

WILMINGTON PARISH COUNCIL

TREE MANAGEMENT/PLANTING POLICY

BACKGROUND

Trees, hedges, grass areas and ditches are an important part of both rural and urban landscapes.

They –

- Provide vital habitats and food for wildlife
- Provide windbreaks in open areas
- Reduce pollution by cleaning the air
- Prevent flooding
- Help control extremes of temperature next to buildings
- Assist with deadening traffic noise and
- Can provide psychological and health benefits as well as reducing stress
- Make the Parish of Wilmington (*the Parish*)

In addition, with the current focus on 'Climate Change,' trees in particular play an important part in addressing this issue through the sequestration of carbon dioxide

Wilmington Parish Council (*the Council*) is committed to a long-term strategy of planting, protecting, retaining, improving and developing the stock of trees, hedges, shrubs on land belonging to the Council and in addition will seek to improve the quality and quantity of trees and vegetation within the Parish

The Council will, where replacement of new planting is required, encourage the planting of appropriate native species and, where tree felling is necessary, strive to replace two trees or hedging whips for each tree removed and place them in an appropriate location nearby

The Council will seek to encourage other land and property owners within the Parish to adopt similar principles for the management of trees having consideration to wildlife and the whole community where possible

INTRODUCTION

This Tree Planting/Management Policy (*the Policy*) is designed to be a framework for the management and planting of trees not only on land which the Parish owns or manages but also on land within the Parish boundary. The Policy will also inform the approach to Tree Surveys; consultations with businesses; assessment of Planning Applications and enquiries from residents

The Council has a duty of care to ensure that work is not undertaken on protected trees within the Parish without the appropriate permissions being sought; this includes trees within the Church Hill Preservation Area (*the Preservation Area*)

The Council will consider the impacts on trees and related ecosystems of any Planning Applications placed before it as a consultee, including residential, commercial or highways and pathways applications (Traffic Regulation Orders)

SECTION A – TREE MANAGEMENT

TREE MANAGEMENT PRINCIPLES

A principle of English Common and Statute Law is that land and tree owners have a duty of care to visitors, residents, passers-by and even trespassers on their land. The Council has a statutory duty under a number of Acts of Parliament to ensure, so far as is reasonably practical, its trees are safe and not a danger to the public

The Council will ensure that trees on land within its ownership or management are retained wherever possible and are given appropriate protection from the effects of commercial and residential development and construction activities, including installation of underground utilities, paths and cycle-ways

The Council will avoid felling trees unless deemed necessary usually for health and safety reasons or to prevent the spread of serious tree diseases and pests. The Council will reserve the right to fell trees to enhance or maintain a habitat, to prevent overcrowding, to restore landscapes in line with a particular site-management plan or to remove a tree that is inappropriate to its location and which has a significantly detrimental impact on the appearance or amenity of a site

The main principles adopted by the Council under this Policy are to –

- retain trees wherever possible
- assess trees on their likely risk to people and property with the assessment based on competent advice from a Qualified Arboriculturist
- have in place procedures which identify and record 'significant' trees
- set up a regular programme of inspections (Tree Surveys)
- identify trees that present the greatest risk, taking remedial action as necessary using fully qualified practitioners and where felling is recommended to ensure correct permissions are in place and that the tree has been assessed for Bats and other protected wildlife
- endeavour to undertake work outside of the period from 1st March to 31st August unless it is imperative that such work is undertaken
- notify nearby residents in advance where major tree works will take place adjacent to residential properties
- ensure all tree work is carried out to the relevant British Standard for 'Recommendations for Tree Work'
- make clear the circumstances in which the Council will not consider remedial work (See '*Exceptions from Consideration for Remedial Works*' below)

EXCEPTIONS FROM CONSIDERATION FOR REMEDIAL WORKS

The Council will not, unless legally obliged to do so, consider undertaking remedial works to otherwise healthy and well-formed trees in the following circumstances –

