



# HARPENDEN TOWN COUNCIL

*CLOSER TO THE COMMUNITY*

## Tree Policy

**Approved: Last Approved 18 September 2019**

**Next Review: Every 2 years**

# HARPENDEN TOWN COUNCIL TREE POLICY

## 1. INTRODUCTION

- 1.1 The Harpenden Town Council Tree Policy sets out a proactive method of management that will both conserve and enhance Harpenden's tree population and the amenity value of its land.
- 1.2 For sites with specific management needs, this general policy will be supplemented with site specific management plans.
- 1.3 This policy is intended to provide a guideline for the management of trees in Harpenden Town Council owned locations. It is not exhaustive and is subject to change. The policy will be reviewed every 2 years and proposed amendments will be submitted to the Community Services Committee for approval.
- 1.4 As a land owner, Harpenden Town Council has a legal duty of care to all persons using its land to ensure that it has taken reasonable action not to put people or property at risk of injury. Land owners are not expected to maintain their trees in a completely safe condition but risk needs to be evaluated and controlled.
- 1.5 To maintain this duty of care, the Town Council ensures that its trees are regularly inspected. Our approach to tree management focuses on being proportionate, reasonable and balanced when considering risks from trees.

## 2 The value of trees

- 2.1 Trees are essential to life and have many positive impacts on many aspects of our lives and on the environment, including:
  - Contributing to and improving the amenity value and appearance of our town, contributing to residents' quality of life and sense of well-being
  - Reducing air pollution and releasing oxygen for us to breathe
  - Reducing wind speed
  - Providing shelter and a haven for all sorts of wildlife, including birds, bats and insects
  - Reducing noise levels
  - Providing shade
  - Reducing flooding
- 2.2 Harpenden Town Council acknowledges the importance of maintaining a varied and sustainable tree population that is appropriate to the character of all Council-owned land and will allocate sufficient resources to ensure that it is able to manage the trees that it owns, in line with its *Business Plan* and key objectives for the Town Council.
- 2.3 Harpenden Town Council will take advice from professional arboricultural consultants in relation to recognising and putting in place any specific management regimes for locally important trees.
- 2.4 The tree policy is split into the following sections. Further details on each section are set out below.

- Risk zones & Frequency and method of inspection
- Tree works and contractors – safety, standards of work, insurance, training, emergency works, wildlife
- Tree Preservation Orders, Conservation Areas and the management of veteran/ancient trees
- Tree planting and maintenance
- Pests, diseases, biosecurity
- Requests for tree works
- Further information/resources.

### 3. Risk zones & Frequency and method of inspection

ZONE	RISK LEVEL	DESCRIPTION	FREQUENCY OF INSPECTION AND METHOD	AREAS INCLUDED
Zone 1	High	High use areas including intensively used footpaths, bridle paths, car parks, sports clubs and areas adjacent to public highway	Annual visual inspection and/or after winds in excess of 40 mph/heavy snow fall. Carried out by trained HTC officers  Health and Safety surveys carried out every 3 years by Arboricultural consultant	<ul style="list-style-type: none"> <li>• Lydekker Park and car park</li> <li>• Town greens, from Sun Lane to Bull Road roundabout</li> <li>• Harpenden Common: Baa Lamb trees, permissive horse ride, nature trail, sports clubs (Bamville and Harpenden Cricket Clubs, Harpenden Rovers Football Club and Harpenden Common Golf Club), road verges</li> <li>• <b>Rothamsted Park</b></li> <li>• Broom Common</li> <li>• Batford Springs Nature Reserve</li> <li>• Hatching Green</li> </ul>
Zone 2	Medium	Lesser used footpaths/bridle paths, general recreation/common land areas, allotments	Visual inspection after winds in excess of 40 mph/heavy snow fall. Carried out by trained HTC officers  Health and Safety surveys carried out every 5 years by Arboricultural consultant	<ul style="list-style-type: none"> <li>• Kinsbourne Green, including car park</li> <li>• Play areas/recreation grounds with low numbers of large trees</li> <li>• Allotments</li> </ul>
Zone 3	Low	Areas in which there are no formal public	No routine inspection procedure/as required	<ul style="list-style-type: none"> <li>• Harpenden Common: densely wooded areas</li> </ul>

		footpaths, densely wooded areas		
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#### **4. Tree works and contractors**

