

# MIDDLETON ST. GEORGE PARISH COUNCIL

## TREE MANAGEMENT POLICY (APRIL 2023)

**This Policy sets out the Parish Council's stance on the management and maintenance of trees on its land.**

### BACKGROUND

Trees make a significant contribution to the character of our landscape and can provide environments rich in biodiversity, as well as enhance the beauty of our village.

The species, size and nature of our trees varies considerably from those planted for amenity in well maintained grassed open spaces, such as road verges and school grounds, through to those in relatively more natural or established settings of parks, hedgerows, cemeteries and of course woodland.

As a tree owner, Middleton St. George Parish Council has a direct responsibility for ensuring its trees do not pose a danger to the public or property and are managed appropriately.

Darlington Borough Council has a duty, under the Highway Act, to ensure that those trees in private ownership adjacent to the highway do not pose a danger to its users; these instances can be reported via the Parish Council.

The Parish Council has been guided by the broadly consistent practices (guidance provided by Darlington Borough Council that healthy trees would never be removed or heavily pruned without good reason.

This policy seeks to balance the risk and nuisance to individuals sometimes posed by trees in specific circumstances against the public and environmental benefits they bring.

### 1. LOCATION OF TREES OWNED BY THE PARISH COUNCIL

The Water Park, Station Road, Middleton St. George excluding the trees on the eastern side of the entrance in the grounds of the Community Centre including the Community Centre car park.

Woodland Green Playing Field, Middleton St. George.

The Green Area, The Front, Middleton One Row including steps and footpaths to the south of the road from the rear of the property to the west to the rear of 38, The Front in the east and down the bank side of the River Tees.

### 2. TREES OWNED BY MIDDLETON ST. GEORGE PARISH COUNCIL.

- A qualified Arborist will complete an official tree survey of all of the trees that the Parish Council are responsible for, every three years. A copy of the tree survey will be sent to Arthur J. Gallagher the Parish Council's insurance brokers. (This is to show that we have procedures in place in case an accident occurs which results in a claim).

- Required work is prioritised.
- The Parish Council allocates an annual budget for Tree Work within the overall general budget and is put into the general precept calculation and application.

### 3. SURVEY OF TREES AND SCHEDULING OF WORK

Tree surveys will be completed on a tri-annual basis.

The Arborist will provide the Parish Council with a detailed report for all trees located in the areas listed in 1 above. These reports can be used to assist in the calculation of the Tree Budget part of the Contingency Budget in each financial year.

The following categories will be used when prioritising tree works:

PRIORITY	RESPONSE	WORK ALLOCATED TO
1: Urgent Public Safety	From within 24 hours to one week depending upon the risk	Preferred supplier – Arborist
2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year	Preferred supplier – Arborist
3: Desirable	12 months where possible	Preferred supplier – Arborist
4: None	No action proposed	N/A

Notes:

- For 'priority area 1' – to ensure there are no delays and risk to the public, the arborist will be contacted to complete the work.
- For 'priority areas 2 and 3' – work is passed to the preferred arborist.
- Non-urgent major tree work will not be undertaken during bird nesting / breeding season (1st March to 31st July). Any trees knowingly supporting roosting bats will not be worked on until Natural England (<https://www.gov.uk/government/organisations/natural-england>) is consulted; if bats are found to be present, after works have commenced, then all work will cease to allow specialist advice.
- The Parish Council has a duty of care to realise 'best value for money' in accordance with its Procurement Policy so should be expected to request separate quotes and use the best value supplier.

### 4 Replacement of Trees

- Suitability. The Parish Council will complete a site visit to ensure that the species and size of tree is suitable to the location e.g., natural setting/ woodland areas will be planted with native species/ urban areas will be planted with smaller species.
- If the proposed location for new trees is close to homes, and no tree is there currently, then home-owners approval will be required.

- In all instances, approval will be required from the Parish Council before purchase and planting takes place on Parish Council land.
- If any groups or individuals wish to plant any new/ replacement trees on Parish Council land, permission will be required from the Parish Council before any planting schemes are undertaken. The group or individual will retain responsibility of cost and maintenance for any trees planted under such a scheme.

