

Tree Management Policy

1. Introduction

Trees are one of the few landscape features that cross all the boundaries of modern urban living and play a very important role by adding many benefits to our local community, including helping to enhance streetscapes; reduce climatic extremes; improve air quality; and provide a habitat for wildlife. The benefits of trees and green spaces in terms of health, well-being and environmental enhancement are well documented and should not be underestimated.

Trees growing in the area owned by South Woodham Ferrers provide a vital benefit and help to make life more pleasant for residents, workers and visitors. Their presence can help towards creating tranquillity and reduce stress. Trees have many benefits, for example, they:

- Provide shelter
- Cool the air
- Stabilise soil
- Filter air pollution
- Reduce noise
- Create wildlife habitats
- Improve the landscape

Objectives

The objective of the Tree Management Policy is to set out South Woodham Ferrers Town Council's approach to the management of trees on land owned by the Town Council and to its statutory responsibilities on land owned by others under the Town and Country Planning Act 1990 legislation.

2. Key Aims

The aims of the policy are to act as:

- i. a source of information and reference regarding tree issues in South Woodham Ferrers;
- ii. a framework for consultation with Chelmsford City Council regarding Trees with Preservation Orders;
- iii. a support to Chelmsford City Council's ambitions and priorities as outlined in the Chelmsford City Council Corporate Plan.

Issues Associated with Trees

Most residents in the Town live close to trees. Trees can create varying degrees of inconvenience to residents. Dilemma and conflict often arise when a tree or groups of trees make an important contribution to the local environment yet cause inconvenience to residents and those living nearby.

Tree Management – Practical Tree Care

The Tree Management Policy has identified two main categories:

1. Trees within the ownership of South Woodham Town Council – The Fenn, John Cox, Victoria Fields, Uniform Youth Road, Allotments at Marsh Farm and Garden of Remembrance and Village Hall Play area.
2. Trees outside the ownership of South Woodham Ferrers Town Council – Essex Highways, Chelmsford City Council, Private ownership.

General Tree Management Objectives

Land Owned South Woodham Ferrers Town Council - The Council will seek to:-

- Develop and manage the Tree population. The tree stock will be expanded with new tree planting where appropriate and practicable;
- Provide and maintain a high quality and sustainable tree stock. Native species will be planted to maximise indigenous flora and fauna, where appropriate;
- Develop and promote a better understanding and awareness of the value of trees to the community, by way of engaging schools and community groups in tree planting and conservation projects;
- Provide the highest standards of tree care by stringent adherence to the British standard BS 3998: 2010 Tree Work - Recommendations, as well as adopting relevant arboricultural legislation and research development;
 - Take all reasonable steps to fulfil duties and obligations to ensure tree safety for public and property;
- Resist the unnecessary removal of trees unless there are justifiable arboricultural or legal reasons;
- Assess all requests for arboricultural works to trees growing on land. Work must be authorised before being carried out.

South Woodham Ferrers Town Council will not normally:

Undertake any tree pruning works or remove trees in direct response to any natural or seasonal phenomena, for example:

- falling leaves;
- sap exudation, (honeydew);
- falling fruits, nuts or seeds;
- bird droppings;
- blossom or pollen;
- reduction or increased moisture to gardens;
- germinating seeds from council owned trees;
- blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves; or presence of algae, moss build up;

Undertake any tree pruning work due to:

- Loss or interference with TV or satellite signal reception;
- Loss of sunlight or man-made lighting during any part of the day;
- Blocking or obstruction of a view from a residence;
- Solar Panels - There is no legal requirement to prevent or negate the shading of solar arrays by trees and this not a legal 'nuisance' as defined in law;

- The planned installation of, or the presence of an existing array on either a homeowner or third-party property presents no justification for the excessive reduction or removal of a tree’;

The Town Council may well agree to tree works that are reasonable and good Arboricultural practice on Town Council land.

The Council will not agree to:

- Remove or significantly reduce tree(s) where shading of solar arrays is the sole reason for the works;
- Undertake works where there is doubt on the cause of shading;
- Where birds are found to be nesting in trees, tree works will normally be delayed until the end of the nesting season;
- Any trees identified and confirmed to be supporting roosting bats will not be worked on until Natural England is consulted. We will then act upon the advice given to us.

When investigating claims of subsidence/heave and damage to properties from underground tree roots evidence will be required from claimants by way of a report from an appropriately qualified person. The report should discuss the following:

- i. A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map;
- ii. Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building;
- iii. Measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, state why and provide crack monitoring data. Data provided must be of sufficient detail to show a movement consistent with the presence of the implicated tree(s) and/or any hedges/shrubs;
- iv. A profile of a trial/bore hole dug to identify foundation type and depth of soil characteristics;
- v. The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit and plasticity index;
- vi. The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out
- vii. Proposals and estimated costs of options to repair the damage;
- viii. A report from an Arboriculturist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree-related damage.

