

Burnham-on-Crouch Town Council Tree Management Policy

To be adopted by the Town Council on 3 September 2019

1. Introduction

1.1. This policy sets out the Town Council's approach to the management of trees on land owned by Burnham-on-Crouch Town Council only. Other Councils, organisations, companies and private individuals may need to be contacted if a tree(s) is/are located on their land.

1.2. This document has been created to provide guidance for the public, Councillors and Officers to ensure a clear and consistent approach is adhered to regarding management of trees by the Town Council.

1.3. If a tree falls and causes injury or damage, the relevant landowner could be held negligent if they have failed to take sufficient care of the tree. Therefore, as a landowner, the Council has a duty of care to ensure that all trees on Town Council-owned land are kept in an acceptable condition and do not put people or property at unreasonable risk.

2. Inspection

2.1. All trees on Council-owned land will be inspected annually by the Town Clerk and Chairman of the Environment Committee and every two years by a qualified tree inspector (subject to any changes in legislation). Any recommendations made will be considered by the Council in line with this policy.

3. Maintenance

3.1. The Council has adopted a proactive approach to tree maintenance. However, only essential/minimal works will be undertaken in order to manage a tree because the Council supports a policy of tree preservation. The type of works undertaken will depend on the tree's location, the species of tree and its state of health at that time.

3.2. Regular inspections will be carried out to identify issues at the earliest juncture, so that preventative action can be taken where possible. Areas close to roads, buildings and with high public usage will be prioritised.

3.3. As a guide, tree works will be undertaken in the following circumstances:

- i) Where an inspection has identified the tree as potentially hazardous or an immediate danger.
- ii) If the works are vital to the tree's long-term survival. Dead, dying or diseased trees will only be fully removed when there is no other option.
- iii) To abate an actionable nuisance where branches are touching buildings e.g. physical contact with walls, windows, gutters, dangerous height for people on foot and crown lifting.
- iv) When previous maintenance regimes have determined future works are of the same specification for that specimen e.g. pollarding, crown reduction.

3.4 The impact on local wildlife of all tree works, specifically felling and pruning, will always be thoroughly considered, with the impact minimised wherever possible.

3.5 All tree work will be carried out by a qualified tree surgeon appointed by the Town Council.

3.6 All works must have Town Council approval and must be carried out by the Town Council's appointed tree surgeon, based on their professional advice.

4. Protected Trees

4.1. A Tree Preservation Order (TPO) prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission.

4.2. It is an offence to cut down, lop, top, uproot or wilfully damage or destroy a tree in a Conservation Area without giving prior written notice to Maldon District Council.

5. Requests for Tree Work

5.1. Whilst the Council will consider the impact of trees in each case on individual merit, the Council will not fell or prune trees on Town Council-owned land if it is for any of the following non-arboricultural reasons:

- i) Solely to alleviate problems caused by natural and/or seasonal phenomena e.g. falling leaves, fruit, seeds/berries, bird droppings, pollen etc.
- ii) Solely for reasons of increasing sunlight/views to properties and gardens.
- iii) Solely for the reason that the tree(s) is causing interference with television or satellite reception. In most cases the problem can be resolved by relocating the aerial or satellite dish. Residents are advised to contact their satellite or TV provider for specialist advice.

5.2. Adjacent landowners have a common law right to prune back tree branches to their boundary, providing that would not lead to tree death and providing the tree in question is not protected by a TPO or situated within a Conservation Area.

5.3. Tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Tree felling and branch pruning in response to root invasion in gardens would not normally be appropriate as such works are likely to worsen the problem. The encroachment of roots into adjoining land is not considered to amount to actionable nuisance. Adjacent landowners have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a TPO or situated within a Conservation Area.

5.4. Landowners are reminded that if access to Council-owned land is required to carry out pruning they will require written permission from the Town Council before carrying out such works.

5.5. The Town Council will consider formal applications for tree works on its land, but these must be in writing, to the Town Clerk:

By letter: Burnham-on-Crouch Town Council, Chapel Road, Burnham-on-Crouch, CM0 8JA.

Email: office@burnhamtowncouncil.com

For an informal conversation and advice regarding tree works, please call the Council Offices on 01621 783 426.