

Midridge Tree Management Policy

SUMMARY

Trees are a highly valued feature of Midridge Parish; they make an enormous contribution to the character and beauty of our Landscape, and create /maintain environments rich in biodiversity. Midridge Parish Council values its Trees, and recognises both the human and environmental benefits of having a healthy and sustainable tree population.

We also recognise that although Trees are a positive feature, they can cause of a range of problems, from being a nuisance or inconvenience to potentially causing serious injury or even death. As a Tree Owner we have a direct responsibility for ensuring our Trees do not pose a danger to the Public or Property and are managed appropriately. This Policy sets out our approach to Tree Management.

PROVISO

This Policy has been developed based on a simplified version of the Durham County Council (DCC) Tree Management Policy. Should any unforeseen circumstances arise which are **NOT** covered by the Parish Council's Tree Management Policy, the appropriate Section of the DCC Tree Management Policy will be considered to apply.

ADOPTION

This Policy was adopted by a Resolution of Midridge Parish Council at a Meeting held on 11th May, 2015.

Table of Contents

1. POLICY SCOPE	2
2. TREES IN THE RURAL LANDSCAPE	2
3. LEGAL & OTHER FACTORS	2
3.1. National Legislation	2
3.2. Durham County Council Owned Land	3
3.3. Other Green Landowners	3
3.4. Middridge Conservation Area	4
3.5. Other DCC Tree Management Powers	4
4. TREES ON PARISH COUNCIL OWNED LAND	4
5. TREE MAINTENANCE	4
6. DEALING WITH TREE RELATED PROBLEMS	5
6.1. General	5
6.2. Obstructing / Overhanging Tree Branches	5
6.3. Shading, Loss of Light or View	5
6.4. Overhead Cables / Telephone Wires	6
6.5. Trees considered too big / too tall	6
6.6. General / Minor Nuisances	6
6.7. Anti-social Behaviour & Vandalism	7
6.8. Non-applicable Problems	7
7. TREE PRUNING TECHNIQUES	7
8. REPLACEMENT TREE PLANTING	8
9. APPENDIX 1: Parish Council Owned Land	9
10. APPENDIX 2: DCC Owned Land in Middridge	10
11. APPENDIX 3: Middridge Conservation Area	11

1. POLICY SCOPE

This Policy essentially **ONLY** applies to those Trees owned by Middridge Parish Council. Basically this means Trees on the Village Green, “the Dock” and the Play Area; see Appendix 1.

However, this Policy Document, in order to constitute a general reference on Tree Management for the Public, **ALSO** refers to a number of other Factors which affect Tree Management generally within Middridge Parish.

Note that although Middridge Parish Council believes this Policy to be as comprehensive as possible, we acknowledge it does not cover every situation. Consequently, we reserve the right to exercise discretion in the application of this Policy when to do so would be in the best interests of the Parish Council and Local Residents.

2. TREES IN THE RURAL LANDSCAPE

Trees are important features in the Landscape. They help to create an attractive environment, making the Parish a better place to live, work, study and visit. They bring colour and contrast, screen unsightly structures, give privacy, soften the hard lines of, and contribute to the setting of, the Parish’s Buildings, Streets and Landscapes. Not only do Trees have a visual quality, but they also enhance the Environment in less obvious ways: -

- they improve Air Quality by filtering airborne dust, smoke and fumes;
- they absorb Traffic Noise in built-up areas and can help limit noise pollution;
- they reduce Temperature Extremes by providing shelter in hot weather and insulation in cold weather; Trees adjacent to buildings can reduce air conditioning and heating costs;
- they act as a screen, increasing Privacy in residential roads and gardens;
- they convert Carbon Dioxide to oxygen, increasing the quality of the air locally and helping to reduce the ‘greenhouse effect’;
- they provide Food and Habitat for Birds and other Wildlife, thus supporting nature conservation value and biodiversity;
- Research has shown that Trees provide many Psychological and Health Benefits, and have been shown to reduce stress significantly.

3. LEGAL & OTHER FACTORS

3.1. National Legislation

There is a range of National Legislation which has been considered during the development of this Policy, but which also applies to Tree Management in Middridge Parish generally:-

- (a) The Wildlife & Countryside Act (1981), as amended by the Crow Act (2000), states that it is illegal to intentionally or recklessly damage or destroy the nest of a wild Bird during the breeding season, which is considered to be from 1st March to 31st July.
- (b) Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations, 2010, and the Wildlife & Countryside Act, 1981 (as amended). Causing damage to a roosting / nesting site is a criminal offence which can lead to imprisonment.
- (c) The Forestry Act (1967) requires certain permissions and licences to be granted where felling of trees is proposed within a Woodland setting.
- (d) The Hedgerow Regulations (1997) introduced powers allowing important rural native hedgerows to be protected.

- (e) Neither Middridge Parish Council) nor DCC have **ANY** authority to intervene in a Dispute between Neighbours regarding Trees. However, Part 8 of the Anti-social Behaviour Order Act (2003) gives DCC the powers to deal with Complaints or Disputes about High Hedges affecting Residential Properties.
- (f) Adjacent Landowners have a Common Law right to prune back Tree branches to their boundary, providing that this would not lead to Tree death, and providing that the Tree in question is not protected by a Tree Preservation Order (TPO), or situated within the Middridge Conservation Area (see below).

