



Ringwood Town Council

Tree Policy

Adopted: 6th February 2019

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1. Introduction

Ringwood Town Council manages roughly 24 sites within the civil parish of Ringwood many of which support a diverse range of trees. The parish lies partly within the New Forest National Park, an area of international importance for biodiversity particularly associated with trees and woodland. Although all of the Council's sites lie outside the Park, its proximity is a factor in how the Council manages its green infrastructure.

There is a strong legacy of tree cover within the parish. The Council is responsible for many important trees in key locations which provide essential benefits to local people and visitors. The Council is mindful of the environmental, economic and social benefits of trees.

RTC has produced this tree policy to promote, enhance and protect trees growing on land owned and managed by the Town Council and to provide a framework for decision making. It reflects the importance of trees to the people who live and/or work in the town or visit it.

It will demonstrate that RTC proactively manages its trees in conjunction with best practice and relevant policy and will set out how, why and when trees will be managed and ensure that there is continuity of tree management going forward.

This policy specifically relates to the management of the Council's tree stock (including trees forming hedges) on land for which it is responsible and this function is administered by the **Town Clerk's Office** in consultation with the Council's **Tree Warden** (a town councillor appointed to the role by the councillors as a whole) under the oversight of the Council's **Recreation, Leisure & Open Spaces Committee**.

The Council is committed to collaborating with other relevant public authorities. In the present context this includes New Forest District Council, New Forest National Park Authority, Hampshire County Council, Forestry Commission and Highways England. It anticipates that the Town Clerk's Office will work especially closely with the NFDC Corporate Tree Team, NFNPA Tree Officers and Hampshire Highways.

RTC has had regard to the NFDC Corporate Tree Strategy and NFDC Tree Risk Management Strategy with a view to maintaining a degree of consistency between them and this Policy (having regard though to relevant differences of scope and other issues). The many benefits of trees are detailed at length in these documents and are not therefore repeated in this document but should be taken as a given.

2. RTC Trees: The Current Situation in 2019

RTC is responsible for a wide variety of trees growing on land that it either owns or occupies and manages under licence. RTC has no formal, tree-specific management system and no estimate or other record of the total number of trees for which it may be responsible. (This situation is not uncommon among those town and parish councils which, like RTC, have seen their activities and responsibilities expand greatly over the last 20-30 years but remain relatively small nonetheless – especially in comparison with District and County Councils).

RTC has arranged for its principal sites to be inspected by an independent professional expert in tree care and safety (in order to assess the tree risk and prioritize management actions) on a 4 to 5 yearly cycle (last done in 2014).

RTC has also arranged for members of its Grounds Maintenance Team to receive basic training in tree inspection to enable them to undertake informal monitoring of tree condition during their normal course of work. Some members of the GMT have been trained to use chain saws whilst standing on the ground.

Pruning, lopping and felling of trees on RTC land has been arranged in reaction to the periodic reports, issues observed by GMT members and issues raised by neighbours or members of the public. Suitably qualified tree surgeons have been contracted to undertake work beyond the capacity of the GMT.

RTC's current policy regarding tree management work is that it will only be carried out where the tree concerned is dead, dying or dangerous. Like all policies this is subject to the principle that fair consideration will always be given to requests or proposals for exceptional treatment in suitable cases.

3. Key Issues Affecting RTC Trees

Risk of Decline of Tree Cover

Decline can arise through many factors but the most common risks are:

- Sanctioned removal of inappropriate, damaged or dangerous trees and trees causing damage as part of the Council's ongoing management of the tree stock.
- Ongoing pressure to remove trees which cause a perceived nuisance (blocked light, leaf fall, etc.) and is sometimes exacerbated by the lack of an adequate policy.
- The unsanctioned removal or damage of trees with a failing of the Council to consistently provide a robust response.
- Low frequency of replanting and new planting owing to limited resources, and a focus on risk management to the detriment of a broader proactive management of the Council's trees.

