

MISTLEY PARISH COUNCIL TREE MANAGEMENT POLICY

GENERAL STATEMENT – This policy details Mistley Parish Council's methods for managing its trees – owned or maintained by the Council. The policy has been written to:

- Ensure that the Council maintains a safe tree stock.
- Ensure consistency with regard to requests to prune and maintain trees.
- Continue to protect its veteran Oak trees, including Old Knobbly at Furze Hill Wood in conjunction with the Tree and Landscape Officer at Tendring District Council – the Local Planning Authority (LPA), the Forestry Commission, and the Woodland Trust.

BENEFITS OF TREES - Trees have many benefits, for example, they:

- Provides shelter from the sun, wind, and rain.
- Stabilising of soil – particularly important on sites adjacent to water bodies.
- Provides a barrier to noise and screening poor views.
- Provides a valuable habitat for wildlife.
- Provides pleasant green settings in which to live, work, relax, and play.
- Softens the impact of development.
- Commemorates or celebrations individuals, events and/or communities. (E.g. Old Knobbly and the Mistley and Manningtree Welcome Home Memorial Trust/Field where the Parish Council is trustee).

TREE MANAGEMENT – GENERAL – Trees will not be removed unless there is a demonstrable arboriculture, safety, or legal reason for the removal.

All requests for any arboriculture work to trees growing on Council land will be inspected and authorised in consultation with the Parish Council and the Local Planning Authority's Tree and Landscape Officer.

If tree works are required in the bird nesting season (March-August) trees will be examined for evidence of nesting. Where a bird's nest is found, tree works will be delayed until the end of the nesting season.

No tree work will be undertaken on trees where there is potential to impact upon protected species (for example bats or badgers etc) and until consultation has been undertaken with appropriate external bodies, stakeholders or consultants.

The Parish Council is encouraged to consider when dealing with planning applications for privately owned land, whether there are Council owned trees on adjacent land that may be affected by the development before making comments as statutory consultee to the local planning authority on the planning applications. It will also consider carefully, in consultation with the local planning authority's Tree and Landscape Officer if there are Tree Preservation Order trees or Trees in the Conservation Area and if there is likely to be any adverse effects on these trees. (TPO and TCA).

The Parish Council is committed to exploring and developing opportunities to utilise the arising (e.g. woodchips, logs, habitat piles and dead standing timber) generated by arboriculture operations towards greater environmental sustainability. In the past the Parish Council has managed to sell the seasoned logs to the tree surgeon, following a programme of works at its wood – Furze Hill Wood which then helps to lessen the impact of the cost of the tree work to local council tax-payers.

CLAIMS FOR SUBSIDENCE AND DAMAGE – In the unlikely event of the Parish Council ever having to investigate any claims of subsidence or damage to properties from tree roots emanating from a tree owned and maintained by the Parish Council, the Council requires the property owner to submit a structural engineers report. This will enable the Council to review evidence and determine the appropriate course of action. The report must cover:

- Physical damage.
- Presence of live roots of a suitable species.
- Seasonal movement or variation of the damage during different seasons.

All claims regarding subsidence will be referred to the Council's insurer along with a brief report detailing the age, type, and condition of the tree and any other factors that may be important to any claim.

DAMAGE TO PROPERTY CAUSED BY TREES – The Parish Council will cut back any trees from properties where they touch windows, walls, roofs, or gutters. This will ensure that any damage to property such as tiles or gutters is avoided. This would be after all necessary permissions including planning consents.

OBSTRUCTION BY OVERHANGING BRANCHES – Tree branches from Parish Council trees that obstruct footpaths, the public highway, highway signage, street lighting or CCTV will be inspected, and arrangements will be made to have the necessary pruning work undertaken, in consultation with the Tree and Landscape Officer from the local planning authority in relation to trees with Tree Preservation Orders or trees in the Tree Conservation Area.

TELEVISION OR SATELLITE SIGNALS – There is no legal right to good television or satellite signals and no legal requirements to rectify any loss of television, satellite, or radio service in respect of trees. Interference is not at present a legal nuisance, and in many cases, it is possible to resolve issues of poor reception involving trees by finding an engineering solution.

SHADE OR BLOCKING OF LIGHT – There is no legal right to light under the law with trees and therefore, the Parish Council has no legal obligation to abate this perceived nuisance. The Parish Council will consider applications to prune trees on an individual basis and the work may be carried out within financial resources and if and when the funds are available.

LEAF/FRUIT FALL AND SECRETIONS – Tree work will not be carried out solely to alleviate problems caused by natural and or seasonal phenomena as follows and includes any allotment land:

- Falling leaves.
- Sap.
- Falling fruits and nuts.
- Bird droppings.
- Blossom.
- Reduction or increase in moisture levels to gardens near to trees.
- Blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves etc, presence of algae and moss build up.

HIGHWAY TREE MANAGEMENT – Street trees are defined as trees planted or growing in road verges along Mistley's road network that are on Parish Council land. The Parish Council is not currently responsible for road verges. The Parish Council does have an arrangement with Essex County Council Highways regarding the verges along The Walls and the County Council pays the Parish Council for undertaking some of the grounds maintenance in this area near the highway verges.

GREENSPACE TREE MANAGEMENT – The Parish Council aims to create a varied and sustainable tree population at its playing fields and open spaces for reasons of aesthetics and for the benefit of the biological diversity of the Village. (The Welcome Home Field where the Parish Council is Trustee has a line of trees which were planted in honour and memory of the fallen during World War One).

