

# EASINGWOLD TOWN COUNCIL

## TREE MANAGEMENT POLICY

### 1 Introduction

- 1.1 It is Easingwold Town Council (ETC) policy to maintain and enhance the tree stock for which it is responsible in Easingwold, to provide landscape, amenity, ecological, environmental and historical benefits. Our trees are a very significant part of the town.
- 1.1 The aims of this policy are:
  - 1.1.1 To ensure that the management of trees contributes to making the environment of Easingwold safe, attractive and healthy.
  - 1.1.2 To ensure the sustainability of those trees which are perceived as beneficial to the townscape.
  - 1.1.3 To allow for swift action to protect the public from dangerous trees.
  - 1.1.4 To promote awareness of the value and importance of trees.
  - 1.1.5 To ensure that trees enhance the landscape.
- 1.2 The management of ETC owned trees follows relevant national guidance, including: 'Common sense risk management of trees – guidance on trees and public safety in the UK for owners, managers and advisers' published by the National Tree Safety Group; 'Management of the risk from falling trees or branches', published by the Health and Safety Executive.
- 1.3 ETC 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.
- 1.4 ETC 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.
- 1.5 ETC will provide appropriate levels of information to the public on its tree stock. If there are any questions about ETC trees or policy, they should be addressed to the Town Clerk.

### 2 Ownership and responsibility

- 2.1 Not all trees in Easingwold are owned by or the responsibility of ETC. Many are in private ownership. Most of the trees situated within the public highway, adjacent to the road or on roadside verges, are the responsibility of North Yorkshire County Council (NYCC) (soon to be North Yorkshire Council (NYC)).
- 2.2 Regarding trees in private ownership, Hambleton District Council (HDC) [soon to be NYC] has powers under the Local Government (Miscellaneous Provisions) Act 1976 – Section 23 to intervene to deal with dangerous trees where the owner of the tree fails to act within a reasonable time. It cannot be used in circumstances where, for example there is a fear of trees falling in a high wind. If a neighbour's tree is causing a nuisance and an amicable agreement is not reached, then Citizens Advice may be able to assist<sup>1</sup>. ETC is unable to intervene in disputes regarding privately owned trees.
- 2.3 Areas in which the trees are owned by ETC are listed at Annex A.
- 2.4 Protected trees

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<sup>1</sup> Under Common Law, provided it is not protected by a TPO or situated in a Conservation Area, a person may cut back any branch (or root) from a neighbour's tree that overhangs or encroaches on their property. In cutting back any overhanging branches (or encroaching roots) the following points need to be observed: you must not trespass on the land on which the trees are growing; branches or roots must not be cut back beyond the boundary; any branches, fruit or roots removed must be returned to the owner unless they otherwise agree; all work must be carried out carefully to avoid damaging property or carrying out work that would leave the tree unsafe or dangerous, or would lead to the death of the tree.

- 2.4.1 ETC recognizes its responsibilities in respect of protected trees growing on its land.
- 2.4.2 Many trees in Easingwold are subject to a Tree Preservation Order (TPO). A TPO is an order made by the local planning authority (HDC[NYC]) to protect specific trees, groups of trees or woodlands in the interests of amenity. A TPO prohibits the cutting down, topping, lopping, uprooting, wilful damage (including damage to roots), wilful destruction of trees without the local planning authority's written consent. HDC [NYC] holds the definitive list of TPOs, but the Town Clerk is also able to provide details.
- 2.4.3 Trees in Easingwold's Conservation Areas are subject to similar protections, whether or not they are covered by TPOs.

### 3 Tree surveys and inspections

- 3.1 ETC trees are regularly surveyed or inspected by independent professional arboriculturists<sup>2</sup>. Street trees, trees overhanging or adjoining dwellings or footpaths, or in recreational areas/public open spaces, are subject to individual inspections every 3 years, with more frequent or additional inspections undertaken on those posing a higher risk or in response to valid concerns being raised. Woodland trees are surveyed on a 'walkthrough' basis as groups of trees at least every 5 years, with a particular attention paid to trees near buildings and footpaths, and with individual trees reported on by exception i.e. when remedial work is identified as necessary.
- 3.2 The Town Clerk retains copies of survey/inspection reports. The reports record information on ETC owned trees and identify any which pose a risk to health and safety.

### 4 Work to trees

- 4.1 Works identified as part of the inspection process, or in response to requests, complaints or notifications, will be prioritised on the basis of the arboriculturist's report. Subject to the availability of resources and an assessment of the risk, remedial action is undertaken on timescales recommended by the arboriculturist. Priority works are carried out for health and safety reasons, damage to property, crime prevention and to facilitate other maintenance operations. The Town Clerk maintains a record of any tree work undertaken.
- 4.2 Trees will not be removed unless there is a demonstrable arboriculture, safety or legal reason for the removal.
- 4.3 If tree works are required in the bird nesting season (March – August) trees will be examined for evidence of nesting. Where a bird's nest is found, tree works will be delayed until the end of the nesting season.
- 4.4 No tree work will be undertaken on trees where there is potential to impact upon protected species (for example bats or badgers) until consultation has been undertaken with appropriate external consultants.
- 4.5 All works to ETC trees is carried out in accordance with British Standard 3998: 2010 'Recommendations for Tree work', and will be undertaken by competent, qualified contractors.
- 4.6 Response to requests, complaints and notifications
  - 4.6.1 Requests, complaints or notifications relating to ETC's trees should be referred to the Town Clerk, who will, if appropriate, seek arboricultural advice and refer matters to the Recreation & Open Spaces (R&OS) Committee and/or the full Council if decisions need to be made. Urgent decisions, in response to health and safety issues, may be made by the Council Chair or the Chair of the R&OS Committee, but must be reported to the next meeting of the full Council and remain subject to ETC's Financial Regulations.
  - 4.6.2 It is important that requests to undertake works to ETC's trees are dealt with in a consistent manner:
    - **Tree works WILL take place in the following situations:**

