LYMINGE PARISH COUNCIL

**TREE MANAGEMENT
POLICY**

Agreed on: 12.08.24
Review due: By June 2025

Background

We (Lyminge Parish Council) are responsible for managing trees on our own land. This includes parks, roads, paths and public green spaces. We have a duty of care towards residents and visitors of the parish however we are committed to the preservation of trees.

In addition to tree preservation, the council as a whole is passionate about conserving and increasing the biodiversity within the parish. Our policies and decision making reflect that passion.

Protected trees

A number of trees in the parish are covered by Tree Preservation Orders (TPOs), this means that they are protected by law. Special consideration is given to the maintenance of trees covered by TPOs.

Privately owned trees

Trees on private land are not within our responsibility. If you need advice about trees on your own land, you should consult a qualified Arboriculturalist. If you have concerns over a tree on privately owned land, land that is not your own, you will need to speak to the landowner.

Advice for private landowners

The law protects trees and woodland under a range of legislation that makes it an offence to fell or prune trees without permission.

You should:

- Always contact us to ensure that the trees are not covered by a Tree Preservation Order, planning constraints or are within a conservation area.
- Employ a suitably trained professional tree surgeon who is covered by Public Liability Insurance. Always ask for proof.
- Be very cautious before you employ unsolicited house callers or leaflet droppers claiming to be professional tree surgeons.

Reputable tree surgeons can be found online or by contacting a relevant professional body such as the Arboricultural Association.

Privately-owned woodland

Woodland in private ownership is also subject to protection under the Forestry Act. Before undertaking any work in woodland you should check with the Forestry Commission.

Council-owned trees

If you have a query about the management of trees on public land you should contact the Parish Clerk via clerk@lymingeparishcouncil.org.uk

Tree Management Policy

Introduction

Trees are important features of both our more rural countryside and our more residential areas. They make an enormous contribution to the character, beauty and heritage of our landscapes and villagescapes and are a cornerstone of their biodiversity. They store carbon in their biomass and soils and the timber they produce, create shade to reduce heating, intercept airborne pollutants and help regulate the flow of water through catchments, reducing flooding and the pollution of watercourses. The ecosystem services they provide make them an important part of our natural environment and contribute to the resilience of the landscape to climate change.

We recognise the human and environmental benefits of having healthy, sustainable and well-managed trees and woodlands, and the role they play in our response to the climate emergency and the ecological crisis.

We also recognise that trees can sometimes cause problems, ranging from minor nuisance or inconvenience to more serious risk of harm to people and property.

We ensure that our decisions relating to management of trees should be reasonable, proportionate, and reasonably practicable when managing the risk. There is a balance we need to strike between the many benefits trees provide, the risk and the costs of managing the risk.

We also need to ensure that our trees do not cause a legal nuisance by interfering with neighbouring properties.

This policy sets out our approach to tree management. We aim to inspect and manage our trees in a manner which allows us to fulfil our duty of care and legal responsibilities. We aim to provide a high quality of tree care in line with arboricultural best practice to maintain and expand our tree resource.

We receive many enquiries and requests for works to trees. We aim to deal with those requests in a manner which is fair and consistent and reflects the council's priorities for managing its finite resources.

We aim to stay up to date with the latest policies and guidance relating to trees and developments in arboricultural best practice and to share and promote that knowledge with other parties.

The scope of this policy

The policy applies to how we manage trees under our ownership or within our responsibility.

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

The benefit of trees

Trees are important features. They provide many benefits to society including:
- providing natural forms that soften the hard lines of buildings in urban[1] areas:
- providing amenity value & seasonal interest through their foliage, flowers, fruits and autumn colours
- bringing character and local distinctiveness to landscapes and townscapes
- contributing to the setting of historic buildings and streetscapes:
- contributing to biodiversity and providing habitat for a wide range of other species:
- storing carbon in their biomass and soils, and producing oxygen:
- improving air quality by filtering airborne dust & pollutants and helping reduce the formation of smog and ozone:
- absorbing traffic noise in built-up areas:
- reduce temperature extremes by providing shade in hot weather and shelter in cold weather:
- reducing energy use and costs of air conditioning and heating:
- providing screening of eyesores and privacy in residential areas:
- intercepting rainfall, reducing urban run-off, flooding and pollution of watercourses:

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[1] Please note that where this policy refers to 'urban' areas, it makes reference to the areas in our parish that are the most built up areas i.e Lyminge, as opposed to the least built up areas i.e Rhodes Minnis.

