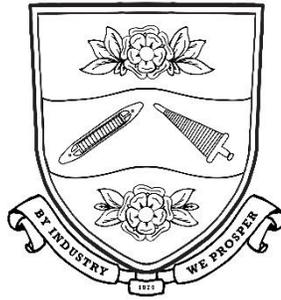


Todmorden Town Council



TODMORDEN TOWN COUNCIL

TREES POLICY

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1 Introduction.

- 1.1 Trees make highly valued contribution to the character and beauty of our landscape and create/maintain environments rich in diversity.
- 1.2 Todmorden Town Council values its trees and recognises both the human and environmental benefits of having a healthy and sustainable tree population.
- 1.3 Although trees are a positive feature, they can be the cause of a range of problems, from being a nuisance to potentially causing serious injury or even death.
- 1.4 As a tree owner, we have direct responsibility for ensuring our trees do not manage a danger to people or property and are managed appropriately.
- 1.5 This policy sets out Todmorden Town Council's approach to tree management and only applies to trees under Todmorden Town Council ownership/management, regardless of their location.
- 1.6 Todmorden Town Council has ownership of four sites where trees are present:-
 - Patmos Gardens
 - Lobb Mill
 - Vale Amenity land
 - Walsden Cricket club
- 1.7 Although we believe this policy to be as comprehensive as possible, we acknowledge it does not cover every situation and therefore Todmorden Town Council reserves the right to exercise discretion in application of this policy, when to do so, would be in the best interests of the Council and its residents.

2 Importance of Trees in the urban and rural landscape

- 2.1 Trees are important features in the landscape. They help to create an attractive environment, making Todmorden a better place to live, work, study and visit. They bring colour and contrast, give privacy and soften the hard lines of streets and landscapes.
- 2.2 Not only do trees have a visual quality, they also enhance the environment in less obvious way, they:
 - Improve air quality by filtering airborne dust, smoke and fumes;
 - Absorb traffic noise in built-up areas and can help limit noise pollution;
 - Reduce temperature extremes by providing shelter in hot weather and insulation in cold weather;
 - Convert carbon dioxide to oxygen, increasing the quality of air locally and helping to reduce the 'greenhouse' effect;
 - Provide food and habitat for birds and other wildlife, thus supporting nature conservation and biodiversity;

- Provide many psychological and health benefits and reduce stress significantly according to research.

3 Legal Framework of Responsibility

- 3.1 Local Authorities have a legal responsibility and a duty of care under the following acts to maintain and manage their tree stock in a reasonable and safe manner and to protect people from harm, and property from damage, which is caused by the failure of a tree or part of a tree:-
- The Occupiers Liability Act 1957 and 1984,
 - The Highways Act 1980 (especially s130)
 - The Health and Safety at Work etc. Act 1974 (for bystanders s3(1)).
- 3.2 It is never possible to completely eliminate all danger. The law requires that the owner of a tree takes all reasonable care to identify possible sources of danger and to remove them as far as is reasonably possible.
- 3.3 Suitable systems must be in place to ensure that trees are inspected at appropriate levels and frequency, that any preventative maintenance is included in the immediate work programme, and that measures are taken to ensure that risks are managed to an acceptable level.
- 3.4 The failure to carry out such an inspection may render the Council liable where a failure leads to damage or harm in particular an injury or fatality and will prejudice Public liability insurance requirements if not in place. The only exceptions to this being:
- the fall of a tree or tree branch which was caused by a disease or weakness which could not have been seen as part of a visual examination;
 - by exceptionally severe weather.
- 3.5 It is particularly important for more mature trees close to major highways and other high-risk areas to be the subject of a regular extensive inspection by fully qualified arboricultural staff.
- 3.6 Management of the condition of trees, and inherent risks, are carried out through the process of a Tree Survey and associated Risk Matrix in terms of condition and the need for remedial action.
- ### **4 Considerations**
- 4.1 The following policy statements will be taken into consideration where they impinge upon the management of trees and public safety:- Unitary Development Plan, Local Biodiversity action plans, and any statements associated with social inclusion, public access and planning guidance.
- 4.2 There are certain situations in which the statutory legislation such as the Occupiers Liability Act, Local Government Miscellaneous Provisions Act, Highways Act, Highways Act, Forestry Act, Town and Country planning Act, Wildlife and Countryside Act, Health and Safety at Work Act, have a particularly important role to play and need to be taken into account when considering the following:-

