

Hurworth Parish Council - Tree Policy October 2021

Background

Trees make a significant contribution to the character of our landscape and can provide environments rich in biodiversity, as well as enhance the beauty of our village.

The species, size and nature of our trees varies considerably from those planted for amenity in well maintained grassed open spaces, such as road verges and school grounds, through to those in relatively more natural or established settings of parks, hedgerows, cemeteries and of course woodland.

As a tree owner, Hurworth Parish Council (HPC) has a direct responsibility for ensuring its trees do not pose a danger to the public or property and are managed appropriately.

Darlington Borough Council (DBC) has a duty, under the Highway Act, to ensure that those trees in private ownership adjacent to the highway do not pose a danger to its users; these instances can be reported via HPC.

The arboriculture team has been guided by the broadly consistent practices (guidance provided by DBC) that healthy trees would never be removed or heavily pruned without good reason. This policy seeks to balance the risk and nuisance to individuals sometimes posed by trees in specific circumstances against the public and environmental benefits they bring.

The trees within Hurworth Parish fall into four categories:

Trees owned by Hurworth Parish Council

- Approximately 300 trees in total.
- These trees are inspected regularly by the Councillor responsible for trees (as at October 2021 this is Cllr Peter Foster), who reports back to the Parish Council every month.
- A qualified Tree Surgeon will complete an official tree survey, of all of the trees that HPC are responsible for, every two years (latest tree survey was completed March 2021). A copy of the tree survey will be sent to the insurance company (Zurich). DBC are entitled to a copy if they wish.
- Required work is prioritised.
- The Parish Council allocates an annual budget for Tree Work, this is quantified every November and is put into the Precept calculation.

Trees within Hurworth Grange

- Approximately 600 trees in total.
- These trees are inspected regularly by the Councillor responsible for trees (as at October 2021 this is Cllr Peter Foster), who reports back to the Council every month.
- An official Tree survey, of all of these trees, will be carried out every two years (latest tree survey was completed March 2021), and a copy of this will be sent to the insurance company (Zurich). DBC are entitled to a copy if they wish.
- HPC owns and is responsible for all the trees in the Nature Reserve (east end of the main field/ boundary of Hurworth Cottage) - approximately 180 trees. These have never been included in the lease to the Hurworth Community Association (HCA).
- Historically there has been a 5 year lease arrangement between HPC and HCA, which included all of the trees within the Grange, as defined within the lease - approximately 160 trees. However, as of October 2021 HPC, acknowledging that HCA has limited funds, have offered to take over the responsibility of monitoring and maintaining all the trees as from October 2021, and this has been accepted by the HCA. HCA should continue to cover the insurance within their existing policy.
- EPICH has now taken responsibility for the Heritage Orchard, which has approximately 30 trees: these trees will remain within the HCA tree insurance policy.

Trees owned by Darlington Borough Council

- These trees are mainly alongside the highways, but there are some trees on Manorfield, Strait Lane, Emerson Road and Sanderson Road which fall under DBC ownership.
- It is the responsibility of DBC to monitor, maintain and carry out work on these trees, at their expense.
- In the event when a tree requires attention, HPC will report this to DBC (as at October 2021 Phil Haynes is the DBC Arborist and first line contact. He reports to StreetScene, where Brian Graham is the Manager).
- In the event of an emergency, when a tree could cause damage to property or person, HPC can escalate the procedure and report it to the DBC Head of Planning (we have a private number to contact them if the priority requires immediate authorisation).
- In certain circumstances it is possible that HPC need to take action, and there is an option to charge DBC for the work, this would be with the approval of the DBC Head of Planning.

Trees and hedges owned by residents

- Residents are responsible for their trees and hedges on their property.
- Where a tree or hedge encroaches on to pavements or roads within Hurworth Parish, the procedure is as follows:
 - We contact the resident and request that they take action to cut back the offending tree or hedge: Requests may be in writing or by personal visit.
 - If no action is taken, HPC will make a second request: Requests may be in writing or by personal visit.
 - If the resident takes no action, then HPC will inform DBC Highways Department for the appropriate action to be taken.