Tree Management

- Pressure to remove trees due to concerns about safety, direct and indirect structural damage to property due to a lack of formal guidance on tree works, the level of risk associated with trees and a formal Council procedure to respond to such claims.
- Historic planting and lapsed maintenance of hedges (especially of fast-growing conifers) which then become overgrown, costly and difficult to manage in the long term.

Woodland Management

- Lack of proactive and strategic woodland management (including the formation of management plans) leading to a decline in condition of Council woodlands and a failure to maximize the potential of individual sites.
- A history of fly tipping in woodland sites.
- Invasive species such as *Rhododendron ponticum* suppressing more beneficial species in our woodland areas.
- Failure to access outside funding/resources for management projects including the use of volunteer or other groups.

Tree Health

- Over representation of individual tree species and age classes with potential increased susceptibility to pests and diseases and a changing climate due to a lack of diversity.
- Pests and diseases pose an increasing risk to the health of our trees and woodlands.
- Climate change may bring conditions which are not suitable for long term tree health for all species.
- A failure to follow best practice to minimize and mitigate the impact of development and infrastructure works including damage to trees and soils.
- Lawnmower and strimmer damage to tree roots and stems. Wounds to roots and stems can provide an entry point for decay fungi. The likelihood of the development of dysfunction or decay increases where wounding is regularly repeated over time. This is of increased significance for older trees which are less able to respond to injury.
- Car parking and mowing on verges and grass. Vehicles driving and parking on the soil can significantly damage soil structure via compaction which can reduce available water, air and nutrients for tree growth and lead to decline. Tree roots and stems can also be damaged where parking occurs next to trees with long term implications for tree health. These activities also reduce the viability of future planting schemes by damaging the soil and obstructing areas of green space.

The impact and relative importance of these risks and issues on RTC's tree stock is difficult to assess with the limited data currently available but all are likely to be present to a greater or lesser degree.

Conclusion

In light of the fore-going analysis, the most pressing needs are as follows:

- 3.1 *The need for a more comprehensive management policy that is clear, fair, proportionate and sustainable;*
- 3.2 *The need to improve the quality of data RTC holds about its trees to better inform its management of and decision-making about them; and*
- 3.3 *The need for a tree inspection regime that is more comprehensive, robust and proportionate to risk.*

This Policy addresses the first point and sets out the framework within which the others will be addressed.

In the longer term, RTC further aspires to:

- 3.4 work towards having an increasingly uneven aged profile of trees with a greater balance across age ranges, increasing the number of young, established trees and those trees with veteran features to ensure that there is a continuity of tree cover and habitat for the future;
- 3.5 understand better the tree species-mix, habitat quality and ecological context to inform future management policies that favour suitable native and non-native species in appropriate locations;
- 3.6 develop site-specific management plans to improve consistency and quality of routine maintenance and decision-making.

4. Trees and Risk

The very low risk of harm associated with trees can sometimes cause disproportionate public concern. Trees are dynamic living structures which are often of great size and which move and react to the wind. Furthermore tree failures and instances of fatalities associated with trees are often subject to a high degree of public attention further engendering a high perception of risk.

The HSE suggests that the risk from trees falls into its lowest category of risk; the Broadly Acceptable Region on the Tolerability of Risk Framework ('Reducing Risks, Protecting People' 2001). Despite this, tree owners have a duty of care under Common Law (the torts of negligence and nuisance), The Occupiers Liability Acts (1957 & 1984) and the Health and Safety at Work Act 1974, to take reasonable steps to prevent foreseeable harm to people or property.

This duty of care can be reasonably fulfilled by undertaking a regular assessment of trees which pose a significant risk due to their location and condition. Remedial works can then be carried out as required.

RTC will manage the low risk posed by its trees as part of its wider management of the tree stock and in line with current best practice. The specific approach is outlined in the separate Tree Risk Management Plan (attached Appendix).

5. Tree Works Policy

RTC will adopt a consistent and sustainable approach to tree work following the principles of best practice to meet its duty of care and maximize the benefits of trees under its ownership.