- improve our health & well-being by reducing stress, mental fatigue, and create a healthy environment for outdoor activities, exercise and informal recreation:
- increase local property values and desirability attracting investment:
- reducing crime and anti-social behaviour.

Threats to trees

Developed areas can be a challenging and hostile environment for trees which can suffer from the conditions they are growing in or be damaged or lost through changing land use.

Common issues include:
- poor soil quality, lack of soil volume or rooting space, compaction, poor site drainage:
- pollution & contamination; winter salt damage:
- seasonal drought stress or periodic flooding:
- trenching works by utilities companies:
- poor pruning practices which may permanently damage and disfigure trees:
- pests and disease outbreaks, especially where newly introduced from around the world:
- climate change, resulting in more frequent high winds/ storm damage, changes in seasonal weather patterns:
- vandalism, antisocial behaviour or accidental damage:
- highway maintenance works and road improvement schemes:
- new development and redevelopment:
- physical damage to trees and their rooting environment during construction work.

Trees can be affected by combinations of these factors, many of which can be prevented or minimised through good quality tree care, sustainable work practices and education.

Tree risk management

Compared to other everyday risks we readily accept, the overall risk to us from branches or trees falling is extremely low. Given the number of trees we live with and how many of us pass them daily, being killed or injured by a tree is a rare event; one that usually only happens during severe weather.

Trees are living structures that sometimes shed branches or fall over. This usually happens because of severe weather, or because they have an obvious risk feature. Since we need the many benefits from trees, we have to accept that we can't remove all of the risk.

Recognising obvious risk features does not require specialist knowledge and the council will implement infographics and training on recognising risks.

At minimum, every three years, we will arrange for a suitably qualified arboriculturalist to conduct an inspection of all of the council-owned trees in the parish. The inspection will result in a report highlighting any concerns and detailing any work needing to be completed, the urgency and the rationale.

Passive assessment

Passive assessment is a multi-layered, high volume and low effort approach to managing the risk. Any trees with a risk that's reasonably obvious are most likely to be picked up by passive assessment long before active assessment.

Passive assessment is our most valuable risk management asset because:
- trees with the highest risk are the easiest to find:
- anyone can do it, from trained assessors to members of the public:
- it's happening in all areas of use, day in day out, at no additional cost:
- high-use areas are being assessed more frequently than lower use areas because they're visited more often:
- we're doing it after storms when trees that are damaged might now have an increased risk.

Any obvious risk features identified during normal daily activities, in any location, can be reported to the council for further assessment and/or action as required. Trees picked up by passive assessment will be logged and those that need a closer look will be put through the active assessment process.

Councillors, council employees and external contractors

To manage risk, we will carry out passive assessment at all levels of our organisation. People in our organisation pass hundreds of trees that we manage every week. All these trees are being passively assessed, day in day out.

Qualified arborists are those who have the highest level of training. In addition to the active assessments they carry out, they are also passively assessing trees they drive by, or walk past, whilst carrying out their work.

Members of staff who work outdoors – such as the Parish Handyman - will be given training to help them recognise obvious tree risk features they might come across as they go about their daily duties.

Councillors and other staff will be given basic training to assist with passive assessments.

Active assessment

Active assessment involves looking for risks that might not be obvious. It has three levels: basic, detailed, and advanced. It includes assessment by qualified arborists either as part of regular programmed inspections or where passive assessment has picked up a tree that needs a closer look. It also includes assessment by other trained staff when they are undertaking other types of programmed inspections as part of their work which will include a basic level of active assessment for obvious tree risk features. They don't make risk rating decisions but can flag emergency work.

Basic assessment

Basic assessment involves looking for trees with obvious risk features. We assess trees from easily accessible ground, by foot, bike, or from a vehicle. If a tree doesn't have a feature to trigger carrying out a more detailed assessment, the risk is considered low.

Detailed assessment

Detailed assessment is carried out on trees identified as needing a closer look. It involves a more detailed assessment of heath, condition and risk and can be completed by trained staff or a qualified arborist.

