MID DEVON DISTRICT COUNCIL

TREE CONSERVATION AND MAINTENANCE POLICY

For trees owned or managed by Mid Devon District Council

VISION

A healthy, diverse and expanding population of trees that enhances the environment of Mid Devon.

Aims

The aims of the Policy are to:

- *Conserve and protect the tree resource of the District Council by establishing clear objectives and policy.*

- *Provide clarity over why decisions and actions are or are not taken.*

- *Work towards a proactive management of trees not just a reactive service.*

- *Balance the risk and nuisance to persons and property against the other aims.*

Scope

This Policy covers individual trees or groups of trees and woodland owned or managed by Mid Devon.

It does not cover the management of privately owned trees or woodland, trees managed by another authority or agency.

High Hedges, Tree Preservation Orders, and trees within Conservation Areas are not covered by this Policy as they are subject to separate legislation.

1.0 Introduction

1.1 The Council owns or controls a large and varied population of trees. They are scattered across a range of landholdings from parks and housing estates to road verges and village greens. These trees form a vital conservation and amenity resource and add to the visual environment that signifies Mid Devon as a predominately rural area.

1.2 The trees also contribute to the Council's climate change objectives.

1.3 This Policy will guide the Council in conserving, managing and developing that resource and will help fulfil its Corporate Plan, namely Environment and related climate change commitments.

1.4 The Environment Policy Development Group has, as one of its responsibilities, the setting of Policy for the conservation and management of trees and woodlands across all service areas

1.5 Policy relating to development planning issues as they affect the landscape and environment is already contained within the Local Plan. This Tree Policy adds to those policies and will, it is envisaged, link with the Local Development Framework.

1.6 This Tree Policy in particular applies to Council owned or controlled trees affected by development, but not subject to normal planning scrutiny because the development is permitted by virtue of the General (Permitted) Development Order 1994 or other exceptions.

1.7 Trees within the grounds of Council owned housing stock will be covered by these policies subject also to the provision of the tenancy agreements. Where housing stock is to be disposed of to associations or other multiple owners they should be encouraged to adopt these policies.

1.8 Where the Council sells or otherwise disposes of land it must ensure the trees contained therein are adequately protected against removal or poor management so that the trees may provide visual amenity now and/or in the future. This may be achieved through the use of Tree Preservation Orders.

1.9 The aims are given effect by the following objectives.

2.0 Tree Management

2.1 Mid Devon has a wide range of trees ranging from newly planted to one of the oldest trees in Devon. The Council manages trees in open spaces, parks, cemeteries, on housing land and on adopted land following development. The mature trees within its formal parks are an important asset to the Mid Devon landscape.

2.2 Before undertaking tree work the status of the tree(s) shall be considered to ensure the requirements of the various Planning, Forestry and Wildlife and Countryside Acts and Regulations are met. Development Control shall be provided with the required notice of works to trees within a Conservation Area and apply for works to trees protected by Tree Preservation Orders, as is considered to be best practice in accordance with guidance.

2.3 Before negotiations are started for the disposal of Council land, the Corporate Manager for Property should be consulted to see if a full tree survey is needed so that appropriate measures to protect trees can be considered.

2.4 A full tree survey shall be undertaken on Council land that is to be developed to ensure sympathetic development and so that the amenity provided by the trees is preserved.

2.5 Management decisions are made in the context of the wider benefit of the trees to the general public and wildlife conservation. Tree works will be evaluated primarily in relation to the assessment of risk posed, visual amenity and environmental benefit offered.

2.6   Where the best technical solution for a tree incurs significant additional expenditure, the cost of the work shall be balanced against the tree's value assessed using the procedure of CAVAT (Capital Asset Value for Amenity Trees). If the best solution is beyond available resources the Corporate Manager for Property shall be consulted.

2.7   The Council will continue a rolling maintenance plan to reduce avoidable risks. This will include an inspection regime, which is recorded on an electronic database. The maintenance plan will highlight issues such as:

   a)   The removal of identifiable risks
   b)   The pruning of new and young trees to ensure a good stock
   c)   The removal or pruning of trees where they are proven to be causing excessive problems or significantly affecting the quality of life (this will be discussed further within the Policy)

2.8   Works to trees outside the programmed maintenance plan will only be undertaken when the tree is clearly identified as being a hazard or with reasonable probability will become a hazard, i.e. it is:

   a)   Unsafe
   b)   Obstructing public footpaths or roads
   c)   Proven to be damaging property

2.9   The Council shall, wherever practicable, vigorously pursue any perpetrators of serious acts of wilful damage or destruction to its trees.