Moreover, it should be noted that there are a number of other Legal Factors which specifically affect Tree Management generally within the Parish:-

3.2. Durham County Council Owned Land

The Map in Appendix 2 shows which areas of Middridge Village and its immediate vicinity are owned by Durham County Council (DCC).

Trees situated on DCC Owned Land are the responsibility of DCC, **NOT** Middridge Parish Council. These Trees are covered by the DCC Tree Management Policy, and **NOT** by this Policy (although this Policy is based on that of DCC, and is generally similar).

Any problems with such Trees should be reported directly to DCC:-

- (a) On their Website at www.durham.gov.uk
- (b) By Telephone to 03000 267 307
- (c) By Email to treeofficers@durham.gov.uk

However, as a Public Service, Middridge Parish Council undertakes to pass on to DCC any reports of Tree problems, which are subsequently identified as being the responsibility of DCC.

3.3. Other Green Landowners

There is a small Triangle of Green Land, with three Trees, in Eden Grove, which stands between Numbers 11 and 13, and opposite Numbers 20 and 22. This Land is divided into four Strips, details not known at present, each of which is owned by one of the four Houses mentioned. The Maintenance of this Green Land, and the Trees which stand on it, are the responsibility of the relevant Property Owner.

NOTE – the largest of these Trees is also covered by a Tree Preservation Order.

3.4. Middridge Conservation Area

The centre of Middridge Village, much of which (basically the Village Green) is owned by Middridge Parish Council, is a designated Conservation Area, the boundaries of which are shown by the Map in Appendix 3.

Under the Town & Country Planning Act (1990), one of the (many) Legal Restrictions which apply to a designated Conservation Area, is that no work may be undertaken on any Tree with a stem diameter greater than 75mm (3") measured 1.5m from the ground level, without giving DCC six weeks notice of any Tree Works proposed. This Restriction affects Middridge Parish Council's ability to carry out work on the Trees which it owns on the Village Green.

NOTE – the Owners of Private Properties which lie within the Middridge Conservation Area should note that these Restrictions **ALSO** apply to any Trees which stand on their Property.

3.5. Other DCC Tree Management Powers

DCC have powers under the Highways Act to act if any privately owned Tree is causing a danger, or an obstruction, to a Highway, or damage to a Pavement.

DCC also has discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976, Section 23, to deal with Trees in private ownership that are dangerous i.e. posing an imminent threat to people or property.

DCC, as the Local Planning Authority, are able to create Tree Preservation Orders (TPOs), in respect of Trees or Woodland, which is considered to have a significant impact on the amenity of a local area.

Details of these Powers, and their application, may be found in the DCC Tree Management Policy.

4. TREES ON PARISH COUNCIL OWNED LAND

Middridge Parish Council have a responsibility to maintain Trees within our ownership, to ensure they are in a safe condition, and not causing an unreasonable danger or actionable nuisance. All enquiries regarding Trees on Middridge Parish Council owned Land should be directed to the Parish Clerk on (01325) 315639 or middridgepc@gmail.com.

5. TREE MAINTENANCE

Tree Maintenance activities normally originate from one of the following:-

- (a) Routine Tree Inspections.
- (b) Reports of Tree Issues received from Villagers, Utility Companies and Others (including our County Councillors).
- (c) Reports of Tree Issues affecting Village Green Maintenance.

Trees requiring attention will be prioritised by an Approved Risk Assessor.

Where Trees need to be made safe, Pruning or Felling will be the normal approach. However, in certain circumstances other options might be considered.

Any Tree Works of a significant nature will normally be publicised in advance on the Village Notice Boards, except where Emergency action is necessary.

When Tree Works are necessary, they will be undertaken by an Approved Contractor, who would be expected to comply with current Health & Safety requirements.

6. DEALING WITH TREE RELATED PROBLEMS

6.1. General

Works are sometimes necessary to ensure that Trees are in a safe and healthy condition.

However, when any requests and complaints are made regarding our Trees, it is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that Trees make to the environment and enjoyment of the Parish by local residents and visitors. In all cases, consideration will be given as to whether the Tree in question meets the necessary criteria for protection.

To ensure that requests for works to Trees are dealt with efficiently, consistently and fairly, our Policy in relation to the more common types of request is outlined below:-

6.2. Obstructing / Overhanging Tree Branches

Tree branches can cause obstructions to public footpaths, roadways / signs, street-lights and open spaces. Appropriate pruning to eliminate hazards caused by obstructive branches will normally be acceptable, providing efforts are made to retain the shape of the Tree.

6.3. Shading, Loss of Light or View

Trees are sometimes perceived to block light to nearby Properties. However, pruning or removal of Trees will often have a negligible impact on the amount of light reaching a house or garden; therefore, Tree Works to improve light levels will not normally be considered. However we will consider taking action (pruning or felling) in the following circumstances:-

- (a) if the height of the Tree is more than 12m, and the distance between the base of the Tree and the window of the nearest 'habitable room' is less than 5m.
- (b) if the height of the Tree is less than 12 m and the distance between the base of the Tree and the window of the nearest 'habitable room' is less than half the height of the Tree (where the separation between the edge of the Tree canopy and a vertical line through that window is less than 2m).