Inspection of Trees and Scheduling of Work

HPC work to a risk-based approach to tree management: a programme of inspection identifying and prioritising potential hazards. The cycle of inspection for trees will be set according to their location and area of risk: Highway trees are considered the highest priority.

The following categories will be used when prioritising tree works:

PRIORITY	RESPONSE	WORK ALLOCATED TO
1: Urgent Public Safety	From within 24 hours to one week depending upon the risk	Preferred supplier – currently Johnston's Tree Surgeons
2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year	Preferred supplier – currently Johnston's Tree Surgeons
3: Desirable	12 months where possible	Preferred supplier – currently Johnston's Tree Surgeons
4: None	No action proposed	NA

Notes

- For 'priority area 1' – to ensure there are no delays and risk to the public, Guy Foster will be contacted to complete the work.
- For 'priority areas 2 and 3' – work is passed to the preferred tree supplier.
- Non-urgent major tree work will not be undertaken during bird nesting / breeding season (1st March to 31st July). Any trees knowingly supporting

roosting bats will not be worked on until Natural England (<https://www.gov.uk/government/organisations/natural-england>) is consulted; if bats are found to be present, after works have commenced, then all work will cease to allow specialist advice.

- Note should be made that this work may generate service requests beyond the capacity of existing budgets to cope, however this will not be fully known until when the survey is well in hand. If budgetary pressures do emerge, these will be reported for consideration, with a view that all priority 1 and 2 are unavoidable, and would need to be undertaken, whilst tree works relating to priority 3 may need to be put on hold.
- HPC has a duty of care to realise 'best value for money' to the Parish Precept purse, so should be expected to request separate quotes and use the best value supplier. However, previous experience has shown that it is difficult to not only obtain 3 separate quotes, but reliability of using unknown suppliers has been questionable too. HPC has developed an excellent and reliable relationship with the current preferred supplier – Johnston's Tree Surgeons – and they will remain the preferred supplier until the next 'preferred supplier review' is undertaken.
- Every 5 years (commencing January 2023) HPC will complete a 'preferred supplier review' and obtain quotes from a minimum of three separate Tree Surgeons (including the existing preferred supplier), to ensure that the Parish Council realise their responsibility of 'best value' to the Parish Precept purse.

Tree Survey

Tree surveys form an important part of the monitoring, maintenance and budgeting processes to ensure all the trees under the Parish Council's responsibility are properly cared for, while deploying the Parish Council's funds effectively.

Tree surveys will be completed on a bi-annual basis. The survey will involve the following:

- All trees to be inspected to identify any problems or fungus's (ill health).
- All sizes recorded.
- All trees plotted on a map.
- The trees are numbered to provide easier identity

All field information recorded, from the site visit, will be put into a spreadsheet style report, and will show the following:

- The condition of the tree is evaluated so that a '**priority status**' can be assigned, and an indicator applied.
- The 'indicators' make recommendations for work to be carried out, if required, on **three priority levels**.
 1. Urgent,

2. Remedial and Medium term,
3. Long term.

The Tree Surgeon will then provide HPC with two separate detailed reports for the trees located in the following locations:

1. Hurworth Grange
2. All the other trees that fall under the Council's responsibility.

These reports can be used to assist in the calculation of the Tree Budget in each financial year, and a copy of the reports will be provided to the insurance company that the tree insurance is held with (as at October 2021, this is Zurich).