- . avoidance of harm to those occupying or visiting land arising as a result of trees growing there;
- . avoidance of harm to buildings in (particular damage to foundations) or people arising as a result of trees on neighbouring land;
- . avoidance of harm to those on the public highway being caused by trees on highway land or on neighbouring property;
- . regulation of forestry in general, and tree felling in particular;
- . protection of trees of special amenity value;
- . protection of certain species of wildlife and their habitats.
- . to take all reasonable care to ensure people are reasonably safe.

4.3 Safety will take precedence over amenity however in exceptional circumstances (such as a particularly rare, historic, or valuable tree) potentially dangerous trees may be retained and not felled providing adequate alternative actions (fencing, barriers, supports) are implemented to eliminate the potential risks posed by the tree.

5. Guidelines when considering tree works

5.1 *Rights to Light:* There is no absolute right to light other than one earned under the prescription act of 1832 where a right to light can be acquired provided the light has been uninterrupted for at least 20 years. Taking that into account regarding trees it is perceived that as trees grow and gradually reduce light over many years, then the 20 year rule does not apply.

5.2 *Sunlight:* There is no absolute right in law to sunlight and shading is unlikely to constitute an infringement of a right to light. Felling, topping or pruning will not be considered.

5.3 *Views:* A view obstructed by trees cannot be legally regarded as a nuisance. Felling, topping or pruning will not be considered.

5.4 *Bird, Insect, Fruit, Berry and Leaf Droppings:* Any 'droppings' from trees can be a source of a slip hazard but as with snow and ice the individual is expected to ensure their own safety by taking care on slippery surfaces. Cars and other surfaces should be regularly washed.

5.5 *Cables/Wires:* Trees will not be pruned where cable and wires pass through the crowns as any pruning will have minimal if no effect due to movement of branches during inclement weather.

5.6 *Structural Concerns:* It is advised to seek professional advice from a structural engineer and or your own insurance company. The Council would require a report attached to any structural enquiry

5.7 *Dead, Dying, Dangerous or Damaging Trees:*
Trees will be retained – unless they are dead, dying, dangerous or are causing damage. Dying, dangerous or causing damage will be identified and verified by the Councils Tree Officers.

5.8 *Pruning:* Pruning in general is a form of wounding and can initiate the development of decay, the larger the cut/wound the greater risk of decay. Multiple wounds severely disrupt the water transporting function and can reduce the trees ability to photosynthesise. Over pruning will also

alter the pattern of wind loading and expose individual branches to increased wind penetration and turbulence, so increasing the chance of their breaking

- 5.9 *Topping*: Tree topping is an injurious practice that can cause numerous problems. It induces decay and abnormal growth which in turn creates a hazard. Topping will not normally be considered.
- 5.10 *Roots*: Roots cannot force their way through solid objects but they can penetrate cracks and loose joints thus exacerbating the fault. Ice forming in cracks causes more damage. Root pruning and or severance is not advisable until the Councils Tree Officers have identified and discussed all other options.
- 5.11 *TV and Satellite Reception/Solar Panels*: A TV licence is a permit to operate a television receiver and does not guarantee any reception, therefore there is no legal right to a reception. Trees interfering with reception are unlikely to be regarded as a nuisance in law. Options available are to re-site the receiver away from the trees canopy.
- 5.12 *Solar Panels* :there are no absolute legal rights to sunlight, it will be unlikely to be an infringement in law.
- 5.12 *Stormy Weather*: During inclement weather trees will naturally move but they should not move at ground level. Any concerns of movement around the base and or root area should be immediately inspected by the Councils Tree Officers or other competent person.

