



TREE POLICY

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1. Introduction

Trees are essential to the creation of an environmentally sustainable and economically successful town. They form the largest and the oldest single living element in our natural environment. The contribution of trees has to be considered when forming strategies to achieve many Council objectives as follows:

1.1 Places

- Creating an attractive environment where people will want to live
- Providing wildlife habitats
- Replenishing oxygen and absorbing greenhouse gasses
- Reducing particulate air pollution
- Noise reduction
- Contributing to energy conservation by reducing wind speed
- Providing shade

1.2 People

- Reducing everyday stress levels
- Contributing to the well being of communities
- Bringing beauty to the town

1.3 Prosperity

- Positively affects property values
- Creates an attractive physical environment that encourages investment
- Creates a pleasant working environment for staff

1.4 Environment

- Encourages biodiversity
- Mitigates carbon dioxide emissions
- Anticipates climate change
- Provides a link with the natural environment for local communities
- Landscape quality and natural heritage

National Policy identifies trees and urban 'green spaces' among the community's most valuable features and Central Government expects that planning policies will maximise the opportunities that urban trees can bring to the above key areas. Lowestoft Town Council has formulated an Open Spaces Strategy. This Tree Policy complements the Open Spaces Strategy as well as any Planning and Neighbourhood Planning strategies and decisions.



1.5 The historical context of trees owned by Lowestoft Town Council

Upon its inception in April 2017, Lowestoft Town Council inherited a considerable number of trees. However, no audit of these trees had been completed prior to transferring them to the Council and there is no record of tree type, location, age, maintenance or condition. This policy will set out the Council's legal obligations as well as the challenges, priorities and plans for maintaining and developing its tree stock.

1.6 Key Challenges

- The overall management of an urban tree stock larger than many comparable town or parish councils in England.
- A lack of detailed information about the condition and age of the tree stock.
- Insufficient succession planting in past years resulting in a high percentage of declining trees within the overall tree population.
- Changes in climate require a greater diversity in tree type in order to mitigate loss and maintain current levels.
- The urban environment is now a much harsher place for trees requiring high levels of management intervention in both maintenance of existing stock and the establishment of new trees.
- The need for increased understanding and tolerance about living close to trees. People are passionate about trees but perceptions differ greatly from those who see all urban trees as a nuisance liability to those who would preserve every tree at all cost.

2. Aims of the tree policy

The Council has a dual role to play in tree issues. Firstly, as an owner it is responsible for managing its own tree stock and has a legal obligation to maintain them to ensure the safety of the public. Secondly, the Council has a regulatory role under the Planning Acts for the preservation of trees and woodlands.

Additionally, the Council has a role as a Charter Tree Branch to be the champion and protector of the environment within Lowestoft for the lasting benefit of all. Trees make a significant contribution to the delivery of the Council's wider strategies relating to quality of life, maintaining a vibrant local economy whilst protecting and enhancing environmental quality.

This policy focuses on the management of trees owned by Lowestoft Town Council.

The overall aims of the Tree Policy are to:

- Provide sustainable management of trees to protect both the public and the environment.
- Maintain and encourage biodiversity
- Maintain and improve landscape quality in a sustainable manner
- Encourage the recognition that trees are an asset, in environmental and financial terms, and manage them accordingly.
- Improve the quality of life for residents and visitors now and in the future.

3. The Council's responsibilities as landowner

3.1 The Council's legal responsibility for its tree stock

As the owner of a large number of trees the Council has to have in place a management regime to primarily discharge its legal responsibilities as follows:

- **Statutory Duties** - The Occupiers Liability Acts (1957 & 1984) requires occupiers of land to have a common, duty of care to all visitors. This Act requires the occupiers to take reasonable care to



maintain their land in such a condition that it does not harm any person or damage any property. The duty of care is extended where the landowner invites the public onto land for recreation.

The Health and Safety at Work, etc. Act (1974) and the Management of Health and Safety at Work Regulations (1999) require the Council to manage trees and undertake work on trees with regard to the health and safety of the public and employees. Failure to do so could lead to criminal action against the Council by the Health and Safety Executive.

