not normally subject our trees to regular heavy pruning to deal withsuspected damage. Instead we will where feasible opt for removal andreplacement planting with an alternative species that is less likely to cause future problems.

31. Heave

When a tree is removed in a clay sub-soil, the soil will rehydrate and swell in volume. The expansion may lift the foundations and cause cracking to the property. This is known as 'heave'. This is more likely to occur if the removed tree was mature and had a high-water demand such as an oak tree. No liability, at present, falls upon a local authority for damage due to heave resulting from tree removal where this is requested by the third party.

32. Insurance Claims

Where trees are alleged to have caused direct or indirect damage to property and a formal claim is submitted the matter will be referred to the Council's insurers.

Members of the public who are concerned about tree related subsidence are advised to contact their insurers.

33. Protection and Enforcement

MPC will adopt a robust approach to damage its property. Where MPC trees are felled or damaged without prior consent the matter will be referred to the police. Civil action will

be considered to recover compensation for the loss of the tree and/or any remedial works including replanting with a suitable replacement, and aftercare. Accepted tree valuation methods will be applied, where appropriate, to establish a monetary value of the tree/s. Officer time investigating damage may also be incorporated in any claim.

MPC will also consider the use of Tree Preservation Orders in conjunction with the LocalPlanning Authority (The New Forest National Park Tree Team) to increase the legal protection afforded to specific trees or woodlands which are considered to be under threat. Where damage is caused to a tree which is protected by a Tree Preservation Order, the Council will consider prosecution.

34. Tree Planting

The principle aim of new planting will be to maintain and increase tree cover within the district and to achieve a robust and diverse tree population, well suited to the planting location and able to meet the challenges of a changing climate and pests and disease, whilst maximizing amenity, biodiversity and other tree related benefits.

All new tree planting will utilise high-quality, disease-free planting stock from reputable suppliers grown to British Standard 3936

Planting will be undertaken following the principles set out in the British Standard 8545 (2014) Trees: From Nursery to Independence in the Landscape – Recommendations.

MPC recognises the contribution of native species to biodiversity and also to the character of the New Forest, however this must be considered in tandem with the predicted impacts of climate change.

The ultimate aim will be a robust tree stock of varied age distribution and a wide range ofappropriate species and genetic material.
MPC will explore options relating to the provenance of trees (both in terms of origin of seed and all parts of the growing process) and will look for opportunities to support thosesuppliers who grow high-quality, disease-free trees which are likely to be suitable for the future. This will help to reduce risks associated with the importation of trees and soil which are a significant source of pests and disease which threaten UK trees.

MPC will investigate the potential to source trees which meet this criterion and will support and work with those suppliers who can help achieve this goal.

Trees will be selected which will be specifically suited to their location for the long term and will minimise future conflicts.

There will be an overriding bias towards the planting of larger species of tree which provide correspondingly greater benefits, however smaller species will be considered where appropriate, including the potential creation of community orchards where there is local support and suitable sites available.

35. Aftercare

Good aftercare for 2-3 years after planting is essential to ensure that the investment in trees is not wasted; this is particularly true for larger ‘standard’ trees.

Aftercare of trees can be time consuming and expensive.

MPC will actively seek to involve the local community to help with watering and aftercare of newly planted trees (also giving them a vested interest in the future health ofthe tree).
MPC will seek to plant tree stock, where possible, which has a lower aftercare requirement, increasing the cost effectiveness of planting schemes.

36. Managing Trees Sustainably

Arisings from MPC tree works which are used within the Parish, are typically left on site as habitat (as a weed suppressant on flower beds) or are used along woodland footpaths. Any chippings removed from the area are typically processed into fuel for biomass boilers. The Council's tree contractor produces approximately 300 tons of woodchip for biomass resulting from tree works for NFDC and its partners each year.

37. Non-Covered Works

No works to MPC trees will be permitted.

Contact:

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Village Centre
Marchwood
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Email office@marchwoodparish.gov.uk