Dealing with Tree Care – Guidance

The following measures in the policy are in line with current practice:

- *Obstructing / Overhanging Tree Branches* – HPC will prune trees to eliminate hazards caused by obstructive branches. However, HPC will not normally prune trees that overhang neighbouring properties unless the tree is dangerous, or there is a need to avoid damage to the property. Landowners do have their own common law rights to prune back to their boundary.
- *Shading and Loss of Light* – in many instances pruning to improve light levels will only have limited affect. HPC will not undertake any work in this instance. Should the resident be agreeable to covering the cost of required pruning at their own expense, then HPC will discuss the requested works on a case-by-case basis.
- *Loss of Views* – trees will normally only be pruned or, removed to restore views, when necessary, to retain important public viewpoints or, be of significant public benefit, rather than because they are considered generally too big or, too tall for their surroundings.
- *Trees Affecting Reception (Television / Satellite / Solar Panels)* - Pruning of trees to improve reception is often only a short-term remedy, as the flush of growth that follows can make the future position even worse. HPC would therefore not normally consider the removal or, pruning of trees to enable clear television reception, particularly as other technical solutions from the provider (including boosters, relocation of aerial/dish) are generally more effective.
- *Overhead Cables / Telephone Wires* – HPC will not normally prune or, fell a tree to prevent or, reduce interference with telephone wires. HPC will recommend contacting the utility service provider in such circumstances.
- *General / Minor Nuisances* – HPC will not normally prune or, fell trees solely to alleviate problems caused by seasonal issues e.g. falling leaves, sap, blossoms, fruit, nuts, bird and insect droppings.

Alleged Damage and Tree Roots

Some tree conflicts arise on account of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis as follows:

- HPC Tree Councillor completes a site visit.
- HPC Tree Councillor submits a report of findings to the Parish Council Clerk.
- Parish Council Clerk will contact the complainant advising of the outcome of the site visit.
- Should the matter need to be escalated, the Parish Council Clerk will refer the matter to the tree insurance company (as at October 2021, this policy is with Zurich).

Circumstances on Private Land

- Where the tree is causing a danger / obstruction to the Public Highway - under the Highways Act the owner is responsible to make the tree safe / remove the obstruction. If they do not, as HPC have no jurisdiction over highways, the matter will be reported to DBC (this could lead to DBC undertaking the work and recharge the owner).
- Where the tree is on private land causing a danger (other than to the public highway) HPC has discretionary powers to deal with trees if it is felt there is an imminent threat to people or property. We can serve notice on a tree owner to carry out specified works. Where the specified works are not carried out, we do have powers to carry out the works and reclaim the costs.
- HPC is not able to become involved with private trees causing a nuisance to a neighbouring property by causing shade, blocking views or, dropping leaves, flowers or fruit etc. unless the trees are imminently dangerous, and will advise the complainant to contact DBC in this instance.

Anti-Social Behaviour, Vandalism and Disputes

- *Vandalism* - HPC will investigate any reports of damage to trees in our ownership / management and try to repair any damage where we can. Where possible, HPC will take legal action against the person(s) causing the damage.

- *High Hedges* - complaints about a neighbour's evergreen hedge can be made to the DBC's Planning Enforcement Team. A fee may be payable for this service.

Planning / Protected Trees (TPO) / Trees in a Conservation Area

Trees with TPO's and those within a Conservation Area and those within Listed Building boundaries will require planning consent from DBC for any works to be completed.

- HPC will ensure that full consideration is given to both the retention of existing trees and the planting of new ones on new developments.
- A Tree Preservation Order (TPO) is a legal document to protect specified trees and woodlands with public amenity value. The policy document outlines the application process for carrying out works to protected trees and the penalties for failing to do so. It is an offence to carry out works to a tree in a Conservation Area without having given DBC prior written notice.
- Where a tree is protected by a Tree Preservation Order and it is dead or unsafe a tree replacement will normally be required. In other circumstances tree planting will be carried out subject to available resources.

Trees on the Village Green

Due to the passage of time and the fact that the Village Green is an ancient plot of land, it is no longer possible to determine ownership of the Village Green, which in turn means that there is no legal responsibility to the upkeep of the Green, nor the trees and roadways from any specific party.