Advanced assessment

Advanced assessment is carried out if we need more information about the likelihood of failure. This may include further testing using specialist equipment such as drill testing, sonic tomography or aerial inspection to take a closer look at the upper stem and branches. An advanced assessment will always be carried out by a qualified arborist.

Prioritising work

Management of the council's tree resource as a whole is influenced by a range of additional considerations. We need to manage our trees for the wider benefits they bring to the community. In order to do that we need to inspect trees in areas which might not warrant active assessment just on the grounds of risk – for example in areas where a high level of arboricultural management might be expected.
We also need to carry out work to trees in order to:
- deal with other risks such as low branches, obscured road signs and sightlines:
- deal with other issues such as trees causing a legal nuisance:
- manage trees in accordance with good arboricultural practice.

Risk reduction work will take priority over other tree maintenance works. Emergency work will be given the highest priority. Outside of that, we'll deal with the highest risks first and carry out the work in a sensible order to make the best use of our budget.

Where possible, risk reduction work will be organised alongside other tree maintenance works. If there's not enough budget to carry out the risk reduction and other maintenance works, we'll prioritise risk reduction.

Emergency work

If a tree has a very high likelihood of failure and it's in a high use area, these are high risk and warrant 'emergency work'. We'll get a tree team or contractor there as soon as we can to deal with any emergency work.

Service requests

Service requests relating to safety risks and legal nuisance will be assessed and any works programmed according to the priorities for that type of work. Service requests relating to other

desirable but non-essential works consistent with good arboricultural practice will be of a lower priority and will only be undertaken where resources allow

Requests for non-essential work that isn't consistent with good arboricultural practice will not be actioned.

The following categories will be used to prioritise tree works:

Not acceptable / High risk

Not tolerable / Medium risk

Tolerable / Low risk

No action / No / very minimal risk

Priority	Description
Urgent	Emergency work that needs to be undertaken as soon as possible.
Priority 1	High priority but non-emergency works. Risks identified as 'not acceptable'. Other health & safety-related work such as obstruction of highways, junctions and signage.
Priority 2	Risks identified as 'not tolerable'. Work to abate a legal nuisance and other essential tree maintenance works. Work required to meet project deadlines.
Priority 3	Risks identified as 'tolerable'. Non statutory but recommended work in line with arboricultural best practice. Desirable but non-essential work arising from service requests subject to resources.
No action	Risks identified as acceptable. Work that is unnecessary, not in accordance with good arboricultural practice, or contrary to this policy.

Management systems

We will ensure that the systems that we have in place to manage tree works are robust so that when risks are reported the work is actioned and that there is a clear audit trail in place of how they have been managed.

Tree management and maintenance

There is a common perception that trees need to be managed actively and particularly through regular pruning. In reality trees are generally 'self optimising', responding to their environment in a manner that maintains a balanced and healthy structure. Trees do not become dangerous simply because they grow naturally or grow large. In many cases the best way to manage a tree is through minimal intervention.

There are nevertheless situations where trees become dangerous and need to be felled or need to be managed to maintain their health and condition, for example by pruning to remove dead or diseased branches or to prevent obstruction, encroachment or nuisance. In some cases trees may need to be removed if they are in poor condition or unsuitably located. Trees in groups and woodlands may need to be thinned to allow individuals to develop a better form.

As part of our inspections we will aim to identify and programme all statutory or essential tree maintenance work and to address other tree management issues where necessary and where resources allow.

This will include works to trees to comply with our legal duties and responsibilities or as part of sustainable, arboricultural best practice, for example:
- pruning or felling of trees where it is necessary to ensure they don't pose an unacceptable risk of harm to the public:
- pruning trees to maintain adequate clearance above highways and footpaths to ensure they don't cause obstructions or obscure road signs, street lighting, signals and vehicle sight lines or cause damage to infrastructure
- pruning of low branches in public open spaces to maintain clearances for grass cutting vehicles and maintain visual openness and surveillance:
- undertaking works to trees found to be causing damage to property or other forms of legal nuisance that results in unreasonable interference with use and enjoyment of land:
- undertaking works to trees in the interests of their long-term, sustainable management, such as cyclical pruning where appropriate:
- establishment maintenance of young trees including watering, mulching, formative pruning and tree stake management:
- works to prevent or repair damage to infrastructure or to maintain surfacing around trees in built-up areas:
- works to enhance the long-term health & condition, visual amenity or biodiversity value of trees:
- works to manage woodlands through thinning and felling operations:
- works to manage countryside and wildlife sites through pruning or felling of trees and scrub for habitat management.

