



# Tree Policy

## 1. Introduction

Towcester Town Council tree policy aims to manage its green spaces for the enjoyment of residents and to preserve the landscape for future generations. Trees offer lots of social, economic, and environmental benefits, such as habitat for wildlife, pollution filtering, and visual appeal.

The council has a duty to manage tree risks in a reasonable and proportionate way, whilst also balancing benefits, risks, and costs.

This policy seeks to clarify the Council's approach to tree management and will be reviewed every five years.

Advice from the National Tree Safety Group publication, Common Sense Risk Management of Trees<sup>1</sup> was considered as part of this policy drafting and one aspect is that tree surveys should be carried out to identify trees posing an unacceptable risk and recommend measures to reduce unacceptable risks.

## 2. Tree Surveys

The tree survey process involves checking all trees but only recording those requiring work (an exception survey). This differs from approaches that tag and record each individual tree, which would be somewhat burdensome for the Council and would not offer any substantial increase in risk management benefits. The survey will be carried out by a suitably qualified arboricultural professional.

Whilst there is no accepted guidance on tree survey frequency, the Department of Transport recommends surveys at least every five years and some court precedents suggest a two-year interval as appropriate for detecting and addressing obvious tree

defects that increase the likelihood of failure. The town council aims for a balanced approach between these two, with tree surveys carried out every 3-3.5 years, so that trees can be viewed in alternate seasons (with and without leaves).

This approach to tree surveys is also bolstered by the presence of landscape operatives, councillors, and residents in the area who enjoy trees and can also flag any obvious tree defects, for instance, following a severe gale. In this instance, the clerk can be contacted and either the further advice of an arboricultural consultant be sought or tree works be passed to a suitable contractor for carrying out.

How often an area around the tree is used (occupancy), the likelihood of a tree or branch failure, and the consequences of the failure will all be considered as part of the survey, and this will inform the risk posed by trees and any subsequent works recommendations.

Wildlife and environmental benefits the tree provides will also be considered, and so retention of features which are beneficial, such as climbing plants, dead branches, dead trees (in appropriate locations) flowers, and seeds, will be an aim of the surveys.

Following the tree survey, a report will be issued to the council, and works list prioritised for completion. The council will aim to complete works as follows, based upon risk posed. Urgent priority (within two weeks), high priority (within six months), moderate priority (works completed within one year), or low priority (works completed within two years of survey).

In the event that damage or injury occurs as a result of tree failure, this approach will be reviewed and suitable action taken where necessary.

### 3. Works to Trees

Often there is a perception that trees need to be pruned in the interest of aesthetics or promoting their good health. However, it is seldom in a tree's interest to remove its growing parts, and repeated and drastic pruning can also lead to future problems through the onset of decay or disease.

The following sets out under which circumstances the council will consider removal or pruning of trees.

The Council will consider pruning, or removal of trees if:

- A tree has been identified as posing an unacceptable risk as a result of our cyclical tree inspections or under the advice of a qualified arborist.
- A tree is obscuring sightlines or traffic flow and needs to be pruned or removed to comply with the Highways Act.

- A tree is in direct contact with a building or grows so close that it is foreseeable direct contact will occur in the near future.
- It is a young tree which requires formative pruning so that it develops a structurally balanced crown framework.
- If there is clear evidence provided by suitably qualified professional that a tree is causing subsidence or structural damage to a property (see note 2).
- The removal of a tree from a group allows more space for others to grow into or other recognised silvicultural approaches to management of trees or tree groups (i.e. willow pollarding, maintenance of pollards).
- To allow and maintain access on pathways and roads from tree branches.
- To allow lamp columns the lighting splay and CCTV vision splays to be free from interference.

The Council will generally not carry out works for the following reasons:

- Due to shade cast or daylight loss to a garden or property
- Due to bird droppings, squirrels or other wildlife causing nuisance
- Due to trees intercepting light and reducing the effectiveness of solar panels
- Due to trees growing through overhead electricity wire (these works will be carried out by the district network operator)
- Due to leaf, seed, sap, or cones dropping from trees which are all natural features
- Due to overhanging branches (see note 1)
- Due to tree pollen causing hay fever or other personal medical complaints
- Due to the perception that a tree is too big or ‘unmaintained’
- Due to a tree or trees blocking views
- Due to interference of TV signals
- Due to speculative claims of damage to property, such as subsidence, or driveway (see note 2)

#### 4. How will we carry out works?

Tree works will be carried out by suitably qualified and competent arboricultural contractors and checks will be made to ensure the relevant statutory designations are complied with (e.g. tree preservation orders, conservation area). Generally, works will be scheduled outside of nesting season (March-September) but there may be some instances where tree works are required during nesting season and in this case, the arboricultural contractor will ensure that checks are made for nesting birds, and any other protective species, such as bats. If nesting birds or other protected species are identified, then works will need to be rescheduled and consultation with an ecologist or Natural England will be required.

