



EAST GRINSTEAD TOWN COUNCIL

Tree Management Policy

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1 Introduction

- 1.1 East Grinstead Town Council is responsible for managing and maintaining trees located on land that they own at a total of eight sites: East Court, Mount Noddy cemetery, Mount Noddy allotments, Dorset Gardens, St Margaret's Loop, Imberhorne allotments, Turners Hill Road Recreation Ground, Queens Road cemetery. Also, the Council is responsible for managing and maintaining trees located on land under license at a total of two sites: High Street (land owner – West Sussex County Council Highways), McIndoe Lawn (land owner – Mid Sussex District Council).
- 1.2 East Grinstead Town Council's tree stock is made up of a variety of deciduous and evergreen trees ranging from old historic boundary native trees to non-native specimen trees located on open space lawns and in formal landscaped gardens and cemeteries.
- 1.3 The Council ensure that its trees are managed in order to meet its statutory responsibilities and in accordance with our Tree Risk Management Survey.
- 1.4 The Council are committed to combine risk management with carrying out pro-active tree works to enhance the community spaces so that they make a positive contribution to the local environment while maintaining a safe tree stock.

2 Council Tree Maintenance

Maintenance Regime

- 2.1 The Council manages its trees so that they make a positive contribution to the local environment while reducing the risk of damage to property or persons. The Council regularly inspects its tree stock in line with most recent best practice and recommends works to ensure the continued health of the tree and/or ensure the safety of those in the surrounding area.
- 2.2 Trees are managed to reflect the circumstances of the site and the type, age and condition of the tree. Ongoing maintenance includes the removal of dead wood, formative pruning, coppicing, removing low branches from pathways and the removal and replacement of trees when they come to the end of their safe and useful life.
- 2.3 All newly planted Council owned trees are subject to a maintenance programme to ensure they have the best chance of becoming established. This includes watering and formative pruning. The Council welcomes residents to occasionally water newly planted trees to give them the greatest chance of survival and to contact the Council if you see a tree suffering.

Memorial Trees

- 2.4 The Council are focused on planting the right trees in the right places and locations preferred by those wishing to plant and dedicate trees are not always suitable. The Council cannot accommodate requests to plant memorial trees in East Court, however, will consider applications for Mount Noddy Cemetery. Please refer to the Memorial Tree Policy for full details.

- 2.5 Once planted, the tree will become the property of East Grinstead Town Council and maintenance will be undertaken routinely as required and will be included in tree safety inspections. There is no guarantee the tree will survive into maturity. If a tree requires felling, the Council will make all reasonable attempts to make contact with the family/donor.

Tree Safety Inspections

- 2.6 Trees in Council ownership are inspected for safety on a cycle no greater than three years. They are inspected by a qualified arboriculturist to check on their condition and to identify whether any works are necessary. Tree works required are identified by priority and entered into a programme of works.

Tree Felling, Stumps and Chippings

- 2.7 The Council regularly inspects its tree stock and recommends works to ensure the continued health of the tree. Tree removal is regrettable, however any trees identified during the course of inspections to present an imminent danger to the safety of the public or property will be removed.
- 2.8 The Council will not knowingly start work on a tree where birds or animals are nesting or roosting unless the works are considered vital to the on-going health of the tree or to public safety.
- 2.9 When a tree is felled, it might not always be possible to remove the stump. This is sometimes by choice and can be used as a feature or for the benefit of natural habitats to promote biodiversity. The Council always aim to reuse the chippings locally on woodland pathways or for mulch.

Cut Timber

- 2.10 No-one should remove wood (or other parts of a tree) without consent. The Council will relocate any cut wood that they are planning to re-purpose but will always aim to make this available for public use where possible.
- 2.11 Unauthorised persons are not allowed to use a chainsaw or other tools and equipment in public open spaces. Authorised persons must be fully trained and provide appropriate risk assessment and insurance.

