



# Seaton Town Council Constitution

## Chapter 29 Tree Management Policy

Marshlands Centre, Harbour Road, Seaton EX12 2LT

01297 21388

[townclerk@seaton.gov.uk](mailto:townclerk@seaton.gov.uk)

## **1. INTRODUCTION**

1.1 The policy sets out how Seaton Town Council ('the Council') will manage trees on its land, in order to both conserve and enhance the town's tree population and the amenity value of its land whilst, at the same time ensuring the safety of those using the land.

1.2 For sites with specific management needs, this general policy will be supplemented with site specific management plans.

1.3 This policy is intended to provide a guideline for the management of trees in Council-owned locations. It is not exhaustive and is subject to change. The policy will be reviewed, at least every 3 years, by the Council.

1.4 As a landowner, the Council has a legal duty of care to all persons using its land to ensure that it has taken reasonable action not to put people or property at risk of injury. Landowners are not expected to maintain their trees in a completely safe condition but any risk needs to be evaluated and controlled.

1.5 in order to comply with its duty of care, as landowner, the Council ensures that its trees are regularly inspected.

## **2. THE VALUE OF TREES**

2.1 Trees are essential to life and have many positive impacts people and on the environment, including:

- Contributing to and improving the amenity value and appearance of the town, contributing to residents' quality of life and sense of well-being
- Reducing air pollution and releasing oxygen for us to breathe
- Reducing wind speed
- Providing shelter and a haven for all sorts of wildlife, including birds, bats and insects
- Reducing noise levels
- Providing shade
- Reducing flooding

2.2 The Council acknowledges the importance of maintaining a varied and sustainable tree population that is appropriate to the character of all Council-owned land and will allocate sufficient resources to ensure that it is able to manage the trees that it owns.

2.3 The Council will take advice from professional arboricultural consultants in relation to recognising and putting in place any specific management regimes for locally important trees.

2.4 The tree policy is split into the following sections. Further details on each section are set out below.

- Risk zones & frequency and method of inspection
- Tree works and contractors – safety, standards of work, insurance, training, emergency works, wildlife
- Tree Preservation Orders, Conservation Areas and the management of veteran/ancient trees
- Tree planting and maintenance
- Pests, diseases, biosecurity
- Requests for tree works
- Further information/resources

### 3. RISK ZONES & FREQUENCY AND METHOD OF INSPECTION

<b>ZONE</b>	<b>RISK LEVEL</b>	<b>DESCRIPTION</b>	<b>FREQUENCY OF INSPECTION AND METHOD</b>	<b>AREAS INCLUDED</b>
<b>Zone 1</b>	<b>High</b>	<b>High use areas including intensively used footpaths, bridle paths, car parks, sports clubs and areas adjacent to public highway</b>	<b>Annual visual inspection and/or after winds in excess of 40 mph/heavy snow fall. Carried out by trained STC officers</b>  <b>Health and Safety surveys carried out every 3 years by Arboricultural consultant</b>	<b>Elizabeth Road Play Park and Playing Fields</b>  <b>Underfleet Play Park</b>  <b>Seaton Down Hill</b>
<b>Zone 2</b>	<b>Medium</b>	<b>Lesser used footpaths/bridle paths, general recreation/common land areas, allotments</b>	<b>Visual inspection after winds in excess of 40 mph/heavy snow fall. Carried out by trained STC officers</b>  <b>Health and Safety surveys carried out every 5 years by Arboricultural consultant</b>	<b>Cliff Field Gardens</b>
<b>Zone 3</b>	<b>Low</b>	<b>Areas in which there are no formal public footpaths, densely wooded areas</b>		

### 4. TREE WORKS AND CONTRACTORS

4.1 It is important to the Council that its trees are maintained to a high standard. Poor tree pruning can look unsightly but also reduce the life expectancy of a tree. The Council uses appropriately accredited consultants and contractors to undertake surveys and works on its behalf.

4.2 The Council ensures that all of its contractors and consultants have the appropriate insurance cover. This includes employee and public liability up to £10 million. Contractors are also able to provide copies of risk assessments, method statements, and training records (LANTRA, NPTC, and LOLER) as appropriate.

4.3 All contractors when working on the public highway are required to comply with NRSWA guidance and street works and road works code of practice.

4.4 Contractors and consultants should adhere to the relevant British Standard Guidance including BS3998:2010 Tree Work Recommendations, BS5837:2012, BS3936 and BS4428. Utilities contractors should refer to NJUG guidance.

4.5 At times the Council may need to arrange for emergency works, including dealing with dangerous or fallen trees. Where a tree is owned by the Council, an inspection will be carried out as soon as practically possible, any risk assessed and the extent of any hazard determined. Where appropriate, measures will be implemented to preserve health and safety.

4.6 The Council and its contractors will adhere to the Wildlife and Countryside Act 1981. Tree works are generally planned to limit their impact on wildlife such as nesting birds (season runs from March to August although some birds may nest earlier or later than this), unless the work is for health and safety reasons.

4.7 Tree work will not be conducted if a tree contains roosting bats (it is a criminal offence to disturb bats recklessly or intentionally, or to damage or destroy a roost). If work is required for health and safety reasons, the advice of the Bat Conservation Trust or Natural England will be sought.

## **5. TREE PRESERVATION ORDERS, TREES IN CONSERVATION AREAS AND ANCIENT TREES**

5.1 East Devon District Council (EDDC) has duties and responsibilities under Town and Country Planning legislation, Government regulations and guidance on the protection of protect trees within its administrative area in the interests of amenity. These duties and responsibilities extend to making Tree Preservation Orders (TPO) and to special provisions relating to trees within conservation areas.