- 4.1 It is important to the Town Council that its trees are maintained to a high standard. Poor tree pruning can look unsightly but also reduce the life expectancy of a tree. The Town Council uses appropriately accredited consultants and contractors to undertake surveys and works on its behalf.
- 4.2 The Town Council ensures that all of its contractors and consultants have the appropriate insurance cover. This includes employee and public liability up to £10 million. Contractors are also able to provide copies of risk assessments, method statements, and training records (LANTRA, NPTC, and LOLER) as appropriate.
- 4.3 All contractors when working on the public highway are required to comply with: NRSWA guidance and street works and road works code of practice.
- 4.4 Contractors and consultants should adhere to the relevant British Standard Guidance including BS3998:2010 Tree Work Recommendations, BS5837:2012, BS3936 and BS4428. Utilities contractors should refer to NJUG guidance.
- 4.5 At times we may need to consider emergency works including dangerous or fallen trees. Where the tree is owned by the Town Council we will inspect them as soon as practically possible, assess the risk, determine the extent of the hazard and implement health and safety measures where appropriate.
- 4.6 The Town Council and its contractors will adhere to the Wildlife and Countryside Act 1981. Tree works are generally planned to limit their impact on wildlife such as nesting birds (season runs from March to August although some birds may nest earlier or later than this), unless the work is for health and safety reasons.
- 4.7 Tree work will not be conducted if a tree contains roosting bats (it is a criminal offence to recklessly or intentionally disturb bats, or to damage or destroy a roost). If work is required for health and safety reasons, the advice of the Bat Conservation Trust or Natural England will be sought.

#### **5. Tree Preservation Orders, trees in Conservation Areas and ancient trees**

- 5.1 St Albans District Council has duties and responsibilities under the Town and Country Planning Act, Government Regulations and Circulars to protect trees within its administrative area in the interest of amenity. These duties and responsibilities extend to making Tree Preservation Orders (**TPO**) and to special provisions for trees within Conservation Areas.
- 5.2 The maximum fine for the willful destruction of a TPO or Conservation Area tree is £20,000 per tree. Willful damage carries the maximum fine of £2,500 per tree.
- 5.3 Many trees throughout Harpenden and the district as a whole are protected through individual Tree Preservation Orders (TPOs) or are sited within a conservation area.

- 5.4 Both the Town Council and individual property owners are obliged to seek permission from St Albans District Council before undertaking tree works to any tree covered by a TPO or sited in a conservation area. This includes the pruning of trees under a preservation order or in a conservation area that are over-hanging a property boundary. A tree becomes protected by a conservation area if it has a trunk diameter exceeding 75mm when measured at chest height (approx 1.5m above ground).
- 5.5 The District Council has up to eight weeks to determine applications for works to TPO trees. It has six weeks to determine a Conservation Area notification.
- 5.6 The District Council hold a list of registered works to TPO and conservation area protected trees that is published in the weekly planning applications, tree work applications and decisions list. This list can be viewed at: <https://www.stalbans.gov.uk/planning/applicationsdecisionsandappeals/>
- 5.7 There are currently no ancient trees or woodland sites registered in Harpenden or on Harpenden Town Council owned land. Should an ancient tree or ancient woodland be identified on Town Council-owned land, the Town Council will manage the tree accordingly, under professional guidance. It is anticipated that some trees on Town Council owned land could be identified and managed to become ancient trees of the future.

## **6. Tree planting and maintenance**

- 6.1 From time to time, trees have to be felled. To maintain the tree population across the Town Councils open spaces, generally where a tree has been felled, a new tree will be planted although not necessarily in the same location that it has been removed from.
- 6.2 The right tree for the right location will be practiced. Consideration will be given to species that will enhance an area, achieve a mix of species (native/non-native), form a feature, be planted for conservation value, achieve publicity, enable sponsorship, and encourage community engagement.
- 6.3 The care and maintenance of new trees is important. Trees when first planted are at their most vulnerable. A new tree is more likely die in first 5 years than any other time. Planting considerations will include support (ground anchoring, stakes, ties), irrigation methods (pipes, gatorbags), watering schedules, protection (trimmer guards).
- 6.4 Ongoing maintenance will include regular inspection, loosening ties, mulching, and removal of stakes. Where possible the Town Council will try to engage local residents to assist with maintenance of a new tree which will aid its survival.