- **Common Law Duties** - If a tree fails and causes injury or damage, its owner could be held negligent if they had omitted to take sufficient care of the tree. As landowner, the Council has a duty of care to ensure that all of the trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk.

Government Guidance - Government guidance contained in Circular 52/75 requires that trees adjacent to highways are regularly inspected. Whilst this Council does not own trees growing within the highway, it does own trees that are adjacent to highways. The Department of Communities report 'Trees in Towns II' recommends that each local authority should inspect the tree stock that it is responsible for in a systematic way and to store this data effectively.

- **The Wildlife and Countryside Act 1981, Habitats Directive 1992 and Biodiversity Act 2005** – These are among the legislative frameworks in Great Britain designed to ensure the protection and conservation of plants animals and habitats.

3.2 The Council's responsibility to ensure the safety of its tree stock

The aim of this Policy is to establish a reasonable, defensible and proactive tree management system that conserves and enhances the tree population on the land for which the Council is responsible.

Best practice now strongly favours a risk-based system of tree management relying on a programme of regular inspection prioritised by potential hazard. In the event of a tree failure causing loss, such a system is recognised as a reasonable method of management. It should also provide the basis of a robust defence in the event of litigation.

The basis for repeat inspections will be graded; so, a high-risk tree may be inspected annually and a tree with negligible risk inspected a maximum of five years after the initial survey and repeated as necessary.

All trees and groups of trees for which the Council is responsible will be categorised in relation to the risk they represent. This is in conformity with industry best practice and is a significant step in ensuring a defensible system of tree management is implemented.

A prioritised programme of tree work will be maintained, based on the inspections and with an emphasis on planned rather than reactive tree maintenance, balancing the risk and nuisance to persons and property against environmental aims.

The Council uses a qualified Arborist for the risk assessments of trees, through its contractor for this purpose, and maintains records of risk assessments, prioritising, inspections, results and recommendations. Any recommendations are considered by the Council for action, which may be through an officer or relevant committee.

3.3 The Council's responsibilities to maintain and improve biodiversity and landscape quality through tree management:



- Recognising the value of trees as an important asset including through: Replanting any tree felled in the course of arboricultural maintenance, including tree planting, within all new environmental projects; and taking steps to increase the density and footprint of productive tree coverage.
- Encouraging the conservation, positive management and the appropriate planting of trees and woodlands.
- Effectively communicating, educating and engaging with the local community over trees, including through: Encouraging related volunteering; and exploring the potential to increase community use of natural infrastructure on open spaces e.g. sensory/wildlife gardens and community orchards.
- Promoting the importance of trees and woodlands in shaping the distinctive local character and appearance of the town's urban, semi-rural and coastal landscapes.
- Recognising the significant aesthetic, landmark, ecological, cultural and historic value that trees provide.
- Acting as a source of information and reference, where appropriate and reasonable, regarding tree issues in the town.

4. Public requests for works to the Council's trees

All of the trees for which we are responsible are on our Council's land. However, on rare occasions there may be residents/tenants who are affected by our trees and have cause to request work.

Many residents in the town live close to trees. Trees can, and often do, create varying degrees of inconvenience to residents. There is a need to balance the interests of any persons considering trees an actual or potential inconvenience and the important contribution to the local environment.

Within the town's tree population there are a number of common sources for complaint, including: physical size, overhanging branches, blocking sunlight and views, leaf and fruit fall, sticky deposits, interference with utilities, affecting TV and satellite signal reception, fear of tree safety, root encroachment, preventing car parking on verges.

The above 'problems' which lead to a high volume of requests for tree work from the general public are not considered a 'nuisance' in legal terms and the Council, as with any private tree owner, is not obliged to act in these circumstances. It is a widely held perception that the Council has increased responsibilities in law in this respect. This is not the case.

Under previous ownership, the provision of tree services has been based to a large extent on a reactive response to public complaint. As tree maintenance resources are finite this historic approach has led to some trees which this Council would consider have a high safety risk, being unattended. Similarly, trees of high amenity value have not received essential maintenance. From April 2017, with this Council becoming a land owner, the emphasis is on a more fundamental response to safety and amenity.