- 5.1 Remedial works will be undertaken where trees are likely to cause reasonably foreseeable damage to property or injury to people and where any alternative options are considered to be inappropriate.
- 5.2 In compliance with the Highways Act 1980 tree works will also take place to provide suitable clearances of roads and footpaths (typically a clearance of 5.2m of roads and 2.3m of footpaths) to prevent obstruction and to clear sightlines. In addition, where reasonably practicable and not disproportionately expensive, tree works will take place to improve or maintain visibility of road-signs.
- 5.3 Where tree branches restrict the reasonable use of gardens, branches will be lifted to provide a suitable clearance (typically of 3m).
- 5.4 Where trees are touching or nearly touching property with the potential to cause damage before the next inspection date they will be pruned back to achieve a suitable clearance (generally 2m).
- 5.5 During proactive surveys and reactive site visits RTC will consider the long term suitability of trees and where appropriate may remove trees which are not suited to long term retention (at the discretion of the Town Clerk in consultation with the Tree Warden and applying the principles of good tree management). This will involve a consideration of trees (in particular both age and species) in the context of the resilience and long term viability of the Council's tree stock in the local area and the amenity value they provide.
- 5.6 RTC recognizes the important contribution garden hedgerows make to wildlife, alongside other benefits such as screening. Hedges in predominantly ornamental locations, which haven't been managed historically, may be formalized where the condition of the hedge allows the GMT to undertake ongoing future maintenance without requiring a disproportionate allocation of resources. Where this is not feasible, hedges may be removed and replaced with more suitable species or as a last resort, alternatives such as fencing.

- 5.7 Trees will also be pruned or removed, where appropriate, to improve the growth of adjacent RTC trees which are considered more suitable for the long term, to restrict the spread of pests and disease, to allow the control of invasive species or to remove trees which are not suitable for long term retention.
- 5.8 Where tree roots are subject to sustained ongoing damage from lawnmowers or strimmers, the application of 100mm of woodchip mulch (typically in a minimum 1m circle around the stem but sufficient to protect exposed roots) will be considered. In some areas, allowing grass and undergrowth to grow longer around a tree can be a useful alternative, with additional benefits for wildlife and the tree (this also reduces the grass cutting requirement for the GMT). Where such projects are initiated, signs will be put in place on site to inform the general public of the scheme and its purpose.
- 5.9 Ivy (*Hedera helix*) is a native species which provides important habitat to a wide range of wildlife, especially as an important source of food and cover for birds. Ivy often grows on tree stems and branches and can restrict the full structural assessment of a tree. It is rarely a significant threat to healthy trees.

Ivy will be severed at the base of relevant trees where it restricts the full assessment of parts where a significant defect is suspected, or where ivy growth is so prolific it increases the sail area or affects the growth of the inner crown of a tree to an unacceptable level.

Once severed, ivy will be left in situ to die back. This will reduce the impact of any loss of cover/habitat to local biodiversity and will help prevent sun damage to newly exposed parts of the tree.

All works will be specific to each individual situation and will be dependent on the species and condition of the tree and other relevant factors.

RTC will not carry out works specifically to alleviate issues such as:

Overhanging Branches

There is no legal obligation for a tree owner to prevent trees growing over boundaries. The Council inspects its tree stock to ensure that branches that do grow over boundaries are not likely to cause reasonably foreseeable damage to structures or injury to people and where appropriate to provide a reasonable clearance of gardens, driveways, roads and paths.

Neighbours have rights under common law to prune overhanging growth back to their boundary (subject to consent from the Local Planning Authority for any trees under statutory protection, planning conditions or covenants) however they must not cross the boundary to undertake this work.

All arisings technically remain the property of the tree owner. Where such works take place to RTC trees any arisings should be disposed of appropriately and not be deposited over the boundary.

A neighbour who carries out work to an RTC tree which:

- leaves it in a condition requiring remedial works to make it safe; or:
- causes it damage or injury or to fail

is likely to be liable for any resulting damages and/or costs of work.