## **7. Pests, diseases and biosecurity**

- 7.1 The Town Council will seek advice from and work with relevant professionals and agencies such as the Forestry Commission should there be any pest or disease outbreaks that may affect the local tree population.
- 7.2 Any action taken will be balanced and proportionate to the risks associated with the pest or disease.

## **8. Requests for tree works**

- 8.1 The Council receives regular requests from residents for tree works to be undertaken. We have to maintain a consistent approach when responding to these requests and have the following approach in place.

### General nuisance

- 8.2 Tree pruning or removal will not be undertaken in response to natural occurrences that do not pose a health and safety risk, such as falling leaves, fruit, flowers (blossom), bird droppings or honeydew (sap).

- 8.3 The Town Council will not remove bird droppings from private land. Honeydew is a natural and seasonal problem. The Town Council will not pay for private vehicles to be cleaned. Where honeydew does affect cars, warm soapy water will remove the substance. Where new trees are planted in high car use areas the Town Council will aim to choose trees that are less likely to have this problem.

### TV and radio signals

- 8.4 Tree pruning or removal will not be undertaken to prevent interference which can be made worse when leaves are on the trees or in bad windy or rainy weather. An engineering solution can usually be found to resolve these circumstances.

### Light

- 8.5 Tree pruning or removal will not be undertaken to improve natural light into a property.

### Views

- 8.6 Tree pruning or removal will not be undertaken where the tree is blocking views from a residence.

### Telephone wires

- 8.7 Tree felling will not be undertaken to solve interference problems. Tree pruning maybe undertaken where it is deemed to be an effective measure.

### Touching a building

- 8.8 Where a tree is touching a property (house, wall, garage etc.) the Town Council will take action to remove the nuisance.

### Overhanging property

- 8.9 Trees will generally not be pruned where they are overhanging an adjacent property unless it poses a health and safety risk

- 8.10 Property owners have a common law right to cut back overhanging branches as far as their boundary unless the tree is protected by a Tree Preservation Order or is in a Conservation Area.

### Size

- 8.11 Tree pruning or felling will not be undertaken because a tree is considered to be too big or too tall or swaying in the breeze. A tree is not dangerous unless other problems are identified/shown.

Roads, cycleways, footpaths, street furniture

8.12 The responsibility of these items will vary. The Town Council can be contacted in the first instance, but you may be referred to St Albans District Council or Hertfordshire County Council.

Subsidence

8.13 If you believe any Town Council owned tree is causing an issue, we would advise you to contact your property insurer in the first instance to discuss your concerns. The Town Council will deal with any allegations on a case by case basis.

Drains

8.14 Pruning or removal will not be undertaken to prevent roots entering a drain that is already broken or damaged.

Vandalism

8.15 The Town Council will generally plant larger trees in high visibility areas as they are more difficult to vandalise. The Town Council promotes tree planting and encourages the local community to participate and care for the trees in the neighbourhood.

Anti-social behaviour

8.16 Where a tree(s) is/are associated with anti-social behaviour, steps may be taken to reduce the problem in association with other agencies including the Police.

## 9. Further information/resources

9.1 **Tree Preservation orders and Conservation Areas** - You can find out more information about the status of trees in the district on the St Albans District Council mapping system on the Local Information Service using the Map Layers and selecting Tree Preservation Orders and or Conservation Areas under Planning Constraints. Please note the accuracy of the mapped tree positions cannot be guaranteed, so if in doubt contact the St Albans District Council Arboricultural officer on 01727 866100 or email [treesandwoodlands@stalbans.gov.uk](mailto:treesandwoodlands@stalbans.gov.uk)

9.2 **Trees on road verges and adjacent to the Highway.** These are the responsibility of Hertfordshire County Council or in some circumstances St Albans District Council. Contact Herts Highways on 0300 123 4047 or via their website: [www.hertfordshire.gov.uk/home.aspx](http://www.hertfordshire.gov.uk/home.aspx) or St Albans District Council: 01727 866100 or via [www.stalbans.gov.uk](http://www.stalbans.gov.uk)

9.3 **Managing trees on your property** - Assessing whether a tree on your property is safe should be done by a qualified expert. This is not a service offered by the Town Council but details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association. Reliable and trustworthy tradespersons can also be found via the Trustmark website, a Government approved scheme.

For further information please contact [harpenden.town.council@harpenden.gov.uk](mailto:harpenden.town.council@harpenden.gov.uk) or telephone 01582 768278.