

TREE STRATEGY - APPENDIX 2 TREE MANAGEMENT

TREE MANAGEMENT & AREAS OF RESPONSIBILITY

This section provides general information regarding responsibilities, principles, protection, standards of work, etc for trees in private and public ownership

Issues of interest (based on enquiries received)	Private land	Council land
Advice	Forestry and Woodland schemes Local Authority Arboricultural Association	The Council is a member of The Arboricultural association and also has access to many other sources of information on trees.
Closed churchyards	The responsibility for the maintenance and management of the churchyard can pass to the LA under the 1974 Local Government Act. The LA has a duty of care to take all reasonable steps to ensure the safety of the area. In effect the closed churchyards are managed as a Public Open Space	
Conservation Areas	Work to trees, and large scale planting is controlled through Planning legislation	ECC liaises with the Planning Dept to ensure a uniform approach.
Council role in the Protection of Trees	See TPO Also by Planning controls such as Planning Permission and work within Conservation Areas.	The tree management programme will set standards of management
Damage to Property	The responsibility of the owner of the land on which the tree stands. It must be noted the causes of damage to property are widespread, and a tree (especially tree roots) may not be the principal cause	
Dangerous Trees	Individuals have a responsibility to take reasonable measures to protect the public, employees and others	A higher level of responsibility is expected of LAs to manage risk. Trees are inspected on a regular basis
Hedgerow Regulations	Legislation controlling the removal of hedges is administered through Planning controls. This legislation is aimed primarily at rural hedges	The retention and enhancement of multi-species hedges is a high priority.

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Hedges	Extremely important habitats, especially if multi-species. Some grant funding is available for larger scale hedge planting or replacement.	Hedge planting and enhancement undertaken as identified and funded. There is no overall policy.
High Hedges	High Hedge regulations are managed through Planning Authorities.	NA
Highway trees	Landowners are expected to prevent trees from obstructing the highway. The Highways Authority will serve notice under the 1980 Highways Act where required	
Inspections	Every property owner has to exercise a Duty of Care. The test is whether the action (or lack of it) is reasonable under the circumstances. The average person could not be expected to anticipate the falling of a tree if there were no external symptoms. If it were clearly dead, a different viewpoint would probably be taken.	Large landowners, such as a Local Authority, are expected to manage their tree stock in a professional manner. As such, tree surveys and inspections would be undertaken in a manner and frequency that would reduce risk to an acceptable level.
Tree Planting on New Developments	Managed through the Planning process	N/A
Planting	Tree planting is best undertaken during the winter months, to allow the tree roots to establish adequate contact with soil particles to allow the transfer of water and nutrients in solution. Small trees establish best, with less stress, and relatively small trees (600mm) soon catch up with the more traditional tree sizes. Cost is usually a defining factor. Trees should be regularly watered in the first year. By the time signs of drought stress are evident, it is usually too late to save the tree.	Local Authorities plant many thousands of trees each year, ranging from seedlings to very large, root-balled trees. Whilst planting in the public domain is subject to higher levels of vandalism, the Council will take additional measures such as the use of tree guards to ensure the establishment of trees.

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Policies for General Tree Management	Guidance is available through various bodies – see “Advice”	Policies and practices arise through strategies and best practice
Protection of trees	Legislation – see Tree Preservation Orders Guidance available from a number of agencies, incl ECC Planning	Normally covered by Policies and strategies
Replacement of protected trees	Can be a requirement of a Tree Preservation Orders	There are very few TPO trees on LA land. Trees in Conservation areas and POS replaced on the basis of retaining the desired character of the area, rather than a one-for-one basis
Routine Maintenance	Limited resources for many private landowners. Woodland management can be programmed and is usually long term	Pro- active maintenance is the ideal approach, reducing reactive maintenance and emergency work
Tree Preservation Orders	These offer statutory protection to trees preventing unwarranted damage or felling. In extreme cases a TPO can be placed at short notice. A TPO can be subject to appeal, but no work to jeopardise the tree can take place until a TPO is formally repealed. TPOs can be applied to single tree or groups. For further information, contact the local Planning Authority.	There are very few TPO trees on LA land. A higher level of responsibility is expected of LAs to manage trees professionally
Works to Trees	Unless restricted by legislation anyone can undertake work to trees in their ownership. However, individuals should be aware that trees can suffer significant and catastrophic damage to roots, trunks and crowns by improper techniques or workmanship. A minor branch removal or trench	All work is undertaken by qualified staff working to industry best practice

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	excavation can result in the costly removal of a dead tree a year or two later. Works are best undertaken by companies who have a proven track record, membership of a professional body, and evidence of public indemnity insurance.	