It is good practice to contact the Town Clerk's Office to discuss any proposed works. It is also advisable to check with the Local Planning Authority that trees are not protected prior to works taking place. If trees are protected (whether by Tree Preservation Orders or by virtue of being within a Conservation Area) the Town Clerk's Office will comply with relevant laws and procedures only if it has ordered the work. Neighbours who order work on overhanging branches of such trees are responsible for complying with the laws and procedures.

Blocked Light

There is no proven 'right to light' in law in relation to trees. Pruning trees can negatively affect their visual appearance and has implications for long term tree health and retention. Pruning often results in dense re-growth which can increase issues of shade within a short period of time and therefore doesn't provide a sustainable or cost effective method of controlling this issue.

In light of concerns relating to climate change and the benefits of trees in relation to the mitigation of climate change (i.e. helping to buffer extremes of temperature amongst other benefits); shade is likely to be of increasing importance to residents in the south of England.

‘Sap’ or Honeydew, Bird Lime and Other Issues Associated with Wildlife

Honeydew is a sticky liquid excreted by aphids feeding on trees which can be readily cleaned with warm soapy water.

Trees provide an excellent source of roosting, nesting and feeding sites for a wide range of wildlife including birds and this is largely to be encouraged. The Council will not consider pruning or removing trees to alleviate problems associated with ‘wildlife’.

Falling Leaves

Leaf fall is a naturally occurring event over which tree owners are not expected to have any reasonable control. This predominantly relates to deciduous trees and occurs over a relatively short period of time each year. Leaves can provide an excellent (and free) source of compost and can be easily collected and mulched with a lawn mower.

TV Reception

There is no legal right to television reception. Such issues will not be grounds for tree pruning or removal and may be best resolved by alternative engineering methods. Service providers should be consulted to discuss viable alternative solutions.

To Allow Increased Sunlight to Solar Panels

Solar panels should not be installed where existing trees will have a significant adverse impact. Where pre installation site surveys have been carried out competently such issues should not develop.

Because Trees are Deemed to be ‘too big’

Trees grow adaptively to support themselves in relation to their surroundings and the typical loads they can be expected to experience. Trying to contain trees to a specific size is only a suitable management regime for certain species in specific circumstances (i.e. pollarding).

This process is initiated **‘soon after (a) tree is established’** and **‘larger trees should not normally be treated in this way’** (BS3998: 2010 Treework – Recommendations).

'Crown reduction' can also be used to allow the retention of an important tree with structural defects, trees which cause an obstruction or trees which are likely to cause structural damage to property which would otherwise need to be removed. In all other situations, reducing the size of a trees crown is not considered appropriate.

Because Tree Roots have Entered Drains

Tree roots do not generally enter drains which are properly constructed and fit for purpose (i.e. designed for use around trees). Unfortunately many drainage pipes in the UK are not constructed to this standard. Roots are opportunistic and will grow in areas which meet their requirements for air and water. Condensation on the outer surface of pipework and disturbed ground where pipes have been laid can provide good growing conditions for root development, particularly when surrounding ground has been compacted.

Where roots have entered drains there are reliable engineering solutions (such as relining pipes) which allow tree retention and solve the drainage issue for the long term.

The Impact of Tree Works

Pruning trees creates wounds which are potentially damaging and may allow the ingress of disease or decay. Following pruning, trees generally re-establish their leaf coverage as quickly as possible which can often lead to the development of dense re-growth exacerbating issues such as blocked light and leaf fall. Pruning often initiates the development of latent buds which do not form strongly attached branches and necessitates ongoing future management.

Pruning can also damage the aesthetic appearance of trees and diminish their amenity contribution.

For these reasons the pruning of RTC trees will be kept to a minimum.

Where trees are removed the establishment of a replacement is not always straightforward. Issues such as vandalism, drought stress, transplant shock and aftercare requirements can restrict success rates. Also, it takes a long time for such trees to make a significant amenity contribution to an area.

Who Can Carry out Works

Where works are to take place to RTC trees, either the GMT or RTC's tree contractor will carry out the work by arrangement with the Town Clerk's Office.