The Parish Council will maintain the overall number of trees at its playing fields and open spaces through a replacement planting programme. Trees on open spaces which are not blocking the highway or sightline, will be left with a more natural shape where the branches may extend down to the ground.

WOODLAND TREE MANAGEMENT - The Parish Council is responsible for Furze Hill Wood. It works closely with the Tree and Landscape Officer from the local planning authority, the Forestry Commission and the Woodland Trust. [Statement-re-Biodiversity-and-Crime-and-Disorder-MPC.pdf](#) (mistleyparishcouncil.co.uk)

REPLACEMENT PLANTING – The Parish Council will select trees that are appropriate for their location and the anticipated maintenance that needs throughout the life of the tree. To help maintain a continuity of tree cover the Council will undertake the planting of new trees where suitable opportunities arise.

TREE RISK MANAGEMENT SYSTEM

GENERAL STATEMENT – The risk of being killed by a falling tree is extremely low: [Management of the risk from falling trees or branches - FOI - HSE](#)

Although the actual risk is low, it is not generally perceived in this way by the public, often because when incidents do occur, they often attract a lot of public attention. It is important that an appropriate balance is reached which minimises risk but ensures that large trees are not lost from the local landscape in the Village.

GENERAL APPROACH – Tree inspections are generated in a variety of ways: the majority of inspections are reactive and in response to a request or enquiry usually from the public. The identification of hazardous trees or those requiring inspection also arise from Parish Councillors and Parish Council Staff.

SCHEDULED SURVEYS – Proactive inspections of trees will be undertaken in the areas owned and managed by the Parish Council in conjunction with the Volunteer Tree Warden and the Council's Warden, which will involve more detailed inspection of trees to identify any work required as well as those trees which require monitoring because of their condition or location. Re-inspection of individual trees will depend on the level of risk associated with them. The Parish Council has a tree management programme in place for Furze Hill Wood. All other trees are inspected every 3 months via a visual and subsequent written risk assessment on all Parish Council land.

RECORDING TREE RELATED RISK – When a tree on Parish Council land poses a significant risk, work to make the tree safe or fell the tree will be undertaken as appropriate. In some cases, however, an identified risk may not be sufficiently severe to warrant immediate action, but the tree will require ongoing monitoring. For example, reassessment of the tree may be required in the summer to assess the vigour of the tree. In these cases where the tree is not within an area currently part of a proactive inspection regime, it will be recorded separately within the Parish Council's risk assessments.

The tree inspection procedures take into account the following criteria:

- Does the tree have a Tree Preservation Order and is the tree in the Tree Conservation Area?
- Has the Tree and Landscape Officer from the local planning authority been contacted?
- The species of the tree.
- The height of the tree.
- The age category of the tree. Is it a veteran Oak for example?
- The physical condition of the tree.
- Any recommended action or work which is required. Is a planning application required?
- The priority of the work required to the tree.

METHOD OR RISK ASSESSMENT – The Council will undertake a risk assessment of the tree or group of trees where some basic risk management principles should be applied. The assessment of the tree risk will be assessed on the following basis: high, medium, or low risk.

ACCEPTABLE LEVEL OF RISK – Once the level of risk has been established the action required will be dependent on how to reduce the risk to an acceptable level of risk. The legal framework does not require the elimination of risk altogether, but that the risk is minimised to an acceptable level. It may be possible to reduce the risk associated with a tree by pruning. There may be exceptional occasions where a higher risk may be acceptable for example if there is a tree of particular additional value or reasons of heritage significance. For example, Old Knobbly. In these circumstances the advice from the Tree and Landscape Officer from the local planning authority, and from an independent consultant will be sought. In addition to this, further arboricultural advice or investigations into the condition of the tree may be sought.

TYPE OF RISK ASSESSMENT INSPECTION – At present the above levels of inspection will be used to identify the level of risk associated with trees, Not all trees require individual assessment by an arboriculturalist. The HSE (Health and Safety Executive) considers that assessment is by someone who is competent and requires a working knowledge of trees and their defects, but this does not need to be an arboricultural specialist.

- **Non-specialist Survey** – Reporting of trees that are observed as needing more of a detailed inspection will be decided by the Parish Council in conjunction with the local planning authority's Tree and Landscape Officer.
- **Walking Survey** – Site inspections include a walking survey of trees. Those trees with defects will be noted and recorded. Particular attention is given to trees in high-risk areas, e.g. in high occupancy areas, along roads, and near buildings etc.

If a defect in a tree is noted, an assessment will be undertaken to identify common signs and symptoms that may lead to the loss of branches or the tree.

- Detailed Inspection - A comprehensive inspection will be undertaken of the tree by the local planning authority's Tree and Landscape Officer or by an independent consultant with all relevant details recorded and specific management recommendations made. This type of inspection will only be undertaken by an experienced and qualified inspector trained to Professional Tree Inspection level.

SUMMARY

- The risk associated with trees is generally relatively low.
- The identification of risk associated with trees is always considered when a tree is inspected.
- A strategy of pro-actively surveying trees in areas under the responsibility of the Parish Council is in place.

Review Body: Annual Parish Council. Review Period: Annually - May Annual Parish Council Meeting. Adopted 18/12/23. Last Reviewed 18.12.23. Next Review Date 20.05.24.