Tree Planting

- 2.12 The Council's aim is to maintain tree numbers and to create diversity within the species of trees under our ownership. It is not always appropriate to replace trees in the same location, in some cases trees are too numerous for the site or they are the wrong species or are in the wrong place.
- 2.13 Where a replacement tree is agreed to be suitable, planting will take place during the first tree planting season following removal (November to March).

Tree Pruning and Hedges

- 2.14 Any trees identified during the course of an inspection, to require remedial pruning will be dealt with. Trees are pruned for a variety of reasons including the removal of dead wood, damaged or poorly formed branches, to reduce the likelihood of failure. Where it benefits tree's health and public safety, some trees are also maintained on a cyclical programme where regular re-pollarding takes place.
- 2.15 The Council maintains its own hedges.

3 Trees and the Law

Common Law Rights

- 3.1 The Council have no legal obligation to remove branches back to the point at which they cross boundaries. Property owners have a Common Law Right to remove (abate) a nuisance associated with trees encroaching onto their property. The Council complies with the following Common Law Rights.
1. A property owner can only consider removing those parts of the tree from the point where they cross the boundary onto their property. The property owner has no legal right to cut or remove any part of a tree that does not overhang your property.
 2. The property owner must advise the Council to discuss any intentions to prune/remove branches.
 3. Where branches are likely to cause an imminent risk of structural damage they may be treated in the same way as branches causing actual physical damage. Similarly, where pruning may cause an unacceptable risk to tree health or form a more beneficial solution will be sought.
 4. Before undertaking any works, it is essential to ascertain if the tree(s) are protected by a Tree Preservation Order or are within a Conservation Area. If the tree(s) are protected, a formal application must be submitted to Mid Sussex District Council.
 5. If the encroachment relates to a tree owned by East Grinstead Town Council any cuttings must be disposed of appropriately and not left on Council land.

Tree Protection- Preservation Orders and Conservation Areas

- 3.2 Works to trees owned by the Town Council that are in a conservation area or protected by a Tree Preservation Order (TPO) must be applied for in a formal manner by submitting an application to Mid Sussex District Council and works cannot be undertaken until consent has been given. Independent applications will also need permission granted by the Town Council as the land owner.
- 3.3 TPO trees can be identified on the following site:
<https://www.midsussex.gov.uk/planningbuilding/trees-and-hedgerows/tree-preservation-order-tpo-map>

4 Dead, Dying, Diseased and Dangerous Trees

Dead and Dying Trees

- 4.1 Trees have a limited lifespan, and it is important that dead, decaying and structurally unstable trees are removed.
- 4.2 Trees tend to decline at the end of their lives and the Council care for dying specimens as far as is practicable. However, works can only delay, rather than prevent the inevitable removal of the tree once it is dead. Dying trees can often appear perfectly healthy but an inspection by a qualified arboriculturist can reveal problems that are not obvious to the untrained eye.
- 4.3 If a tree bordering Town Council land appears to be in poor health or causing a hazard to public safety, all reasonable attempts will be made to contact the owner of the tree. The Council will only undertake works if causing a public threat and the full cost of the works will be charged to the landowner.

Dangerous Trees- Action Required

- 4.4 If a Council owned tree poses a high risk to people or property and is an emergency situation, urgent action will be taken to make the tree safe.
- 4.5 If the condition of a tree could be described as any of the following, it may warrant urgent attention:
- Snapped or blown over
 - Rocking at its base (an indicator of damaged roots)
 - Uprooted but held up by another tree or building
 - Large branch has broken off and is hanging or hung up within the tree
 - Completely blocking road, footpath or access to property
 - Fallen into property
- 4.6 Signs that a tree is a risk to people or property, but does not require emergency response include a tree which is:
- Dead
 - Dying- few leaves in summer or dieback in the crown
 - Losing bark
 - Affected by mushrooms or other fungi growing on or near the tree
 - Affected by old splits and cracks in the trunk or branches
 - Losing smaller branches which are falling from the tree
- 4.7 Trees can be made safe by pruning or felling and the Council employs the approach that is the most cost effective. But, for trees of particularly high value, the Council would consider reducing the risk to an acceptable level to reduce the likelihood of:
- The tree or tree parts falling
 - Persons being close to the tree if it did fall.