3.0   Woodland Management

3.1   Mid Devon owns several small areas of woodland which are managed for conservation, public access and safety. Management Plans will be prepared for improvement and development.

4.0   Tree Pruning

4.1   Trees, from time to time may require pruning. Ideally trees would be planted in situations where pruning would not become necessary, however it is recognised that this has often not been the case. Pruning may become necessary if a tree is to be retained in a space that is too small, to prolong the safe life of a mature tree, to alleviate a nuisance, to remove a hazard or formative pruning (where young newly planted trees are pruned to encourage a good branch structure). A request for tree pruning will be considered on a case by case basis but as a general rule:

4.2   Permission will not normally be given to prune trees because of:

   a)   Leaf fall
   b)   Fruit fall
   c)   Bird droppings
   d)   Interference with TV signals
   e)   They block a view
   f)   They cause an acceptable level of shading

g)   Fears that they may damage a building or surface with no evidence
h)   Aphid infestation (Honeydew)
i)   Because they are considered by some to be too tall
j)   Because they overhang an adjacent property, where no damage is likely (each case is assessed individually)
k)   They are shading solar panels

4.3   Permission for pruning will normally be considered or granted where the work is in the interests of the tree's future and accords with the latest version of BS3998 Tree Work Recommendations (2010) and:

a)   Is required to prevent proven direct or indirect damage to a building
b)   Would not adversely affect public amenity
c)   Where it is necessary to improve the growth of adjacent better quality trees
d)   In cases of excessive shading where the public amenity will not be affected

5.0   Tree Removal

5.1   There is a need to conserve the present tree cover but on occasion tree removal may be justified. This Policy sets out circumstances where tree removal may be acceptable.

5.2   The principle reasons for tree removal may be where a tree is in a hazardous condition, is causing proven damage to a building; or its removal would benefit the long term development of adjacent, better quality trees.

5.2.1 Cases of shading of property and garden are considered individually. Where shading is excessive and shown to affect the living conditions of those involved, consideration may be given to the removal of the tree. In the majority of cases claims of trees, causing shading is not sufficient reason to have trees removed.

5.2.2 Any request for tree removal will be considered on a case by case basis but as a general rule:-

5.3   Permission will not normally be given to remove trees because of:

a)   Leaf fall
b)   Fruit fall
c)   Bird droppings
d)   Interference with TV signals
e)   They block a view
f)   They cause an acceptable level of shading
g)   Fears that they may damage buildings with no evidence
h)   They are deemed to be too tall
i)   Aphid infestation (Honeydew)
j)   They are shading solar panels

5.4   However, the Council does recognise that there may be occasions where trees can cause excessive problems when in close proximity to property,

which can significantly affect the quality of life. In such exceptional circumstance the Council may consider removing a Council owned tree. When reaching a decision the Council will take into account:

a)   Public amenity value
b)   Species
c)   Size
d)   Age
e)   Condition
f)   Density of the canopy
g)   Proximity to the building
h)   Any proven damage
i)   Scope for replanting with a more suitable species
j)   To keep our woodlands sustainable, it will be possible for some stock to be removed to allow the growth of new trees

5.5   Normally consideration will only be given to fell a Council tree if one or more of the following apply:

a)   The tree is proven to be causing or likely to be causing damage to a building (see subsidence).
b)   Where a council tree is in a hazardous condition and felling is the only solution.
c)   Where a significant level of shading is caused to a home or garden and the tree is not of exceptional amenity value (An assessment will be made for each individual request).
d)   Where the removal of the tree would be in the interests of good silvicultural or arboricultural management and would benefit the long term development of adjacent better quality trees.

5.6   Where there is a requirement or duty to plant a replacement tree it shall be of suitable size and species to avoid causing future problems. On the whole replacement trees are necessary where permission has been given to fell protected trees. The Council will endeavour to plant replacement trees where suitable, following removal; this may require finding a more suitable location or careful species selection.

