

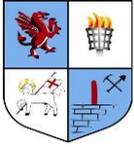
PEASEDOWN ST JOHN PARISH COUNCIL

Beacon Hall, French Close, Peasedown St John, Bath BA2 8SN
Tel: 01761 433686 E-mail: clerk@peasedownstjohnparishcouncil.gov.uk
www.peasedownstjohnparishcouncil.gov.uk

2022

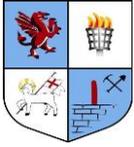
Tree and Hedge Management Policy

Adopted: Finance & Amenities Committee Min. F&A034 - 04/01/2022 and Ratified at
Full Council Min. C195 – 18/01/2022



Contents

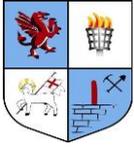
Policy Aim	3
Inspections & Surveys.....	3
Neighbouring properties – overhanging branches from Parish Council trees	3
Common Law Right.....	3
Carrying out tree works yourself and Pruning Guidance	4
Cutting of neighbours’ trees from Parish Council land	5
Maintenance and safety inspections.....	5
Trees in parks and green spaces.....	5
Trees in education facilities.....	5
Other council managed trees	5
Basal growth around tree trunk (epicormic).....	5
Pollarding.....	5
Private trees	6
Danger - Road, cycle path or footway obstruction	6
Information and advice	6
1. An emergency.....	6
2. In a non-emergency situation.....	6
Danger to land other than highway	6
Private tree causing a nuisance to neighbour	7
Council tree issues.....	7
Bird droppings	7
Blossom	7
Low tree branches – Road, cycle, or foot path.....	8
Tree overhanging property.....	8
Drains.....	8
Fruit / berries / nuts / seeds.....	9
Poisonous berries	9



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Light	10
Suckers from tree roots	10
Personal medical condition - complaint	10
Pollen	10
Trees affecting streetlights, signs, and traffic view	10
Sap/honeydew.....	11
Subsidence damage to property (tree-related).....	11
Telephone wires	11
Trip hazard.....	12
Tree touching building.....	12
Tree too big / too tall.....	12
Tree and TV / satellite reception	12
Wild animal / insect pest	13
General Information	13
Crime and anti-social behaviour.....	13
High hedge.....	13
Logs/woodchip	13
Tree and tree protection - Tree Preservation Order, Conservation.....	13
Tree next to a building site	14
Vandalism	14
Why is a tree going to be removed/ has it been removed.....	14
Why is / was a tree pruned?.....	15
Tree planting.....	15
Hedges	15



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Policy Aim

The aim of this policy is to set out the stance on the management and maintenance of trees and hedges on land that Peasedown St John Parish Council owns or maintains.

Inspections & Surveys

All trees on Council-owned or managed land inspected for safety on a cycle between one and five years according to the level of public use in the area immediately surrounding the tree.

This will be undertaken by a qualified tree inspector and any recommendations made will be considered by the Council in line with this policy.

Written survey reports are held on file by the Parish Council.

Neighbouring properties – overhanging branches from Parish Council trees

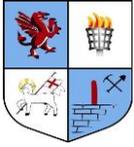
The Council will enter discussion with our neighbours where they have concerns in such circumstances. Neighbours are requested to contact the Parish Council before attempting to undertake any work. Although neighbours do have a legal right to trim overhanging branches, only from within their property boundaries (see paragraph below on Common Law Right).

Where neighbours undertake work in isolation this can result in an un-balanced tree which is not a desirable outcome. The Council will work with neighbours to resolve any problems associated with overhanging branches as there are often a variety of solutions and the best solution will be sought by the Council for the individual tree in question, which is likely to be subject to a tree survey.

Common Law Right

1. You have a Common Law right to remove a nuisance associated with trees. The following advice is given if you wish to exercise your Common Law right:

- You can only consider removing those parts of the tree from the point where they cross the boundary of your property. You have no legal right to cut or remove any part of a tree that does not overhang your property.
- You are strongly advised to consult an Arboricultural Association Registered tree surgeon (www.trees.org.uk) for guidance on how best to prune back encroaching trees, unless the works are small enough to do with hand secateurs or similar.



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- Before you consider doing any works to a tree(s) you should find out if it is protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, you will need to gain consent by making an application / give notice to the council.
- To find out if the tree(s) is protected and for guidance on how to apply for works, please contact:

Email: development.management@bathnes.gov.uk

Telephone: 01225 394041

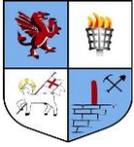
Web: <https://www.bathnes.gov.uk/services/environment/trees-and-woodlands/tree-preservation-orders>

2. You are advised to discuss with your neighbour your intention to prune overhanging branches. Legally you do not own the overhanging branches and you should offer these to your neighbour. But in all likelihood, you should consider disposing of the cuttings yourself. If the overhanging branch is from a council owned tree, any cuttings must be disposed of appropriately and not returned to Parish Council land.

