

# Guidance Notes for Council Owned Tree Management including Woodland Trees



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### Introduction

Tree assets within the natural and built environment are becoming increasingly important as more is understood about these large, dynamic living organisms and the environmental and socio-economic benefits they provide. Research has shown benefits to health and wellbeing, reduction in pollution levels, cooling of land and buildings, flood alleviation, important habitat for associated species and increased property prices as a result of trees within the built environment.

The District of Rochford is fortunate to have many tree features within its parks and open spaces, public buildings and woodlands. The Council owned tree stock ranges from young to veteran and from native ancient woodlands to non-native single amenity trees. Rochford District Council is committed to protect, enhance and restore this asset where appropriate to do so. Available resources to manage this asset are limited and it is important that resources are targeted to allow efficient and correct management to those trees where it is needed. The aim of the below policy is to provide clear and concise advice to residents who are affected by trees either owned by Rochford District Council or by a third party and what the management expectations should be.

Below is a list of frequent occurrences; details are provided of what the Council will or will not do assuming no health and safety issue or actionable nuisance (damage occurring to property) has been identified.

### 1 What the Council will do

#### Tree Safety Inspections

- 1.1 The Council inspects all Council owned trees every five years for health and safety related hazards and risks. Each tree or group of trees will be inspected using visual tree assessment criteria (VTA). VTA criteria requires a systematic approach to be adopted whereby the rooting area, stem and crown will be assessed for biological or mechanical defects. Where biological or mechanical defects are **not** evident no works to that particular tree/group will be recommended. Where biological or mechanical defects are identified, their risk and severity will be assessed and suitable works recommended. If deemed necessary, the tree inspection frequency for any individual tree or group of trees will be increased as dictated by the defect and potential to cause harm. Depending on the tree's condition and likelihood of risk resulting in injury or harm, further investigation may be necessary using other diagnostic equipment; this will be detailed in the initial tree inspection.
- 1.2 All tree management and inspections of Council owned trees will be recorded using the Councils' management software.

#### Branches Crossing a Boundary (Fence, Hedge, etc.)

- 1.3 The Council will inspect trees that cross a boundary and assess each case on individual circumstances and prioritise the works accordingly, e.g. It is likely that where a significant portion of the useable garden space is affected by branches crossing a boundary or the branches are above a roof, then the Council will prune the trees on a moderate to low priority basis; if the garden is very large and the trees are affecting only a minor part of the useable garden, the Council will carry out works on a low priority basis. If a third party wishes to complete the works itself or request a cost based quote from the Council to get

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the works completed sooner, this can be arranged. Please see further sections provided below regarding working on Council owned trees and the provided informatives. If you wish to employ the services of an approved contractor or the Council tree surgery team please contact Customer Services, email [customerservices@rochford.gov.uk](mailto:customerservices@rochford.gov.uk). Phone **01702 318111**.

#### Highways

- 1.4 Trees situated adjacent to the public highway are usually maintained by Essex County Council – please call 08456037631 or report the problem online via <http://www.essexhighways.org/Report-a-problem.aspx>
- 1.5 Essex County Council guidance recommends that trees that encroach a public highway, cycleway or footway provide a crown clearance of 5.1m over a highway, 2.5m over a cycleway and 2.1m over a footway. The Council, following inspection of its own tree stock, will prune trees to these recommendations for adopted highways. Council owned trees that are obscuring a highway sign, lamp column or street name will be pruned to provide sufficient clearance for visibility.

#### Dangerous Trees and Local Government (Miscellaneous Provisions) Act 1976

- 1.6 If you suspect a tree is dangerous please contact Customer Services who will be able to advise further. Email [customerservices@rochford.gov.uk](mailto:customerservices@rochford.gov.uk). Phone **01702 318111**.  
**Please Note:** Trees that are large, mature, tall, leaning, within proximity to a boundary, building or other property association, or sway in the wind are not necessarily dangerous.
- 1.7 The responsibility of a tree is with the landowner of the land where the tree is rooted. The local authority is not responsible for trees on private land.
- 1.8 The Council has discretionary powers using the Local Government (miscellaneous provisions) Act 1976 to make a tree safe if there is a danger of the tree causing harm to persons or property. There are two circumstances where this will apply, the owner and non-owner of a dangerous tree.
- 1.9 If a request is received by an owner of a dangerous tree the Council may take such action to make the tree safe, the danger has to be imminent and assuming an imminent danger, likely to cause injury or harm. In such circumstances the Council may recover costs from the owner.
- 1.10 An inspection will be raised for the tree officer who will determine whether the tree is dangerous and what further action should be taken.
- 1.11 If a request is received from a non-owner and the tree is considered 'likely to cause damage or harm' the Council must take reasonable steps to make contact with the owner, unless the danger is imminent. If tree works are necessary to make the tree safe the Council may enter the land and carry out the work, once the work is complete the Council may recover costs from the owner. If the owner is known to the Council, the Council may serve notice on the owner requesting the tree be made safe which must be at least 21 days from the date on which the notice is served. If this is not complied with the Council may enter the land and make the tree safe, following completion of the work the Council may recover costs from the owner.

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#### Property Damage

- 1.12 If you suspect a Rochford District Council owned tree is causing damage to your property and you want to make a claim, please write to the Council's Financial Services who will be able to advise further and forward your claim to the Council's insurers. You need to provide as much information as possible and you may be required to support your claim with an independent expert's report.

#### High Hedges Legislation (Part 8 Anti-social Behaviour Act 2003)

- 1.13 The above legislation gives the Council powers to deal with complaints about high hedges that adversely affect the reasonable enjoyment of residential property. See link for further details and criteria <https://www.gov.uk/how-to-resolve-neighbour-disputes/high-hedges-trees-and-boundaries>.