5.2 The maximum fine for the wilful destruction of a tree which is protected by a TPO or situated in a conservation area is £20,000 per tree. Wilful damage carries the maximum fine of £2,500 per tree.

5.3 Many trees in Seaton and the wider district are protected by individual TPOs or are sited within a conservation area.

5.4 Both the Council and private landowners are obliged to seek permission from EDDC before undertaking tree works to any tree covered by a TPO or sited in a conservation area. This includes the pruning of trees under a

preservation order or in a conservation area that are over-hanging a property boundary. If a tree is in a conservation area, it is protected if it has a trunk diameter exceeding 75mm when measured at chest height (approx. 1.5m above ground).

5.5 EDDC has up to eight weeks to determine applications for tree works to TPO trees and six weeks to determine a notification relating to a tree in a conservation area.

5.6 The District Council hold a list of registered works to TPO and conservation area protected trees.

5.7 There are currently no ancient trees or woodland sites situated on the Council's land. Should an ancient tree or ancient woodland be identified on Council-owned land, in due course, it will be managed in accordance with advice from relevant arboricultural professionals. It is anticipated that some trees on Council owned land could be identified and managed to become ancient trees of the future.

## **6. TREE PLANTING AND MAINTENANCE**

6.1 From time to time, trees have to be felled. To maintain the tree population across the Council's open spaces, where a tree has been felled, a new tree will generally be planted, although not necessarily in the same location that it has been removed from.

6.2 Consideration will be given to species that will enhance an area, achieve a mix of species (native/non-native), form a feature, be planted for conservation value, achieve publicity, enable sponsorship, and encourage community engagement.

6.3 The care and maintenance of new trees is important. Trees when first planted are at their most vulnerable. A new tree is more likely to die in the first 5 years after planting than at any other time. Planting considerations will include support, irrigation methods, watering schedules and protection.

6.4 Ongoing maintenance will include regular inspection, loosening ties, mulching, and removal of stakes. Where possible, the Council will try to engage local residents to assist with maintenance of a new tree which will aid its survival.

## **7. PESTS, DISEASES AND BIOSECURITY**

7.1 The Council will seek advice from and work with relevant professionals and agencies such as the Forestry Commission should there be any pest or disease outbreaks that may affect the local tree population.

7.2 Any action taken will be balanced and proportionate to the risks associated with the pest or disease.

## **8. REQUESTS FOR TREE WORKS**

8.1 The Council receives regular requests from residents for tree works to be undertaken to Council-owned trees. We have to maintain a consistent approach when responding to these requests and have the following approach in place.

### **General nuisance**

8.2 Tree pruning or removal will not be undertaken in response to natural occurrences that do not pose a health and safety risk, such as falling leaves, fruit, flowers (blossom), bird droppings or honeydew (sap).

### **TV and radio signals**

8.3 Tree pruning or removal will not be undertaken to prevent interference which can be made worse when leaves are on the trees or in bad windy or rainy weather. An engineering solution can usually be found to resolve these circumstances.

### **Light**

8.4 Tree pruning or removal will not be undertaken to improve natural light to a property.

### **Views**

8.5 Tree pruning or removal will not be undertaken where the tree is blocking views from a residence.

### **Telephone wires**

8.6 Tree felling will not be undertaken to solve interference problems. Tree pruning maybe undertaken, where it is deemed to be effective.

### **Touching a building**

8.7 Where a tree is touching a privately-owned property (house, wall, garage.) the Council will take action to remove the nuisance.

### **Overhanging property**

8.8 Trees will generally not be pruned where they are overhanging an adjacent property, unless they pose a risk to health and safety.

8.9 Property owners have a common law right to cut back overhanging branches as far as their boundary unless the tree is protected by a Tree Preservation Order or is in a Conservation Area.

### **Size**

8.10 Tree pruning or felling will not be undertaken purely because a tree is considered to be too big or too tall or swaying in the breeze. A tree is not dangerous unless other problems are identified/shown.

### **Roads, cycleways, footpaths, street furniture**

8.11 The responsibility of these items will vary. The Council can be contacted in the first instance, but you may be referred to EDDC or Devon County Council (DCC).

### **Subsidence**

8.12 If you believe any Council owned tree is causing an issue, you are advised to contact your property insurer in the first instance to discuss your concerns. The Council will deal with any such complaints on a case-by-case basis.

### **Drains**

8.13 Pruning or removal will not be undertaken to prevent roots entering a drain that is already broken or damaged.

### **Vandalism**

8.14 The Town Council will generally plant larger trees in high visibility areas as they are more difficult to vandalise. The Town Council promotes tree planting and encourages the local community to participate and care for the trees in the neighbourhood.

### **Anti-social behaviour**

8.15 Where a tree(s) is/are associated with anti-social behaviour, steps maybe taken to reduce the problem in association with other agencies including the Police.

## **9. Further information/resources**

9.1 Tree Preservation orders and Conservation Areas - more information about the status of trees in the district can be obtained from EDDC

9.2 Trees on road verges and adjacent to the public highway - these are the responsibility of DCC or, in some circumstances, EDDC.

9.3 Managing trees on your property - assessing whether a tree on your property is safe should be done by a qualified expert. This is not a service offered by the Council, but details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association. Reliable and trustworthy tradespersons can also be found via the Trustmark website, a Government approved scheme.