It is not considered appropriate for neighbouring properties to pay for works to RTC trees or to use their own contractors to carry out works. However neighbours can carry out works to RTC trees where they overhang the boundary as per their rights under common law (subject to consent relating to any statutory designations).

Tree works carried out by the RTC tree contractor will follow the principles set out in the British Standard for Tree Work (BS 3998 2010 - Recommendations for Tree Work).

6. Protection

RTC will adopt a robust approach to damage to its property. Where RTC trees are felled or damaged without prior consent the matter will be referred to the police. Civil action will be considered to recover compensation for the loss of the tree and/or any remedial works including replanting with a suitable replacement, and aftercare. Accepted tree valuation methods will be applied, where appropriate, to establish a monetary value of the tree/s. Officer time investigating damage may also be incorporated in any claim.

RTC will also consider the use of Tree Preservation Orders in conjunction with the Local Planning Authority to increase the legal protection afforded to specific trees or woodlands which are considered to be under threat.

7. Enquiries Relating to NFDC Trees

Each year RTC receives many enquiries relating to trees.

Requests for works to trees will be considered in line with the Tree Works Policy set out above.

RTC will respond to enquiries from members of the public on a priority basis and the following system will be applied.

Priority	Classification	Response Time	Fix Time	Description
Red	Urgent/high	Asap – 1 week	Asap – 1 week	Specific concern about safety and posing an immediate risk (e.g. split branches/stems, fallen trees in high use areas).
Amber	Medium Risk	1 month	3 months	General concerns about safety, dead branches, ill-health, cavities and fungi. Trees causing actual damage to property. Trees obstructing access (e.g. low branches over paths and roads).
Green	Low Risk	3 months	1 year	Trees thought to be unsuitable for long term retention. Fear of possible damage. For trees described as 'too big', blocking light / causing shade, dropping leaves/fruits, overhanging property. Tree works are unlikely to be appropriate but RTC typically will visit the site to assess the situation.

Enquiries Relating to Private Trees

RTC staff and councillors will not give advice or involve themselves in questions relating to private trees, issues between neighbours, etc. (save insofar as RTC is consulted about proposed or intended tree works as part of the planning process).

Enquiries relating to trees owned by other public authorities, TPOs and Conservation Areas will be referred to the relevant authority.

Complaints

Complaints should be made in writing to the Council in line with the RTC Complaints Procedure.

Consultation on Tree Works

Generally, RTC will place notices on site giving a reasonable period of notice before planned tree works in the following circumstances:

- Where particularly large scale works are due to take place.
- Where trees are especially prominent or where the works may cause a significant disruption to a large number of people (including where they need to be aware to ensure they act in a safe manner near contractors/machinery including control of dogs/children).

8. Tree Works and the Environment

Tree works may need to be carried out at a particular time of year to minimize the impact on the tree's health or to avoid issues such as the disturbance of wildlife. In particular, bats and nesting birds.

RTC tree works will meet criteria and best practice under relevant legislation and guidance including the Wildlife and Countryside Act 1981, Countryside Rights of Way Act 2000, Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (as amended) (Habitat Regulations).

Prior to the commencement of works the wildlife/habitat potential of trees will be considered and appropriate checks will be made as necessary. Further advice and/or relevant licences will be sought when appropriate. In some cases work may need to be postponed to minimize impacts on protected species.

Wherever possible habitat features such as cavities, dead wood, water pockets, log piles and standing dead trees (among others) will be retained *in situ* as valuable niche habitats for wildlife. The presence of protected and other species will be a material consideration during the tree inspection process.

9. Council Procedures for Property Acquisition and Sale of Council Land

The Town Clerk's Office consider trees whenever properties are to be purchased or sold off. This may result in the addition of land with trees to the survey system or the referral of sites where trees may be at risk to the relevant authorities for consideration for statutory protection (Tree Preservation Orders).