Where tree works are planned, the Council will aim to provide a list of works on the website and/or noticeboard, although in some cases, emergency work or other works at short notice may be required - in which case notification on-line or on notice boards will not be possible.

Any waste generated from tree works will be dealt with in a sustainable manner as possible. This may include the retention of wood chip and deadwood on site where it can rot down and provide a benefit to the soil, as well as wildlife. Deadwood piles and standing deadwood are also extremely beneficial for wildlife, and providing the retention of these features does not cause nuisance or block access, then it will be considered.

The Council is committed to providing succession of trees within the landscape and increasing canopy cover in Towcester, so replanting for any trees removed as part of the tree survey will be offered on a one-to-one ratio and following advice from the suitable landscape or tree professional. This ensures that species will be chosen with growth capabilities that are appropriate to the space into which they can grow, so that future conflicts do not occur. The Council will aim to replant within the next growing season following tree removals.

## 5. Trees and Planning

The Council will be consulted as part of planning applications within the parish, and the effects of any proposed development on trees will also be considered. This will be in conjunction with the West Northamptonshire Council Tree Officers advice, and the council will generally oppose works where very prominent trees with a long remaining life expectancy could be irrevocably damaged or removed as a result of proposed development.

Where transfers of Public Open Space land from developers or other parties are proposed the Council will require a tree survey (by a qualified arboricultural professional) to be carried out by the developer. Any works recommendations resulting from the survey must be carried out, by the developer, before the land transfer will be accepted. This is in addition to other legal considerations or other negotiations that may take place between the Council and other parties transferring land.

## NOTES

### NOTE 1: BRANCHES OVERHANGING GARDENS

Trees and their branches do not recognise property boundaries and naturally grow well in space and light for them to do so. The Council will not normally undertake pruning to alleviate branches overhanging gardens, but a property owner does have common law rights to remove overhanging branches from any neighbour's tree up to the point where it crosses the property boundary.

Any pruning beyond the boundary would technically be viewed as criminal damage and should not be carried out. All parts of a tree are the legal property of the owner and, usually, the cut material should be offered back to them. The Town Council declines any offers of cut material from overhanging branches, and so any prunings will need to be dealt with by the resident and in a suitable and sustainable manner. Simply dumping the prunings on council land is not appropriate, and any such measure would also be technically viewed as fly tipping, in accordance with the Environment Act.

Where overhanging branches are pruned, it is the resident's responsibility to ensure that the relevant statutory protections are investigated and permissions given, e.g. where a tree is protected by a tree preservation order or within a conservation area.

### NOTE 2: TREE ROOT ACTIVITY AND SUBSIDENCE

The Council acknowledges that tree root activity can cause damage to building structures, however, there are numerous distinct variabilities with that regard, and it is understood that legal claims for damages can only occur when actionable nuisance is caused - i.e. when damage to the main building structures happens, as opposed to damage to small outbuildings such as sheds, patios, or other hard surfaces.

Indirect damage (subsidence) is where the combination of shrinkable soils, climatic variations and the natural action of growth from trees, hedgerows or shrubs results in movement beneath a building. This occurs where vegetation takes moisture from the ground and, in shrinkable clay soils, causes significant volume changes resulting in ground movement. This has the potential to affect foundations and damage the structures which sit upon them.

Predicting where this scenario will occur with any accuracy is extremely difficult. There are millions of trees growing on clay soils close to buildings around the UK that are not causing damage. However, damage does occur in certain circumstances, and this can result in high costs for owners and insurers. Because of this there will always be instances where disputes over trees, their management, and causality of damage arise.

It is the unpredictability which makes management of trees (to avoid damage occurring) difficult. For example, research has shown<sup>2</sup> that in 50% of cases involving damage to buildings by Oak trees, that the distance between the tree and building is less than 9.5m. In 90% it is less than 18m (the maximum distance recorded is 30m). However, that does not mean that every Oak within 18m of a building should be felled as even at that distance the overall percentage of Oak trees on clay soils resulting in damage is probably very low.

The council will require clear evidence provided by a structural engineer for any claims of damage that require tree removal or pruning. The evidence should include, as a minimum, photographic evidence of damage, trial pits with root analysis determining the species of tree/s, location plan showing areas of damage in relation to all trees/shrubs nearby, and crack monitoring demonstrating seasonal movement. If this evidence does point toward tree removal, then tree removal would normally be carried out.

Replanting to mitigate for trees removed in this scenario will still be offered, although careful consideration as to which species are chosen, and their location will be made and so a new tree will not necessarily be in a similar location.

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<sup>1</sup> <https://ntsgroup.org.uk/>

<sup>2</sup> *Cutler and Richardson, Trees, Roots and Buildings. 2<sup>nd</sup> edn, Longman, 1989.*