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<sup>2</sup> An experienced and qualified person trained to Professional Tree Inspection level, approved by the Arboricultural Association

- Dead, dying or dangerous trees and branches that are or likely to be a danger public safety.
- Trees or branches creating unreasonable obstruction to a public highway, public right of way or access to property. A clear height of 2.5m above footpaths, 3.5m above cycleways and 5.4m above highway carriageways will be maintained where possible.
- Branches obscuring highway signage, street lighting or publicly-owned CCTV.
- Branches touching a dwelling house or garage. In general this means maintaining 1.5 metre between overhanging trees and buildings (not property boundaries).
- Where it can be demonstrated that a tree is the primary cause of serious structural damage to buildings as identified by a competent professional assessor.
- The removal of basal (epicormic) growth where it is necessary for highway safety reasons
- **Tree works MAY take place in the following situations:**
  - Trees which need formative pruning to shape or train them during the early years.
  - Re-pollarding or re-coppicing on a regular cycle.
  - Thinning of trees where it will benefit adjacent specimens or more favourable species.
  - Trees deemed by ETC to be an inappropriate species for their situation.
  - Trees restricting repairs and maintenance of property.
  - Trees and branches restricting grounds maintenance operations.
  - Trees giving rise to justifiable fears about risk of crime, or trees that have provided access and/or cover for criminal activity.
  - Self-seeded trees on boundaries where they are a significant nuisance.
- **Tree works WILL NOT be carried out in the following situations:**
  - Interference with television/satellite/internet signals and private CCTV operations. There is no legal right to good television or satellite signals and no legal requirements to rectify a loss of television, satellite or radio service in respect of trees. Interference is not at present a legal nuisance, and in many cases it is possible to resolve issues of poor reception involving trees by finding an engineering solution.
  - To prevent or reduce interference with telephone wires.
  - Branches overhanging neighbouring property where there is no risk to a dwelling house.
  - Because trees are perceived as being too large by a member of the public.
  - Prevention of shade, except in exceptional circumstances. There is no legal right to light under the law and therefore ETC has no legal obligation to abate this perceived nuisance. ETC will consider applications to prune trees on an individual basis and if the work can be executed within financial resources available.
  - Obstruction of views from private residence.
  - Prevention or clearance of natural/seasonal phenomena, including falling leaves, blossom, pollen, seeds, fruits, cones and nuts.
  - Prevention of bird droppings and aphid honeydew.
  - To allow construction of new access or driveway to property.
  - To facilitate the implementation of non-essential underground or over ground services.
  - Where trees are restricting the efficiency of solar panels unless the solar panel pre-dates the presence of the tree.
  - Where the planning authority refuses permission when a tree is subject to a TPO or is in a Conservation Area.

## 5 Damage to property

- 5.1 Where it can be demonstrated that a tree is the primary cause of direct or indirect damage to property, ETC has an obligation to take reasonable steps to rectify the problem. In cases of damage to property it must be clearly demonstrated, by the property owner, that the tree is the principal cause of the damage.
- 5.2 All claims relating to subsidence will be referred to and managed by ETC's insurers. When investigating claims of subsidence and damage to properties from a tree owned and maintained by ETC, the onus

will be on the claimant to provide evidence that the tree is the cause. The claimant or their building insurers must submit a structural engineer's report and arboriculturist's report demonstrating that, on the balance of probabilities, the tree is the cause of the damage. This will enable ETC to review the evidence and determine the appropriate course of action.

## 6 Payment for tree services

- 6.1 Where tree work is not justifiable as the result of a request for service from a resident, some residents may wish to pay for the work themselves. This may be in relation to issues like shading or concerns about the height of the tree.
- 6.2 Except in the case of overhanging branches (see above), any unauthorised works to Council owned trees carried out by any person is treated as criminal damage.

## 7 Criminal damage

- 7.1 Any felling or heavy pruning of Council trees on Council land is deemed as criminal damage. We will investigate any reports of vandalism / damage to trees in our ownership or management and try to repair any damage where we can. Where possible, we will take legal action against the person(s) causing the damage.

**This policy was adopted by the Council on 20 February 2023. It will be reviewed every three years or when there are major changes to legislation or best practice in respect of tree management.**

## EASINGWOLD TOWN COUNCIL TREE OWNERSHIP/RESPONSIBILITY

1. Claypenny, Oulston Road and Mallison Hill Woods (see attached map 1a & 1b areas edged blue, brown, yellow and pink)
2. Uppleby Greens
3. Longlands Play Area
4. Stonefield Garth (see attached map 2. land edged in green)
5. Drovers Court (see attached map 3. land edged in green)
6. Chase Garth (see attached map 4. land edged in red)
7. Millfields Park, not including the woodland that is managed by the Woodland Trust (see attached map 5)