Trees under the Council's ownership are not generally subject to statutory protection in the form of Tree Preservation Orders. This is because such trees are deemed to be under good management. When Council land is sold off there is a potential for tree damage or removal and the most important trees will be considered for protection.

10. Consultation and Review

This document has been produced after consultation with the following stakeholders:

- New Forest District Council
- New Forest National Park Authority
- Hampshire County Council.

Review

The policy will be formally reviewed after 5 years to assess its impact, make necessary updates and ensure it is still fit for purpose.

Appendix

Ringwood Town Council Tree Risk Management Plan 2019

1. General

This plan relates to those trees which grow on land which is owned or under the responsibility of RTC. It is not designed to cover trees within private ownership.

This plan is not intended to cover the risks associated with direct or indirect damage to property (i.e. damage via tree related subsidence or by the physical incremental growth of the tree interacting with property). It is however intended to cover the risks posed by the failure of trees, or parts of trees, with the potential to cause damage or injury.

RTC intends to provide an audit trail (of which this plan forms part) of action taken in response to the potential risks posed by trees and will demonstrate that the Council has met its responsibilities and duty of care as a tree owner in a systematic and reasonable manner.

RTC will manage its trees in such a way as to meet or exceed the minimum standards outlined by the accepted industry best practice documents. The Council will operate a prioritized system for managing the risk from trees whereby those trees which pose the greatest risk will be assessed and managed first.

The RTC Tree Risk Management Plan helps to fulfil the Council's objectives for strategic management of the environment and a commitment to managing public safety.

2. The Risk From Trees

Trees pose a very low risk to people and property. Approximately 6 people a year are killed in tree related incidents. In relation to the number of trees within falling distance of people or property this equates to a very low likelihood of harm occurring. The Health and Safety Executive (HSE) states that such a level of risk is broadly acceptable i.e. 1:10,000,000 risk of death. To put this low risk in context, there is a 1:16,000 risk of death associated with driving.

Despite this low risk, the law requires that the risks from trees are managed in a reasonably practicable manner.

3. Inspection Scheme

RTC will develop a scheme to for the inspection and re-inspection of the trees for which it is responsible as soon as practicable. It will seek the guidance and support of a suitably qualified expert in tree care and safety in devising the details of the scheme but the following principles will be respected in any event

- 3.1 Trees will be prioritized for inspection and re-inspection according to the risk they pose;
- 3.2 Risk will be assessed according to the following features:
 - (a) Targets
'Persons' or property, or other things of value, which might be harmed by mechanical failure of the tree, or by objects falling from it. These could be static (e.g. a house) or mobile (e.g. a car or pedestrian).
 - (b) Frequency of Use/Occupancy
What is the likelihood of damage or injury occurring (how often or for how long is the 'target' within falling distance of the tree?).
- 3.3 Sites, parts of sites or individual trees will be assigned a class of priority (such as "High Occupancy" or "Low Occupancy") based on expert advice and that classification will then be used to determine:
 - The nature and frequency of subsequent expert re-inspection; and;
 - The nature and frequency of monitoring undertaken by GMT members between expert inspections.
- 3.4 The standard of inspection and monitoring will vary according to risk. Generally speaking, a simple visual check from the ground or even from a slowly passing vehicle (level 1) will be adequate. However, where particular safety concerns are identified (whether as a result of a level 1 check or otherwise) and cannot be confidently resolved by the level 1 check a more thorough inspection by a suitably qualified expert in tree care and safety (level 2) will be commissioned.
- 3.5 People will be given a higher priority than property within the system. People will often be found within property (such as cars and buildings) and these may afford them a certain degree of protection. However vehicles (and the people using them) are one of the most at risk groups, because of the high speeds involved. Trees may not actually fall onto vehicles to cause damage; vehicles often will hit trees which are lying across a highway.

- 3.6 The scheme will be consistent with the table of response and fix times contained in the section 7 of the RTC Tree Policy.
- 3.7 Review of the scheme (including the assessments of risk and assignments of priorities for re-inspection it contains) must be provided for and undertaken according to a suitable programme.