- to create or reinstate private views
- loss of light or shading of gardens, rooms or solar panels or where the canopy is blocking light
- due to the size or height of a tree (*trees are naturally large organisms*)
- trees and branches overhanging adjacent property, outbuildings or gardens unless they pose a health or safety risk
- reduced security by virtue of concealment or reduced visibility
- alleged damage to property/gardens by roots or branches (direct or indirect)

- interference with transmitted signals (TV, satellite, cable or other forms of electronic communication or reception)
- interference with BT & electricity company services
- during the bird breeding season unless work is required for urgent health and safety reasons
- where a tree contains roosting bats unless work is required for urgent health and safety reasons
- presence of vermin
- in response to a natural event that does not pose a health and safety risk such as falling of matter such as nuts, shedding of leaf, seed, fir cone, twig, flower litter, fruit debris, general vegetative detritus and wildlife/bird droppings
- vandalism
- dripping secretions such as honeydew or sap
- hayfever/allergies
- dampness, algae, moss and fungal growth unless required for the health of the tree or surrounding trees

TREE SURVEYS

The Council will have in place a planned inspection programme which ensures the trees for which the Council has responsibility are inspected as often as is necessary. Inspections will be undertaken by a Qualified Arboriculturist who is a suitably experienced and competent person to undertake Tree Surveys based on a 'risk assessment approach'

Areas of land with Council managed trees will have Tree Surveys undertaken on a cyclical basis

The Arboriculturist will produce Tree Survey Reports which identify any actions that need to be taken and qualified Contractors will be sought to undertake the necessary remedial works

Where necessary, during Tree Surveys, the Arboriculturist will consider how the risk of accidents can be reduced and these will be identified in the Tree Survey Reports

TREE PRESERVATION ORDERS (TPO) & THE CONSERVATION AREA

The Council will apply to Dartford Borough Council as the Local Planning Authority when remedial work is required on a tree which it owns that has a TPO or is in the Conservation Area

LOCAL AUTHORITY POWERS

Local Authorities have certain powers to deal with dangerous trees not on their land which overhang or affect the management of the road or land. The main highways and roads within the Parish are owned and maintained by Kent County Council who will, if necessary, give notice to an owner of a tree or trees requiring them to cut or prune the tree(s); if the owner fails to comply the Authority may carry out the work and charge the owner

ACCESS FROM PARISH LAND TO CUT TREES

Where access from land owned by the Parish is required by any person wishing to carry out work on trees owned/managed by that person permission to do so should be sought from the Parish before any work commences

NEIGHBOURING PROPERTIES – OVERHANGING BRANCHES FROM COUNCIL TREES

Where a neighbour has concerns about branches of Council owned/managed trees overhanging their property they are required to contact the Council before attempting to undertake any work so that a dialogue can take place as, where work taken in isolation, the result can be an un-balanced tree which is not a desirable outcome.. Although there is a legal right to trim overhanging branches, but only from within the adjacent property boundaries, the cut branches have to be offered back to the Council.

The Council will work with neighbours to resolve any problems associated with overhanging branches as there are often a variety of solutions the best of which will be sought by the Council for the individual tree in question especially as the tree may have been subject to a Tree Survey

SECTION B – TREE PLANTING

Due to restrictions placed on the planting of trees on land which is in the ownership or management of a higher tier of Local Government all planting of trees by the Council will be limited to land under the ownership of the Council and, for the avoidance of doubt, this does not include any land leased to the Council

The Council will, within budgetary restraints, establish an Annual Tree Planting Plan (*'the Plan'*) and to achieve a meaningful outcome will engage with –

- The Tree Council
- The Woodland Trust
- The Kent Men of Trees or any Organisation that would be of assistance

The Council will investigate all available funding streams to finance the Plan including sponsorship from local residents, Groups or businesses under an 'Adopt a Tree' scheme

The Council will encourage the Schools within the Parish to introduce their own Tree Planting Plan