The majority of our tree maintenance work will result from programmed inspections. Other works will be carried out in response to:
- incident reports or emergency call out works (e.g. storm damage, vandalism, accidental damage to trees): • ad-hoc inspections by Tree Officers and other council staff:
- service requests from parishioners
- requests from utility companies:
- work required as part of council led projects, highway improvement schemes or other works.

Obstruction

Where necessary, we will prune trees and other vegetation to remove obstructions to roads, footways, public rights of way, signs, street lights, traffic signals, sightlines, or to maintain pedestrian access in public open spaces.

Wherever possible pruning will be done in a manner that maintains the health and natural form of the tree.

Shading and loss of light

We will not normally prune or remove our trees to improve light levels at neighbouring properties. Pruning for these purposes is rarely effective or beneficial without the work being excessive. Its effects are often temporary and short lived. Heavy pruning is contrary to good arboricultural practice and can lead to vigorous regrowth which can exacerbate the problem and is likely to require repeated costly work in future.

We will consider undertaking work where, in our judgement, the amount of shade cast is exceptional and overbearing and particularly where it affects elderly, infirm or disabled persons who spend a significant amount of time within the area affected. We will take into account the value of the tree(s) to the locality and the wider community. We will only do works that are consistent with good arboricultural practice and that can improve the situation sustainably without compromising the health and amenity value of the tree(s). Works of this nature will generally be given a low priority and will be subject to the availability of resources.

We will not normally prune or fell trees to improve light available to solar panels. Whilst we recognise the benefits of renewable energy sources, trees also play an important role in mitigating climate change as well as providing other environmental benefits. In the case of medium and larger scale developments the location and layout of solar panels should respond to the presence of existing trees as a constraint and allow for their future growth potential.

Loss of view

We will not prune or fell trees to restore or improve private views or views of businesses or commercial signs or advertising. Trees will only be pruned or removed to restore or improve important public views, or where there is potential to bring about significant public benefit and/or enhance the local landscape of village scene. Historical records may be used to determine the level of management required. Pruning will only be undertaken if it is in accordance with good arboricultural practice.

Minor/seasonal nuisances

We will not fell or prune trees solely to alleviate problems caused by natural or seasonal phenomena. There are a variety of potential nuisances associated with trees, many of which are commonplace, relatively minor, and considered to be acceptable consequences of living near trees. This includes for example:
- falling leaves, twigs, sap, blossom, fruit, nuts, bird and insect droppings
- insects associated with trees (spiders, wasps, flies etc)
- 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.

Damage caused by trees

Occasionally trees can cause damage to property or there is concern about potential future damage. Where damage is alleged, we will assess the situation and determine what action, if any, we consider appropriate.

Where a tree is implicated in damage, pruning or removal will not always be the most appropriate solution and alternative forms of mitigation will need to be fully explored.

Tree Preservation Orders and Trees in Conservation Areas

In England, Local Planning Authorities have the power to protect trees by making a Tree Preservation Order (TPO) if they consider it to be expedient in the interest of amenity. They also have a duty to make TPOs as they consider necessary in connection with the granting of planning permissions. Trees are also protected if they are in a conservation area.

A TPO is a legal document made, administered and enforced by the local planning authority. It protects specified trees, groups of trees or woodlands and prohibits cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees (including cutting roots) without written consent.

A TPO can protect anything from a single tree to all trees within a defined group or woodland.

Anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting permission from Folkestone and Hythe District Council (FHDC), or who carries out such work to a tree in a Conservation Area without giving prior written notice to FHDC, is guilty of an offence and may be fined.

Creating TPOs

We will make requests for new TPOs where it considered expedient in the interest of amenity and typically:
- Where there is a potential threat to a tree or trees
- In response to requests from members of the public
- As part of the council's review of existing TPOs
- Where it appears necessary in connection with a grant of permission or a notification of works in a Conservation Area
- As a result of tree surveys or inspections by Tree Officers
- To secure replanting of trees or to protect newly planted trees on development sites.