Adopting a prioritised programme of tree work will mean that risk assessed lowest priority work will not be attended to until such times as the risk rating changes. Lowest priority work will generally refer to requests received from the public.

It must be accepted that in many cases it is not possible to resolve the particular issue to the resident's satisfaction. This situation, and in particular the fact that tree work requests that are low priority risk, assessed trees are unlikely to be attended to, need communicating with clarity to the initiator as soon as is possible. Within our response to any enquiries we will refer to this Tree Policy, which will also be published on our website.



5. Current administration of trees

This Council has responsibility only for trees on our own land. This Tree Policy informs day-to-day management of trees on our land and informs our planning decisions and Neighbourhood Planning.

East Suffolk Council is the relevant planning authority.

5.1 The key objectives

As part of our administration of trees, we will work towards:

- Increasing the diversity of tree species within parks through succession planting
- Surveying and recording all mature trees within parks
- Undertaking a proactive planned schedule of maintenance work for specimen trees for amenity purposes
- Attaining 'Green Flag status recognition for our parks' which 'is dependent upon maintaining a healthy tree stock'

5.2 Tree management policy

This policy sets out a number of specific statements and actions, the adoption of which contribute to achieving the Council's overall aims and objectives. Among the matters that it seeks to achieve are:

- Ensuring that finite resources are correctly targeted so that the legal requirements placed upon the Council as a tree owner are met as a first priority.
- Creating an understanding that there is no legal requirement upon the Council to automatically respond to requests from the public to carry out tree work on request and a risk assessed work programme maintenance will often result in no works being required.
- Clarifying that the Council is entitled to consider other factors, such as the environment, community needs and resources when considering requests for tree work from the public. Decisions to increase responsive work might result in budget increases.
- Committing to provide public information on this Tree Policy on which to form productive partnerships and community involvement.
- Recognising that the tree stock has great amenity value and that effort and resources will be deployed to ensure that, above and beyond the discharge of legal requirements, the Council will maintain and develop the tree stock for the benefits of amenity and environmental enhancement.

5.3 Planting

Should any tree on Council property need to be felled, the Council will replace it with two trees unless there is compelling reason not to do so. The Council will also seek to actively increase its tree stock and the wider tree stock within the Lowestoft area.

5.4 Disease contingency

Recent examples of tree disease that have significantly affected and reduced the area's tree stock have been Dutch Elm Disease, Fireblight and Chestnut Canker. It has already been identified that new emergent threats from new pathogens linked to climate change including Anthracnose of Plane, Chalara Ash Dieback, Sooty Bark Disease of Sycamore, Horse Chestnut leaf miner, Sudden Oak Death Syndrome and Xylella Fastidiosa.

The Council will put in place strategies to minimise and manage risk wherever reasonably possible.

6. Tree policy statements (TPS)

This is a list of the Tree Policy Statements that the Council will apply to its tree management:



6.1 General

- **TPS1** - We will take all reasonable steps to fulfil duties and obligations to ensure tree safety for public and property.
- **TPS2** - We will take all reasonable steps to fulfil duties and obligations to ensure trees do not cause damage to property.
- **TPS3** - We will take all steps to ensure that trees continue to contribute to the development and enhancement of biodiversity, landscape quality and the environment.
- **TPS4** - We will only remove trees where there are justifiable arboricultural or legal reasons.
- **TPS5** - In delivery of the arboricultural service, we will provide the highest standards of tree care by adherence to the British standard BS3998 and best practice guidelines.
- **TPS6** - All requests for arboricultural works to trees growing on Council land will be assessed, prioritised and, where appropriate, authorised by the Council's appointed Facilities Manager, after liaison with an Arboricultural expert or other suitably qualified and experienced persons. Priorities for inspection shall be on a risk-assessed basis. Non-urgent tree felling will be referred to the AID Committee for its approval prior to any work being carried out. Where trees have Tree Preservation Orders they will be referred to the Planning and Environment Committee prior to any action being taken, except where action is permissible for urgent and serious safety risks. Advice from the planning authority will be sought where necessary.
- **TPS7** - A public safety risk assessment of each tree inspected shall be undertaken. This assessment will shape:
 - If works are required
 - The specification for works where required
 - The priority of works to be completed
 - Targeting of finite resources allocated for arboricultural maintenance.
 - Communicating where no work is deemed necessary within the terms of this Policy.We will institute and maintain a risk-based system of tree management relying on a programme of inspection prioritised by potential hazard. Records are not kept of trees which are deemed to be low-priority.
- **TPS8** - We will not authorise members of the public to undertake works to Council-owned trees.
- **TPS9** - We will not undertake any tree pruning works or remove trees in direct response to any natural or seasonal phenomena, such as falling leaves, blossom, fruits, nuts or seeds, bird droppings sap exudation, reduction or increased moisture to gardens, sucker growth, germinating seeds from Council-owned trees, blocked or obstructed drains, gutters and flat roofs from tree deposits and leaves; presence of algae and moss build-up.
- **TPS10** - We will not carry out tree pruning or removal directly attributable to:
 - TV or satellite signal reception;
 - Obstruction of direct sunlight or man-made lighting during any part of the day
 - Blocking or obstruction of a view from a residence
 - Obstruction of car parking on verges
- **TPS11** - We will try to develop and promote a better understanding and awareness of the value of trees to the community and communicate our strategy for the management of the urban tree stock on the our website and through service request responses.
- **TPS12** - We will consider selective tree pruning for trees identified as obscuring the function of CCTV cameras at the request of the Policing Authority.
- **TPS13**- We shall pay attention to locally-distinct landscape character and the need for the safe retention and care of veteran trees and trees with a particular landscape heritage value.



- **TPS14** - We will explore and develop opportunities to directly use or market the arisings (woodchips, logs and timber) generated by arboricultural operations for greater environmental sustainability and to provide service improvement.
- **TPS15** – Within five years we will carry out an audit and establish a database of all trees owned by us coupled to an IT based management information system. Once the audit is completed we will publish on our website a catalogue of the Council’s Tree and will work towards labelling significant trees with information about the species and age etc. We will encourage community involvement in carrying out and maintaining the audit through both our “Friends” groups, local schools and other interested community organisations.
- **TPS16** - We will maintain the tree population by replacing each tree felled with a replacement tree unless there are compelling reasons why this should not be the case.
- **TPS17** - We will develop the town’s tree population. The population will be expanded with new tree planting where possible and practical.
- **TPS18** - New trees will be planted of both indigenous and exotic origin to establish a wide diversity of species to best anticipate the continued affects of climate change. Indigenous trees species used will complement existing species to maintain the locally-distinct landscape character and be sourced to have local provenance where possible.
- **TPS19** - Newly planted trees will be provided with protective guards, and if required grills, where needed, and will receive systematic post-planting maintenance until they are established. Newly planted trees shall be watered, as required, for up to two years following establishment.
- **TPS20** - Private sponsorship of commemorative tree planting shall be encouraged in areas deemed suitable under the terms of landscape design best practice.
- **TPS21** - We will actively monitor the tree stock for infection and spread of tree diseases and take action as specified to control the spread of diseases that may affect the well-being of the tree stock. We will maintain professional links to monitor and identify a programme of preventative and remedial works, advice and notification.
- **TPS22** – We will actively consider trees for their local, environment and aesthetic importance both on Council property and in the wider community and, where needed for protection, seek Tree Preservation Orders.
- **TPS23** - We will ensure that the management of trees and their vital importance to the environment are considered and embedded within all future strategies, policies, planning and Council plans where applicable.
- **TPS24** – We will encourage biodiversity and an increase in the quantity and quality trees to the environment when considering both planning applications and Neighbourhood Planning.

7. Sources of further information

Information about tree preservation orders, felling licences and other related regulatory matters can be obtained from the .gov.uk website, www.planningportal.gov.uk and by contacting the planning authority (East Suffolk Council). The Forestry Commission and the Woodland Trust are among the other sources of useful information. Legislation relating to trees, including the Town and Country Planning (Tree Preservation) (England) Regulations 2012, are available through www.legislation.gov.uk or TSO (telephone 0870 600 5522) and some public libraries.

This policy is adopted by Lowestoft Town Council and further information can be obtained through contacting the Council through the current contact details published on our website.