Carrying out tree works yourself and Pruning Guidance

In common law, a property owner can cut back overhanging branches to the boundary of their property. The Parish Council would usually have no objection to property owners carrying out tree work or engaging a contractor at their own expense, provided that:

- access is not gained onto the neighbouring land or to a tree within that land; if access to our land or to a tree on that land is required, our permission must be sought.
- the tree is not situated in a Conservation area or protected by a Tree Preservation Order (TPO).
- any work done to a tree is not detrimental to its health or stability; for their own protection members of the public are advised to obtain advice from a qualified tree surgeon.
- for tree pruning work, whoever does the work, it is carried out to an acceptable standard, in accordance with the British Standard Recommendations for Tree Work 3998:1989.



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- The property owner notifies us (before the work begins) of the proposed work and commencement date.

[Cutting of neighbours' trees from Parish Council land](#)

The Council will enter discussion with Neighbours who wish to undertake work on their own trees which requires access from Parish Council land. Neighbours should seek permission to do so before undertaking any work.

Maintenance and safety inspections

Council owned trees are inspected for safety on a cycle between one and five years according to the level of public use in the area immediately surrounding the tree. The council is progressively bringing all its trees into an active programme of management.

Ongoing maintenance includes the removal of dead wood, formative pruning (to remove problems in tree form when the tree is young to avoid problems later), removing low branches from pathways and the removal of trees when they come to the end of their safe and useful life. The way that trees are managed very much reflects where they are and ultimately the amount of space they have to grow.

[Trees in parks and green spaces](#)

Managed to reflect the circumstances of any one site and the type, age, and condition of the trees. Trees in parks generally have more room to grow compared to the street and typically grow to their full height and spread.

[Trees in education facilities](#)

The responsibility of the school or college.

[Other council managed trees](#)

Managed via more informal arrangements largely outside an active programme.

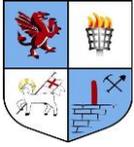
[Basal growth around tree trunk \(epicormic\)](#)

Some species of tree produce basal/sucker/shoot (epicormics) growth each year. We will remove this growth from trees where it will cause an obstruction as part of an annual work programme. This work takes place between July and September.

If you would like to report a tree where basal growth is causing an obstruction (October to June only) please use our tree/hedge report form.

[Pollarding](#)

Some of our trees are regularly re-pollarded as part of a rolling programme.



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Re-pollarding is a procedure where all soft growth is removed from the canopy of a tree leaving only the framework of the larger branches. This work is expensive and visually quite harsh, but necessary to keep trees at a maximum size. Basal growth is removed from some trees annually.

Private trees

Danger - Road, cycle path or footway obstruction

Policy: If a tree or branch from a privately owned tree is causing a danger to the highway it should be reported to B&NES Council. They have the powers to contact the landowner and instruct them to make the tree safe under the Highways Act (1980). If it is necessary, B&NES Council also has the powers to undertake this work to make it reasonably safe then the owner will be charged for the council's costs.

Information and advice

1. **An emergency** is defined as a tree that is in immediate danger of collapse or a tree that is causing an obstruction requiring urgent attention. If the tree is on Parish Council land, our tree contractor will be instructed to attend site to make the situation safe.

If you would like to report an emergency situation for a Parish Council tree, please telephone us on 01761 433686 or 07583 091284. Do not use our tree/hedge report form for emergency situations.

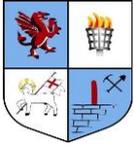
If you would like to report an emergency situation for any other trees, please contact B&NES Council by calling Council Connect on 01225 394041 and select Option 9. Alternatively, telephone 01225 477477 at any time to report an emergency.

2. **In a non-emergency situation** please report to Council Connect on 01225 394041 or via [Fix My Street](#).

Danger to land other than highway

Information and advice

1. B&NES Council, acting as the Local Authority, has powers to require a private individual to make safe a tree via Local Government Miscellaneous Provisions Act (1976). It is expected that private parties will take care of their own responsibilities and hence B&NES Council should not be considered as the first point of contact in attempting to resolve concerns about the danger posed by trees in private ownership. However, B&NES Council may intervene according to the powers given in the Act if an owner of such trees fails to act in a reasonable timescale.



Private tree causing a nuisance to neighbour

Policy: The council has no authority to intervene in a dispute between neighbours. However, if the problem is due to a high hedge, they will be directed to the B&NES Council webpage regarding [high hedges and enforcement](#).

