

Management of Trees In North Claines Parish

North Claines Parish Council attaches great importance to the contribution that trees make to our environment and recognizes that trees are an important conservation and amenity resource to the area but they can also present hazards to the public if they are not managed properly.

When dealing with public enquiries about tree management our objective is to manage the risks associated with trees within our financial resource. We do this by adopting a risk-based approach to assessing trees that belong to the Parish Council to determine if they represent a risk to life or property and to take remedial action as appropriate.

Tree Inspections

The Parish Council aims to inspect its trees on a regular basis through a rolling programme of tree inspections that prioritizes trees within high-risk areas where there is potentially most risk to people and property. Following initial inspection, trees are managed within the programmed as per the table below.

Please note that the Parish Council is a very small entity and employs one member of staff for 2 days a week. If you are unsure if a tree belongs to the Parish Council, we will endeavor to visit the tree in question and add it to the Councils list if it is deemed to be a parish council owned tree.

Risk Zone	Details
High Risk	<p>E.g. close to main public areas, busy parks and public open spaces, work yards, buildings, roads, car parks, major footpaths, picnic areas etc.</p> <p>Inspected every 12-18 months summer (to assess foliar condition) and winter.</p>
Medium Risk	<p>E.g. other footpaths, woodland paths or bridle ways in regular use but not intensive public use, quieter areas of parks and public places.</p> <p>Inspected at least every 2 years</p>
Low Risk	<p>E.g. woodland or farmland away from paths or only lightly used/trafficked.</p> <p>Inspected at least every 4 years or as part of normal routine visits.</p>

Highway Trees

These are trees growing in grass verges between the highway and pavement and are the responsibility of Worcestershire County Council and not the Parish Council.

Tree Protection

Tree Preservation Orders (TPOs) can be placed on trees by the local authority to protect them for public enjoyment. TPOs can be placed on individual trees, groups, areas or entire woodlands. It is against the law to wilfully cut down, lop, top, destroy or damage a tree with a TPO and can carry a fine for up to £20000 by a magistrates court if convicted. This does not mean that you cannot carry out work to a tree with a TPO but you must obtain consent from County Council first.

Resident Requests

The City Council will NOT carry out an inspection on a City Council tree outside the normal planned inspection regime UNLESS the tree is considered dangerous or potentially dangerous to the health and safety of an individual or is causing damage to property.

If you are reporting a dangerous tree, you will need to substantiate why you believe it is a public danger and there must be a justifiable reason for works to be carried out on a tree such as a recognised defect as specified below under "**Evidence of dangerous/potentially dangerous trees**"

Evidence of dangerous/potentially dangerous trees

- Tree is snapped or blown over
- Tree is rocking – roots are damaged
- Tree uprooted but held up by another tree or building
- Large branch has broken off or is hanging off the tree
- Major deadwood is present where if it were to fall could cause injury to people or damage to property
- Tree is considered to be in a dead/dying condition
- Tree is obstructing a public highway or public right of way and no clear sight line is available at traffic junctions, road signs etc.

Falling leaves/fruit/flowers/seasonal debris

The Parish Council will not fell or prune Council-owned trees solely to alleviate problems caused by natural and /or seasonal phenomena.

There are a variety of potential nuisances associated with trees, most of which are minor or seasonal which may be considered to be social problems associated with living near to trees. However, they are not regarded as a 'nuisance' in the legal sense and a tree owner has no obligation to clear them.

Examples of such problems are:

- Falling leaves, sap, fruit, nuts, bird droppings or blossom
- Reduction or increase of moisture to gardens
- Suckers or germinating seedlings in gardens
- Leaves falling into gutters, drains or onto flat roofs
- The build-up of algae to fences, paths or other structures.

Overhanging branches

North Claines Parish Council will not enter private property to prune overhanging branches from Council owned trees, but property owners are able to responsibly cut back to their boundary.

Under English common law there is a general right to cut overhanging branches back to your property boundary (subject to legal restrictions being overcome first such as Tree Preservation Orders or Conservation Areas).

Branches must only be pruned back to the boundary line and no further. You must make arrangements to arrange for the disposal of any resulting branches. North Claines Parish Council does not want the residual branches cut from any of our trees, leaving these on our land is fly-tipping and the council may take enforcement action against you.

If a tree is protected by a Tree Preservation Order (TPO) or is within a conservation area then that Common Law right is removed and you will need to apply to the council with the owners consent to carry out any works.

Lack of Light

The Council will not fell or prune trees for reasons of light.

A common complaint is that trees block light from properties and shade gardens. Whilst a right to light may exist, there has been no reported decision of any case to date having succeeded in respect of a loss of light caused by trees. Current legal advice is that as the obstruction will only have occurred gradually and such a case would be difficult to prove.

Overgrown Trees

The Parish Council will not fell or prune trees considered too big/too tall for this reason alone

A tree is not dangerous just because it may be considered too big for its surroundings.

- A tree taller than a house or a broad spreading tree does not in itself make it a dangerous tree.
- A tree swaying in the wind, does not in itself make it a dangerous tree, trees will naturally sway in the wind; the pliability in the branches is a natural mechanism that helps prevent fracture.
- A tree that has grown with a lean does not in itself make it dangerous; a tree will develop fatter growth rings on one side to it more stable

Television and Satellite reception

The Parish Council will not fell or prune trees solely for the reason that they are considered to be causing interference with television and satellite reception.

Pruning trees often fails to improve reception and once pruned re-growth occurs quite quickly. Interference can often be reduced by relocation of aerials / dishes.

Contacts

Clerk to the parish council of North Claines is available on 0778 732 6707 and also at clerk@northclainesparishcouncil.gov.uk