6 Tree maintenance work

- 6.1 Tree maintenance work will be conducted as a result of information gathered during proactive tree inspections.
- 6.2 Reactionary tree maintenance will form part of the overall tree maintenance operations and normally originates from the following:
- Programmed and routine inspections by a qualified tree inspector/consultant;
 - Ad-hoc inspections by Council appointed contractors following enquiries and reports;
 - Reports from residents;
 - Cyclical maintenance.

7. Inspection programme and criteria

- 7.1 All trees that are the responsibility of the Council need to be classified in terms of the risks they present to the public.
- 7.2 The order of priority has been calculated as follows
- a) Mature trees and location i.e. next to highways, schools, or where is high visitor use
Such as major parks.
 - b) Semi-mature trees adjacent to highways as these are considered to be less of a risk than mature trees but still subject to occasional branch drop
 - c) Remaining trees can then be grouped into sites to include

- highway trees on minor roads,
- small parks and open spaces, cemeteries, woodlands and town centre trees.

These trees are deemed to be of a lesser risk to the public due to the lower concentration of people on these sites on a day to day basis

- 7.3 *There will however be some integration as trees mature into the second half of their life span or reach a size that they pose a risk to surrounding areas then no matter where they are they will be inspected annually.*
- 7.4 All tree inspections will be carried out by inspectors with a minimum qualification of a certificate in hazard tree assessment either from a national association such as NPTC, Arboricultural Association, NATO, ISA, an industry accepted qualification from a course run by qualified inspectors, or any person who has attended a training course in tree assessments run by a competent, qualified person.
- 7.5 The frequency of tree inspections will be determined by the Risk Assessment and inspected in line with the risk category they fall into which will take into consideration
- . the age, species and condition of the tree;
 - . the number and frequency of people and vehicles passing by;
 - . whether in particular there are unsupervised children likely to be at risk;
 - . the risk of harm and damage being caused;
- 7.6 The Council will utilise an in-house tree database system to record the trees which are the councils responsibility and each tree will
- . be by street name
 - . be individually numbered
 - . be correctly specied (Latin or English)
 - . be placed in an age class
 - . record the condition of each tree
 - . record and prioritise any maintenance requirements
 - . be categorised in terms of overall risk
 - . will detail when the next inspection is due
- 7.7 Annual inspections will entail a full ground (walk around the whole tree) inspection on every individual tree ensuring the whole root area, main stem/trunk, branches and leaf area are all surveyed, looking for any signs of root plate concerns, diseases, decay, fungi, splitting, die back, damage, a failure to thrive etc. and where required with the aid of binoculars (Any concerns within the higher stems/crowns etc. should be followed up with a climbing inspection).
- 7.8 Full ground inspections follow the same criteria as an Annual Inspection but these are generally on a 2 or 4 year .
- 7.9 Survey inspections consist of a visual inspection (again a full walk around every tree) on trees that are near to properties, highways, footways or anywhere the general public have access to

ascertain whether any dead or diseased branches are evident or the trees are showing signs of distress.

- 7.10 Where any inspection identifies concerns regarding the trees health, structural integrity or stability then the tree is to be included as a priority for a full inspection and the necessary maintenance programme instigated whether that is removal of damaged branches to the removal of the entire tree.
- 7.11 Where forestry staff are climbing trees to carry out pruning works such as crown lifting or crown thinning they are to carry out a full visual inspection of the tree and identify any concerns such as holes or decay which are hidden from a ground inspection. All concerns are to be notified for inclusion in the work programme. with the severity of the issue deciding the time scale for action.
- 7.12 After a severe weather conditions when there have been gale force winds then trees which can be expected to be at risk will be visually inspected for wind rock or damage.

8. Response to public concerns and reports of damage

- 8.1 Residents with concerns about damage to trees located on our sites can use the web site feedback form to register any concerns or during office hours contact the office.
- 8.2 Todmorden Town Council does not have an out of hours service by which to record and monitor any information or concerns which are received from the public regarding the condition of trees, especially during or following high winds.
- 8.3 Calderdale MBC does provide an out of hours service and if one of our trees is identified as a high risk of danger of collapse by a member of the public, Calderdale Council does have an obligation to make the tree safe and able to recharge associated costs back to ourselves.