In the case of other structural damage to garden walls, drains, paving, drive surfaces, technical evidence should be provided by a relevant engineer, building/drainage surveyor or other appropriate expert.

We will explore and develop opportunities to utilise the arisings (woodchip, logs, timber) generated by arboricultural operations towards greater environmental sustainability. Statutory undertakers (gas,

electricity, water and telephone) are entitled to carry out works to trees in order to restore service or in the interests of public safety without giving notice. However, they would be encouraged to liaise with South Woodham Ferrers Town Council in order to agree any work deemed necessary to affected trees.

The Town Council will consider formal applications for tree works on its land, but these must be in writing, either by letter or email to: South Woodham Ferrers Town Council, Champions Manor Hall, Hullbridge Road, South Woodham Ferrers, Chelmsford CM5 5LJ or email karen@southwoodhamferrerstc.gov.uk

For an information conversation and advice regarding tree works, please call the Town Council Office on 01245 321817 or 01245 429 446.

Parks and Open Spaces Objectives

Please refer to the Chelmsford City Council 's Tree Management Policy for all matters not within the ownership of South Woodham Ferrers Town Council.

Public Open Space in Residential Areas

Please refer to the Chelmsford City Council's Tree Management Policy for all matters not within the ownership of South Woodham Ferrers Town Council.

Land Management Objectives – The Fenn is managed by Essex Wildlife Trust will:-

- Take reasonable steps to preserve and enhance woodland trees, particularly those that are indigenous to the area;
- Encourage natural regeneration in woodlands;
- Where possible, subject to public safety assessments, retain dead trees in woodlands preferring to prune rather than fell. In situ dead timber and felled trees are left to benefit habitat creation;
- Manage woodlands as a long-term sustainable resource;
- Actively support and encourage community involvement in the planning and operation of woodland management;
- Produce and implement a woodland management plan for the area;
- Not fell a tree growing in woodlands without adequate justification;
- Endeavour to manage and maintain the woodland in accordance with accepted forestry, arboricultural and nature conservation best practice;
- Take into account landscape and historic features, wildlife habitat and amenity value. This will be reflected in operational as well as managerial aspects;
- Where possible we will encourage seed collection from sustainable woodland trees aiming to protect provenance;
- Actively encourage appropriate access to woodlands and develop pathways within our managed woodlands.

Inspection Frequencies

South Woodham Ferrers Town Council will, where possible, inspect all trees for which it has responsibility in order to assess whether they represent a risk to life or property. A program of inspection will be undertaken based on an assessment of risk, hazard and recommendation for work.

Trees will be assessed in terms of maturity, vigour, life expectancy, height, trunk girth, crown spread, identified defects (e.g. dead wood, dieback etc) and any proposed arboricultural works on a High, Medium or Low risk basis.

High Risk: Inspection at intervals of no more than 2 years Close to main public areas, work yards, buildings, roads, car parks, major footpaths, etc.

Medium Risk: Inspection at intervals of no more than 5 years other footpaths, bridle ways etc in regular but not intensive public use, quieter areas of parks and gardens etc.

Low Risk: No formal Inspection, observations during normal routine visits by the Town Council ESO, Parkland, green space and woodland away from paths or only lightly used etc.

Record of Inspection and Maintenance

All arboricultural inspections will be recorded using appropriate software to maintain a database record.

Tree Pruning

South Woodham Ferrers will undertake all tree pruning and arboricultural works in accordance with relevant British Standards.

New Tree Planting and Climate Change

South Woodham Ferrers Council will encourage new tree planting including establishment and maintenance to be undertaken in the spirit of good horticultural and arboricultural practice to comply with:

BS 4428: 1989 Code of practice for general landscape operations (excluding hard surfaces)

BS 3998: 2010 Tree Work - Recommendations

BS 7370: 1991 Grounds maintenance. Recommendations for establishing and managing grounds maintenance organizations and for design considerations related to maintenance

BS 5837: 2012 Trees in relation to design, demolition and construction

Dependent upon the planting location we will plant trees varying in size from 45cm height (whip size) to 14-16cm girth, (heavy standard) through to 60cm and above, (semi mature).

We will aim to create a balance of appropriate indigenous and exotic varieties dependent upon the location of the new planting. Where proposed planting is close to an area of conservation significance it is expected that indigenous species will be used.

The aims of new tree planting will be to:

- maintain perpetuity of tree cover in the area served by South Woodham Ferrers Town Council;
- contribute towards mitigation of climate change;
- provide all year-round interest;
- encourage species diversity;
- provide wildlife habitats;
- enhance the area served by South Woodham Ferrers Council;
- provide screen, shelter and windbreaks;
- replace removed trees;
- commemorate and remember the community;
- improve air quality;
- assist in erosion control;
- develop community involvement.

South Woodham Ferrers Town Council will select trees that reflect the importance of their planted position and the anticipated maintenance needs throughout their life.