NOTE – a 'habitable room' is a dining room, lounge, kitchen, study or bedroom, but not a WC, bathrooms, utility room, landing or a hallway.

Where elderly, infirm or disabled persons, or those with a personal medical complaint, who spend a significant amount of time within their home are affected, we will use flexibility to look at some intervention. Where it can be established that the presence of Trees is detrimental to the health of such residents, further consideration will be given to the management approach to Trees. This consideration will also take into account the quality and importance of the Tree(s) in question, as well as the benefits to the wider community.

Trees will only be pruned or removed to restore views in exceptional circumstances.

6.4. Overhead Cables / Telephone Wires

Utility Companies have certain legal rights to carry out works to public or privately owned Trees to address Health and Safety problems, and to maintain a clearance between Trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of Trees. Where works to Trees are necessary as a result of proximity or conflict, we will encourage Utility Operators to adopt the most appropriate long term solution, giving consideration to Tree health, local Tree cover and visual amenity.

We will not prune or fell a Tree in our ownership to prevent or reduce interference with telephone wires. We would recommend contacting the Telephone Service Provider in such circumstances.

6.5. Trees considered too big / too tall

We will not prune or fell a tree under our ownership because it is considered to be 'too big' or 'too tall' for its surroundings.

6.6. General / Minor Nuisances

We will not fell or prune Trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with Trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near Trees. Examples of such problems are:-

- (a) falling leaves, sap, blossom, fruit, nuts, bird and insect
- (b) droppings;
- (c) insects associated with trees (spiders, wasps, flies etc);
- (d) reduction or increase of moisture to gardens;
- (e) suckers or germinating seedlings in gardens;
- (f) leaves falling into gutters, drains or onto flat roofs;
- (g) the build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with these issues alone.

6.7. Anti-social Behaviour & Vandalism

If a Parish Council owned Tree is the focus of a nuisance leading to anti-social behaviour we will take measures to reduce the problem, on an individual basis.

Vandalism is not generally a problem for Trees in our ownership, but if necessary we will investigate any reports of Vandalism, and try to repair any damage where we can. If practical, we will consider taking legal action against the person(s) causing the damage.

6.8. Non-applicable Problems

Owing to the location and type of the Trees in our ownership, the following common requests and complaints regarding Trees are not considered applicable in our case:-

- (a) Interference with Terrestrial or Satellite TV reception.
- (b) Shading of Solar Panels.
- (c) Trees bearing poisonous fruit / foliage.
- (d) Damage from Tree Roots.

7. TREE PRUNING TECHNIQUES

We will ensure that all Tree Works are carried out in accordance with British Standard 3998 – Recommendations for Tree Work, so that pruning conserves the overall amenity value, form and shape of the Tree.

The most frequently used Pruning Operations are:-

- (a) Crown Lifting –The removal of the lowest branches of a Tree so that the remaining branches are at a specified height. This Operation is usually undertaken to allow access under a Tree e.g. to facilitate Grass-cutting.
- (b) Dead Wooding or Crown Clean – The removal of a specified proportion of branch material from the interior of the Crown without affecting the shape of the Tree. Only dead, diseased, crossing and rubbing branches are removed to tidy up the appearance of the Tree; no healthy, sound wood is removed. This Operation is recommended to help maintain a healthy, safe tree.
- (c) Formative Pruning – The removal of problematic or potentially problematic branches, ensuring good Tree development.

Other Pruning Operations which may occasionally be required are:-

- (a) Crown Thinning – similar to Crown Clean, except the removal of some healthy, sound wood is permitted to form a healthy branch structure.
- (b) Crown Reduction – Reducing the overall size of the Crown area by a specified percentage.

- (c) Stumps – these will normally be removed close to ground level so as not to leave a trip hazard, but in exceptional circumstances may be removed below ground level by mechanical means.

The following Pruning Operations will **NOT** be undertaken:-

- (a) Topping – cutting at a certain height to reduce the height of a Tree.
- (b) Pollarding – not relevant.

Further details of these Pruning Operations, and their application, may be found in the DCC Tree Management Policy.

8. REPLACEMENT TREE PLANTING

Where Trees are removed from land owned by us, replacement planting will be carried out subject to available resources. Having too many of the same type of Tree in a locality is a concern because of the increased risk of a devastating loss of one or more species of Tree due to pests / diseases or other environmental factors, and accordingly we will increase the resilience of our Trees by planting species mixes rather than mono-cultures.

9. APPENDIX 1: Parish Council Owned Land

The Parish Council owns the following Green Areas in and around Middridge Village:-

- (a) The Village Green
- (b) "The Dock"
- (c) The Play Area

A suitable Map is not currently available, but will be provided in the future.

10. APPENDIX 2: DCC Owned Land in Middridge



11. APPENDIX 3: Middridge