6.0   Tree Planting

6.1   The Council wishes to increase the tree cover across the District, but budget restrictions may mean that we cannot commit to replacing every Council tree that is felled. Where public amenity is affected by tree removal we will endeavour to plant replacement trees.

6.2   The Council follows the Right Tree – Right Place approach: the principal of which is to ensure that only trees appropriate for a site are considered and hence avoiding potential problems forever.

6.3   Planting native trees will generally be preferred especially if the intent is to encourage wildlife. Non-native specimens may be selected for park and slightly more formal areas as these species are often an important feature of the landscape, particularly in town. Many of the species present in our parks

are non-native. Consideration will also be given to current pest and disease problems when selecting trees.

6.4   The Council has a commitment for tree planting to support Net Zero carbon emission objectives and is actively engaging with volunteer groups to supplement its own resource for tree planting and woodland management.

7.0   Subsidence

7.1   Subsidence is a complex interaction between the soil, building, climate and vegetation that occurs on highly **shrinkable clay soils** when the soil supporting all or part of a building dries out and consequently shrinks, resulting in part of a building moving downwards.

7.2   Trees lose water from leaves through transpiration that is replenished by water taken from the soil by the roots. If the tree takes more water from the soil than is replaced by rainfall, the soil will gradually dry out. Trees have a large root system and they can dry the soil to a greater depth, critically below the level of foundations. The amount of water trees can remove from the soil can vary between different species. This policy seeks to set out the Council's response to both subsidence claims against its own trees.

7.3   The opposite of subsidence is a process called 'heave' and this occurs as **shrinkable clay soil** rehydrates and begins to increase in volume exerting upward pressure. Heave can also cause damage to buildings and is just as undesirable as subsidence.

7.4   However, trees are not the only factors that can cause building movement. For example natural seasonal soil moisture changes, localised geological variations, lack of flank wall restraint, over loading of internal walls, internal alterations reducing the load bearing capacity of the original building, installation of replacement windows without proper support, loft conversions, settlement and land slip etc. can cause building movement.

7.5   While the Council recognises its responsibilities for the trees it manages, it will expect any claim against its own trees to be supported by sufficient evidence to show that the tree in question, on the balance of probabilities, is an influencing cause in the subsidence.

7.6   Where necessary the Council will obtain expert specialist advice to verify submitted evidence and where it demonstrates that the tree is an influencing cause, permission to remove the tree will not be unreasonably withheld.

7.7   Modern building standards mean that the risk to newer buildings tends to be isolated and the Council will expect new buildings to be built to industry guidance and therefore should not subside due to trees that were in existence when the building was constructed.

7.8   Where cracking to property has occurred you should consult with your insurers to determine a probable cause.

7.9   There is no evidenced based or credible guidance as to how close trees need to be to cause damage; although there is some information on the internet which the Council feels can be quite misleading. Many trees and houses are able to co-exist happily in often close proximity.

7.10   The Council will not normally subject its trees to a regular cycle of heavy pruning to deal with suspected subsidence damage. Instead it will usually opt for removal and replacement planting with an alternative species that will not cause future subsidence related problems.

7.11   It should be noted that cases of tree related subsidence are rare in the Mid Devon area.

8.0   Provision of Advice

8.1   The Council recognises the need to raise awareness of tree issues. One way to achieve this is to provide a range of easily understood and relevant arboricultural advice. A "Tree Guidance" leaflet has been produced which aims to answers many of the frequently asked questions relating to tree problems. The leaflet is available at the Council offices and on the Mid Devon Web Site.

8.2   The Council may provide verbal information to assist with commonly asked questions but is unable to offer a full advisory service to private individuals. It will encourage the use of the Arboricultural Association's Directory of registered consultants and contractors.

8.3   The Council would like to be involved in community projects relating to tree planting and maintenance and assist with environmental education within the community of Mid Devon as and where requested, appropriate and according to available resources.

9.0   Supplementary

9.1   The Council will use contractors for tree work who can demonstrate compliance with all the necessary health and safety regulations can provide the highest standard of work operationally and meet the highest arboricultural standards. Preference, where appropriate or available, may be given to those contractors approved by the Arboricultural Association.

9.2   The Corporate Manager for Property shall review this policy on a regular basis and recommend necessary changes. This may include data on infringements, referrals, problems of interpretation or operation and gaps in coverage.