Disease Contingency

South Woodham Ferrers Town Council with the assistance of professional services, seek to monitor and identify a programme of preventative and remedial works, advice, notification and formulate a strategic response approach to combat any particular tree disease.

Agencies The Forestry Commission
The Arboricultural Association
The Tree Advice Trust, (Arboricultural Advisory and Information Service (AAIS))

Conflict - Right of Appeal

Should a complaint or enquiry regarding trees growing on land South Woodham Ferrers Town Council own we will investigate and inspect the site with a view to producing a programme of any works shown to be necessary, having regard to the tree(s) concerned in relation to available budgets.

Where South Woodham Ferrers Town Council's response does not meet the perceived expectations from a potential complainant, The Clerk will respond in writing clearly stating the reason for the Council's resolution.

General Policy Objectives

It is the policy of South Woodham Ferrers Town Council:

- To fulfil its statutory obligations of protecting trees of particular amenity value through the use of the Town and Country Planning Act 1990, the Town and Country Planning (Trees) Regulations 1999, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008, the Town and Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008 and the Town and Country (Tree Preservation) (England) Regulations 2012.

- To seek to ensure through use of a tree preservation order and conservation area legislation, that trees, of particular amenity value in the area served by South Woodham Ferrers Town Council are retained.

The more detailed policies to meet this objective are set out in the following paragraphs.

Tree Preservation Orders

South Woodham Ferrers Town Council will work under Chelmsford City Council regulation as a Consultee for trees within the parish only.

Trees and Development Sites

South Woodham Ferrers Town Council will work under the Chelmsford City Council Planning regulation as a Consultee for planning matters.

Chelmsford City Council – Core Strategy and Development Control Policies Development Plan

The work is administered by the Tree and Landscape section of the Development Management Service, within the Directorate of Sustainable Communities. Policies DC14 and DC42 of the Core Strategy and Development Control Policies Development Plan Document adopted on the 20 February 2008 identify the importance of trees within the area served by Chelmsford City Council.

Policy DC14 - Protected Trees and Hedges and DC42 – Site Planning of the Chelmsford Council Core Strategy and Development Control indicate the importance of trees to new developments. All design elements (including buildings, roads and services above and below ground, security and changes in levels) should ensure a good relationship between the development and the trees to be retained including overshadowing to habitable room windows.

Enforcement

South Woodham Ferrers Town Council will work under the Chelmsford City Council Enforcement regulation for enforcement matters and will monitor all cases reported within the town.

Dangerous Trees

South Woodham Ferrers Town Council will work in compliance with the Chelmsford City Council's Tree Management Policy - May 2015

Under the Local Government, Miscellaneous Provisions Act 1976, powers can be exercised, requiring owners of private trees (not necessarily protected by legislation) to undertake remedial works to alleviate a potential danger to the public or public property. Where no owner can be found, or even where the owner is known and in cases of extreme urgency, powers can be used to undertake the works and Chelmsford City Council can secure repayment by imposing a Land Registry charge on the property so that the monies to carry out the works can be recovered should the property be sold.

High Hedges

As of 1 June 2005, Chelmsford City Council has the power to deal with complaints about high hedges under the Anti-Social Behaviour Act 2003 (Part 8) and the High Hedges (appeals England) 2005.

Hedgerow Regulations

Under the Hedgerow Regulations 1997 it is an offence to remove most countryside hedgerows without permission. The way in which the Regulations apply to individual hedgerows is quite complex and it is advisable therefore, to discuss informally with Chelmsford City Council, at an early stage any plans to remove hedgerows.

If a hedgerow is removed without permission it is possible that the perpetrator may face an unlimited fine. The onus is on this person to prove the hedgerow was not of sufficient value to be covered by the Regulations.

Heritage/Veteran Trees

South Woodham Ferrers Town Council will work under the Chelmsford City Council Tree Management Policy 5.12 in assisting organisations such as the Tree Council, Woodland Trust and the Ancient Tree Forum campaign for "old" trees. A Heritage or veteran tree is defined as being a tree which, because of its great age, size or condition to others of the same species, or has exceptional cultural, landscape or nature conservation value still have little if any protection. The normal tree protection measures do not always fit and far too often an "old" tree is seen as dangerous or an inconvenience.

Tree Wardens South Woodham Ferrers Town Council operates under the Chelmsford City Council Tree Warden Scheme.

List of Competent Practitioners

South Woodham Ferrers Town Council will reference the Chelmsford City Council recommended list of Tree Surgeons and Tree Consultants who work within the area served by Chelmsford City Council and takes no responsibility for any of the subsequent works carried out.

Chelmsford City Council – Tree Management Policy Link
<https://www.chelmsford.gov.uk/planning-and-building-control/trees-and-hedges>

Town Council Owned land
The Fenn
John Cox
Beeland
Victoria Fields
Village hall Play Area/Blue Cage
Uniformed Youth Road
Allotments Marsh Farm

Responsible Officer	Town Clerk	Date effective from	November 2021	Review date	November 2023
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