## **Appendix DEALING WITH TREE CARE – GUIDANCE**

- **Obstructing / Overhanging Tree Branches.** The Parish Council will prune trees to eliminate hazards caused by obstructive branches. However, the Parish Council will not normally prune trees that overhang neighbouring properties unless the tree is dangerous, or there is a need to avoid damage to the property. Landowners do have their own common law rights to prune back to their boundary.
- **Shading and Loss of Light.** In many instances pruning to improve light levels will only have limited affect. The Parish Council will not undertake any work in this instance. Should the resident be agreeable to covering the cost of required pruning at their own expense, then the Parish Council will discuss the requested works on a case-by-case basis.
- **Loss of Views.** Trees will normally only be pruned or, removed to restore views, when necessary, to retain important public viewpoints or, be of significant public benefit, rather than because they are considered generally too big or, too tall for their surroundings.
- **Trees Affecting Reception (Television / Satellite / Solar Panels).** Pruning of trees to improve reception is often only a short-term remedy, as the flush of growth that follows can make the future position even worse. The Parish Council will therefore not normally consider the removal or, pruning of trees to enable clear television reception, particularly as other technical solutions from the provider (including boosters, relocation of aerial/dish) are generally more effective.
- **Overhead Cables / Telephone Wires.** The Parish Council will not normally prune or, fell a tree to prevent or, reduce interference with telephone wires. The Parish Council will recommend contacting the utility service provider in such circumstances.
- **General / Minor Nuisances.** The Parish Council will not normally prune or, fell trees solely to alleviate problems caused by seasonal issues e.g., falling leaves, sap, blossoms, fruit, nuts, bird and insect droppings.

### **Alleged Damage and Tree Roots**

Some tree conflicts arise on account of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. Any investigation will be carried out by an expert such as an Arborist.

### **Circumstances on Private Land**

- Where the tree is causing a danger / obstruction to the Public Highway - under the Highways Act the owner is responsible to make the tree safe / remove the obstruction. If they do not, as the Parish Council has no jurisdiction over highways, the matter will be reported to Darlington Borough Council. This could lead to the Borough Council undertaking the work and recharge the owner.
- The Parish Council is not able to become involved with private trees causing a nuisance to a neighbouring property by causing shade, blocking views or, dropping leaves, flowers or fruit etc. unless the trees are imminently dangerous, and will advise the complainant to contact Darlington Borough Council in this instance.

## **Anti-Social Behaviour, Vandalism and Disputes**

- **Vandalism.** The Parish Council will investigate any reports of damage to trees in our ownership / management and try to repair any damage where we can. Where possible, the Parish Council will take legal action against the person(s) causing the damage.
- **High Hedges.** Complaints about a neighbour's evergreen hedge can be made to the Darlington Borough Council's Planning Enforcement Team. A fee may be payable for this service.

## **Planning / Protected Trees (TPO) / Trees in a Conservation Area**

Trees with TPOs, those within a Conservation Area and those within Listed Building boundaries will require planning consent from Darlington Borough Council for any works to be completed.

- The Parish Council will ensure that full consideration is given to both the retention of existing trees and the planting of new ones on new developments.
- A Tree Preservation Order (TPO) is a legal document to protect specified trees and woodlands with public amenity value. The policy document outlines the application process for carrying out works to protected trees and the penalties for failing to do so. It is an offence to carry out works to a tree in a Conservation Area without having given Darlington Borough Council's prior written notice. The trees on The Front at Middleton One Row down to the river have Tree Preservation Orders on them within the Middleton One Row Conservation Area.
- Normally where a tree is protected by a Tree Preservation Order, and it is dead or unsafe a replacement tree will be required. This is not feasible when there is a blanket TPO such as is in place at Middleton One Row. In all other circumstances tree planting will be carried out subject to available resources

## **Maintenance and Biosecurity**

- The Parish Council will seek to ensure that tree works are carried out to the highest standards as far as possible ensuring that pruning conserves the overall amenity value, form and shape of the tree and all tree works must be carried out in accordance with British Standard 3998 – Recommendations for Tree Work ([www.abouttrees.co.uk/2017/03/10/british-standards-3998-2010/](http://www.abouttrees.co.uk/2017/03/10/british-standards-3998-2010/)).
- The threat to trees from pests, pathogens or invasive species has never been greater. As a large landowner we undertake to follow best practice and specific advice which is regularly published by the Forestry Commission (<https://www.gov.uk/government/organisations/forestry-commission>).

## **National/ Local Tree Planting Initiative**

If Darlington Borough Council wish to plant any trees on Parish Council land, approval will need to be given by the Parish Council; the agreement will need to state that the tree remains the responsibility of the Borough Council, even though it is planted on land owned by the Parish Council.