- To preserve and maintain the Village Green to the highest standard, and to keep it as a usable and safe place for village social activities, HPC will undertake the responsibility of maintaining the trees; Section 137 monies, as this is an area which benefits the whole village, will be used to cover any tree maintenance costs.

Heritage Orchard

The Hurworth Grange Community Heritage Orchard Maintenance and Management Plan - March 2021, fully details the responsibility of EPICH to the trees within the Heritage Orchard at no cost to anyone other than EPICH; pruning and maintenance of the Heritage Orchard trees will be met by EPICH volunteers under the guidance of experts.

- HPC, in a supporting capacity only, will ensure that EPICH uphold the maintenance and management plan.

- Should any circumstance of exceptional costs arise that cannot be met by EPICH, discussions will be held on a case-by-case basis between EPICH, HPC and HCA to agree liability.
- Should EPICH disband, discussions will be held between EPICH, HPC and HCA to agree ongoing maintenance and financial responsibility of the Heritage Orchard.

Maintenance and Biosecurity

- HPC will seek to ensure that tree works are carried out to the highest standards as far as possible ensuring that pruning conserves the overall amenity value, form and shape of the tree and all tree works must be carried out in accordance with British Standard 3998 – Recommendations for Tree Work (www.abouttrees.co.uk/2017/03/10/british-standards-3998-2010/).
- The threat to trees from pests, pathogens or invasive species has never been greater. As a large landowner we undertake to follow best practice and specific advice which is regularly published by the Forestry Commission (<https://www.gov.uk/government/organisations/forestry-commission>).

Replacement of Trees

- Suitability – HPC will complete a site visit to ensure that the species and size of tree is suitable to the location e.g. natural setting/ woodland areas will be planted with native species/ urban areas will be planted with smaller species.
- If the proposed location is close to homes, and no tree is there currently, then home-owners approval will be required.
- In all instances, approval will be required from HPC before purchase and planting takes place.
- If EPICH wish to plant any new/ replacement trees, permission will be required from HPC before any planting schemes are undertaken: EPICH will be retain responsibility of cost and maintenance for any trees planted under such a scheme.
- National/ Local Tree Planting Initiatives – if planting is undertaken as part of a DBC initiative, then it will be requested that the tree(s) is/ are planted on DBC land. If DBC wish to plant any trees on HPC land, then HPC approval will need to be given; the agreement will need to state that the tree remains the responsibility of DBC, even though it is planted on land owned by HPC.

Tree Budget and Expenditure

- The Tree Budget will be agreed and set at the yearly financial meeting (ordinarily held in November).

- To provide transparency on HPC tree expenditure and to monitor spend, a log will be completed to show every case of tree work completed, stating whether the work was completed by HPC or DBC; if work is completed by DBC, details of costs will not be required. These will be distributed to Councillors by the HPC Clerk, along with the regular finance reports, on a monthly basis: the report will also be made available on the HPC website.
- Section 137 monies are not usually a part of the 'Tree Policy', as there is a separate Procedure for Section 137, and this detail has been included as reference only.

Section 137 monies - in accordance with the Local Government Act 1972 section 137 - sets aside a sum of money each year which can be applied for by local organisations for projects which will be of benefit to residents. Section 137 (1) of the Local Government Act 1972 is a statutory power. It gives Council the power to incur expenditure for purposes not otherwise authorised. It is only used when there is no other specific power available: it is a 'power of last resort' and it must benefit some or all inhabitants, not an individual, nor can it be made retrospectively.

The Section 137 monies, which HPC is allowed to directly attribute to trees, in any financial year, is based on the calculation of the total number of names on the Electoral Roll times the current Section 137 allowable figure: The figure for the year 2021-22 is £8.41 per elector (this is likely to alter each year), so currently Hurworth has 3091 names on the Electoral Roll, therefore the total amount would be £25,995.