5 Concerns Relating to Trees

Trees affecting private property

5.1 The Council will not prune or fell a Council owned tree for any of the following reasons:

- Bird Droppings
 - Nesting birds are protected by the Wildlife and Countryside Act 1981
- Fruit, Berries and Nuts
 - The Council will not remove trees bearing poisonous fruit or berries, however appropriate action may be considered in exceptional circumstances.
 - Fruit trees support natural habitat and local wildlife
- Leaves, Blossom, Pollen and Sap
 - The loss of leaves from trees in autumn is part of the natural cycle and cannot be avoided by pruning.
 - The maintenance of gutters is the responsibility of the landowner, and the Council is not obliged to remove leaves that may have fallen from Council owned trees.
 - The Council would not normally prune or fell a tree where a request has been made to do so on the grounds of a medical condition without advice from a qualified medical practitioner.
- Light
 - The Council will not prune or fell a tree to improve natural light to a property or obstruction to solar panels.
- Drains
 - The Council will not usually prune, fell or cut the roots of Council owned trees to prevent roots from entering a drain. Tree roots normally affect damaged or broken drains, which is the responsibility of the water or sewerage company.
- Trees and TV/Satellite Reception
 - The Council will not prune or fell a tree to prevent interference with TV/Satellite, telephone or broadband reception. Works privately undertaken on Council trees should gain prior permission.
- Tree Size
 - The Council will not prune or fell a tree merely because it is considered to be 'too big' or 'too tall'.
 - A tree is not dangerous just because it may be considered too big for its surroundings. Other problems would need to be identified for the Council to consider it to be dangerous.
- Trip Hazard
 - The Council will not undertake measures to avoid trip hazards in open parks or woodland areas caused by tree roots.
- Views
 - The Council will not prune or fell a tree to improve the view from a property. There is no legal right to a view.
- Wild Animal/Insect Pest
 - The Council will not prune or fell a tree to remove or reduce incidence of perceived pests such as bees, wasps or wild animals.

Nuisance to Third Parties - Private Trees

- 5.2 The Council will not intervene in a dispute about trees between neighbours and it is expected that private parties will take care of their own responsibilities.

Road Access and Visibility Obstructions

- 5.3 The Council will undertake work to a tree in Council ownership to maintain clear sight lines and access at junctions and other access points (associated with a street, road or highway).
- 5.4 The Council will undertake work to a tree in Council ownership to ensure that trees do not unduly obstruct streetlights, traffic signals, overhead lines and street signs. When new trees are being planted, their position is considered to avoid these obstructions.

Tree-related Subsidence Damage to Properties

- 5.5 The Council has in place an active tree inspection programme to avoid damage being caused to buildings and other structures as a result of the action of Council owned trees.
- 5.6 If a property owner believes that their property is suffering from subsidence in relation to a Council owned tree, claims should first be directed to the property insurer. Any claims of tree-related subsidence damage requires that the claimant and/or their representatives supplies enough evidence to establish that the vegetation is responsible.
- 5.7 Any proposed works to trees owned by the Town Council that are in a conservation area or protected by a Tree Preservation Order (TPO) will be subject to advice from the Tree Officer at Mid Sussex District Council.
- 5.8 All concerns about tree-related subsidence damage involving a Council owned tree will be
- 5.9 acknowledged within 10 working days.

6 Contact Information

Reporting a damaged or dangerous tree

- 6.1 Reports of dangerous trees on Town Council land can be directed to East Grinstead Town Council by telephone 01342 323636 or email communityservices@eastgrinstead.gov.uk
- 6.2 The Council will endeavour to respond to all public enquiries within 10 working days unless otherwise stated.