## 2 What the Council will not do

#### Trees in Private Ownership

- 2.1 The Council cannot advise or act for an individual with regards to a tree under the ownership of a third party. The Council cannot resolve nuisance, boundary disputes or actionable nuisance with regards to trees owned by a third party. It is recommended that you contact the owner of the tree, Citizen's Advice Bureau, Land Registry, an independent legal advisor, or your buildings insurers, who will be able to advise further.

#### Light Restriction

- 2.2 With the exception of High Hedges Legislation 2003, the Council will not prune trees to improve light entering/reaching a property.

#### Solar Panels

- 2.3 With the exception of High Hedges Legislation 2003 the Council will not prune trees to improve light reaching solar panels.

#### Pests

- 2.4 The Council will not prune trees to prevent pest nuisance occurring such as aphids causing honeydew deposits or pests entering property (squirrels, birds, etc.).

#### Tree Debris

- 2.5 The Council will not prune trees to reduce problems with leaf, fruit or twig dispersal. Shedding of leaves, fruit and twigs is a natural process that occurs at varying times of the year in different frequencies, pruning is unlikely to remove or significantly reduce the nuisance.

#### TV or Satellite Reception

- 2.6 A TV licence or any other subscription does not guarantee TV or satellite reception. It is recommended that where a new installation of satellite or TV equipment occurs, the owner takes account of mature height and spread of nearby trees or other potential obstructions.

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- 2.7 The Council will not prune trees to provide a TV or satellite reception. In instances where an obstruction is occurring it must be demonstrated that no alternative position will rectify the situation and that the trees are the cause of the obstruction. It is recommended that the owner provide evidence supported by a competent person for the installation of TV equipment to justify any TV or satellite reception issue.

### 3 Working on Trees Owned by Rochford District Council

- 3.1 Rochford District Council will approve a third party working on Council owned tree stock to remove or reduce a nuisance as described above; however, the works must not be carried out to the detriment of tree health or visual amenity, must be in accordance with British Standard 3998 (2010) and must not be carried out on trees contrary to any Tree Preservation Order (TPO), Conservation Area designation or trees subject of Hedgerow Regulations 1997, unless written consent has been issued by Rochford District Council. The work is to be carried out by a contractor approved to work on Council land (details can be provided upon request) and they must work to a specification provided by the Council.
- 3.2 Alternatively, the Council employ suitably qualified tree surgeons and are able to undertake works on a not for profit basis i.e. Rochford District Council can manage Council owned tree stock on behalf of any third party on a cost basis to cover the activity. The tree/groups will be assessed for the reasonableness of the works requested and a fixed price will be provided to the individual requesting works. Should the individual wish to proceed, then a full specification for works will be provided, an order raised with our tree surgery team and a date scheduled for the works. Upon full completion of the specified works an invoice will be issued for payment.

### 4 Informative

#### Tree surgery

- 4.1 Tree surgery is a dangerous occupation; Rochford District Council recommends anyone contemplating tree works first seek the advice from a professional working within the arboriculture industry.
- 4.2 Work must be carried out in compliance with BS3998: 2010 “Tree work – Recommendations”, plus all relevant health and safety legislation, regulations and codes of practice.

#### Wildlife Legislation

- 4.3 Certain associated tree flora and fauna are protected by European and UK legislation.
- 4.4 **Wildlife & Countryside Act 1981** (as amended) and **Countryside and Rights of Way Act 2000**. It is an offence to intentionally or recklessly damage or destroy the nest of any wild bird while it is in use or being built. Please therefore check for the presence of nesting birds before commencing work. Where nesting birds are found to be present, the contractor must stop work immediately and inform the Council’s Tree Officer. Work will be postponed until further notice.

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4.5 **Conservation of Habitats and Species Regulations 2010** (as amended). This applies to European protected species which, regarding trees refers primarily to bats. A person is guilty of an offence if he/she:

- deliberately captures, injures or kills a protected species;
- deliberately disturbs a protected species;
- damages or disturbs a breeding site or resting place.

#### Tree Legislation

4.6 Trees may be linked to a relevant Tree Preservation Order, Conservation Area designation or the Hedgerow Regulations 1997 (contact the Council's Customer Services department who will be able to advise). If trees are subject to the abovementioned legislation then an application or notice of intent (conservation area only) is to be submitted to Rochford District Council, works cannot commence until written consent/ notification has been received from the Council.

#### Disposal

4.7 All debris is to be disposed of in accordance with current legislation regarding waste.

#### Cross-contamination

4.8 Where there is a risk of transferring pathogens to vegetation at other sites, felling and pruning equipment must be disinfected after use. Also consider brushing mud and debris from soles of boots, and spraying boots and vehicle tyres before leaving the site (possible disinfectants include Virkon, ethanol and industrial methylated spirits). All disinfectants should be used in accordance with the recommended safety precautions (refer to the material data safety sheet for each product).

#### Working on Council Property

4.9 Consent is required to work on Council owned property. Risk assessments, method statements and suitable/current insurance documents are to be submitted to and approved by Rochford District Council before work commences.

4.10 Traffic management must comply with “**Safety at Street Works and Road Works: A Code of Practice**” (The Stationery Office 2001).

4.11 **Work at Height Regulations 2005**. Choose the right work equipment and measures to prevent falls i.e. mobile elevating work platforms, before other measures which may only provide protection from a fall e.g. rope and harness.

- (a) As per Schedule 5, Part 1, a personal fall protection system shall be used only, if:
- (i) a risk assessment has demonstrated that;
  - (ii) the work can so far as is reasonably practicable be performed safely while using that system; and
  - (iii) the use of other, safer work equipment is reasonably practicable; and
- (b) the user and a sufficient number of available persons have received adequate training specific to the operations envisaged, including rescue procedures.



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