

# Nettleham Parish Council

## Tree Policy



### Summary:

This policy sets out the Nettleham Parish Council position regarding trees on its land. It does not apply to trees located on land owned by Lincolnshire County Council Highways or any other organisation or individual.

It sets out the broad principles of how existing trees will be managed and where new tree planting may take place.

Nettleham Parish Council recognises the importance of trees to the nation and to Nettleham. Trees have an important role in the natural environment. Trees help to clean the air, maintain soil structures, provide habitats for a diverse ecology and manage water runoff. Nationally and internationally trees play an important part in helping to control the rate of climate change due to CO2 levels and at a local level help to reduce air pollution. The Council is committed to the preservation of existing trees and the appropriate planting of new trees where this supports the national and local strategies in respect of tree planting.

### Policy Statement:

Land owned by Nettleham Parish Council contains a significant proportion of all the trees within the parish boundary. As such it performs a vital function in reducing pollution, absorbing rainfall, binding soil and providing an environment for local flora and fauna. Trees also play an important role in the wellbeing of local residents.

### Existing Mature Trees

The Council is committed to the maintenance of its mature trees.

The pruning or felling of trees will only be carried out when one or more of the following apply:

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- To maintain the tree in a healthy condition.
- Where the tree is diseased and will not recover.
- Where a tree is touching or about to touch a structure with the likelihood of damage to that property.
- The tree has become dangerous to the point where there is an unacceptable risk to people or property.
- Where it is necessary as part of the development of the Council's assets, and full consideration has been given to alternatives.
- When trees are obstructing a road or path.
- When it has been advised by a suitably qualified Arboriculturist.

Trees will not be pruned or felled for:-

- Cosmetic reasons
- Dropping of leaves
- Overhanging into neighbouring properties
- Blocking of light

Where Tree Preservation Orders are in place or trees are within the Conservation Area, trees may only be maintained or felled where appropriate permissions have been granted.

## Planting of Trees

Wherever possible, where existing mature trees have had to be removed due to disease or damage, a new tree will be planted. This will be of a suitable type for the environment and species (or variants of them) native to the U.K or the near continent will generally be preferred.

Tree planting in new locations will have regard to the surroundings. Consideration will be given to the proximity of buildings or structure that might be overshadowed or could suffer from root damage from newly planted trees. Where planting is in proximity to other trees or habitat, such planting will have regard to the existing ecology so as to enhance rather than damage this.

## Risk Management

The Council will construct and maintain a tree risk register. The risk register will contain details of individual specimen trees or clusters of trees where these form part of a wider wooded area of the same species.

The aim of the risk register is to identify individual trees or clusters of trees and the associated tree management that might be required. The intention is that over a period of 5 years all the trees under Council management will have an associated traffic light risk level and an inspection frequency.

<b>Red</b>	<b>Not Acceptable risks will be reduced to an Acceptable level.</b> This means that orders will be placed to undertake appropriate tree work to resolve the issue within one year or sooner if recommended by the arboriculturist and may be subject to emergency action by the Parish Clerk.
<b>Amber</b>	<ul style="list-style-type: none"><li>• <b>Not Tolerable risks will be reduced to an Acceptable level, but with a lower priority than Not Acceptable risks.</b> This means that longer term plans will be considered to manage the problem but may require budgets to be made available in the following financial year or beyond.</li><li>• <b>Tolerable risks will not be reduced but may require an increased frequency of assessment compared to Acceptable risks.</b> This means that the condition of the tree will be re-examined more frequently than usual, and this may be required every 1 to 3 years.</li></ul>
<b>Green</b>	<b>Acceptable risks will not be reduced. Re-examination will take place every 5 years unless a shorter period is recommended by the arboriculturist.</b>

The Council does not employ its own arboriculturist and relies on contractors to undertake examination and tree surgery. Officers will be responsible for identifying the potential risk areas (e.g., those in built up areas or those trees close to roads), but advice on tree condition and associated management will require specialist input. A budget for tree management is in place and this will need to be reviewed each year as part of the budget process to ensure it is adequate.

## Complaints and Requests:

There are regular requests from neighbours of Council land for trees to be pruned or felled. This is often in response to autumn litter or trees reducing light into gardens. In many cases the tree predates the building and very often predates the occupation of the property by the complainant. The policy statement in relation to mature trees will be followed.

## **Rights of Neighbours:**

### **Common Law Right**

Property owners have a Common Law right to remove a nuisance associated with trees.

The following advice is given to anyone wishing to exercise their Common Law right:

- a) You can only consider removing those parts of the tree from the point where they cross the boundary of your property. You have no legal right to cut or remove any part of a tree that does not overhang your property.
- b) You are strongly advised to consult an Arboricultural Association Registered tree surgeon for guidance on how best to prune back encroaching trees, unless the works are small enough to do with hand secateurs or similar.
- c) Before you consider doing any works to a tree(s) you must find out if it is protected by a Tree Preservation Order or whether it is within a Conservation Area. If the trees are protected, you will need to gain consent by making an application / give notice to West Lindsey District Council. If you fell or prune a tree that is protected, you may be subject to prosecution and unlimited fines.
- d) Whilst the law requires you to offer any wood back to the tree owner, where the wood is not wanted, you are responsible for making adequate provision to dispose of any wood or cuttings at your own cost. For clarity ***Nettleham Parish Council does not require the return of the wood or cuttings. Please do not place, return or tip this on to Council land. If you do so the Council will seek to recover the cost of disposal and associated administration costs which are likely to be higher than your own cost of disposal.***

Adopted: 26.09.23

Reviewed:

**This policy replaces The Nettleham Parish Council Procedure for Tree Monitoring Inspection and for Dealing with Complaints.**