Information and advice

1. You may benefit from approaching a local mediation service if you cannot resolve a dispute between yourself and your neighbour.

Council tree issues

Bird droppings

Policy: We do not prune or remove a council tree to stop or reduce bird droppings from trees, or remove bird droppings from private land.

Information and advice

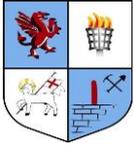
1. Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act (and other related wildlife law). Warm soapy water is usually sufficient in removing bird droppings.
2. You are welcome to exercise your Common Law right (see page 1) to remove the nuisance associated with encroaching trees.

Blossom

Policy: We do not prune or remove a council owned tree to stop or reduce blossom from trees or remove fallen blossom from private land.

Information and advice

1. Blossom is a natural occurrence, which cannot be avoided by pruning.
2. Roads, streets foot or cycle paths swept of excessive blossom as necessary. Similarly paths through parks and green spaces will be swept of blossom as part of normal cleaning cycles.



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3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees – see details on page 1.
4. If you wish to report an area that needs to be swept, please telephone 01761 433686 or email clerk@peasedownstjohnparishcouncil.gov.uk

Low tree branches – Road, cycle, or foot path

Policy: We will carry out work to a council owned tree to maintain a minimum:

- Road – 5.5 metre height clearance
- Cycle path next to a road or highway – 3 metres height clearance
- Footpath next to a road or highway – 2.5 metres height clearance

Information and advice

1. Any works necessary to prevent an obstruction in the width of a carriageway, cycle or foot path associated with the highway due to the presence of a council owned tree would be considered on a case-by-case basis.
2. If you feel that a tree is not meeting the minimum height clearance and is causing an obstruction, please use our tree/hedge report form.

Tree overhanging property

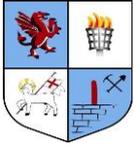
Policy: We do not prune or remove a council owned tree to stop the nuisance of overhanging branches.

Information and advice

1. You have a Common Law right to cut back any branches encroaching onto your property; this is only from the point where they cross over onto your boundary.
2. Before you consider doing any works to a tree(s) you should find out if it is protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, you will need to gain consent by making an application to B&NES Council. To find out if a tree is protected, please visit the B&NES Council webpage on [trees and planning](#).
3. Please see tree touching building section below.

Drains

Policy: We do not prune, remove, or cut the roots of a council owned tree to prevent roots entering a drain that is already broken or damaged.



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Information and advice

Tree roots typically invade drains that are already broken or damaged. Trees themselves very rarely break or damage a drain. Tree roots found in drains are usually due to an underlying problem with a broken pipe. If you are concerned about the condition of your drains, we advise you to contact your water and sewerage company.

[Fruit / berries / nuts / seeds](#)

Policy: We do not prune or remove a council owned tree to stop or reduce the nuisance of fruit, berries, nuts, or seeds, or remove fallen fruit, seeds or seedlings from private land including gutters.

Should fallen fruit lead to a significant anti-social problem the police should be contacted.

Information and advice

1. The maintenance of gutters is the responsibility of the landowner, and the council is not obliged to remove fruit/berries/nuts/seeds or seedlings that may have fallen from council owned trees.
2. If you would like to report a road, street or highway that needs to be cleaned, please contact B&NES Council on 01225 394041 or council_connect@bathnes.gov.uk

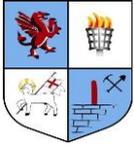
[Poisonous berries](#)

Policy: We have no general policy to remove trees bearing poisonous fruit / foliage (such as yew trees), however where it is claimed or known that unsupervised young children or livestock are likely to be exposed to poisonous berries or foliage, such cases will be investigated, and appropriate action considered.

If you would like to report a concern over a tree with poisonous berries that unsupervised young children are exposed to please use our [tree/hedge report form](#).

Leaves

Policy: We do not prune or remove a council owned tree to stop or reduce leaf fall or remove fallen leaves from private property.



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Information and advice

1. The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning.
2. 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.
3. In parks and green spaces, foot, cycle paths and areas of hard standing are regularly cleared of fallen leaves, but leaves on grass / shrub beds are generally left until the majority of leaves have fallen before they are removed (unless leaving them would damage the grass in which case the leaves would be removed sooner).
4. Leaves are generally sent for composting.

Light

Policy: We do not prune or remove a council owned tree to improve natural light in or to a property including solar panels.

Information and advice

1. In law there is no general right to light.
2. If natural light is being blocked by the growth of a hedge, then action may be taken to reduce the problem under the High Hedges Act, Part 8 of the Anti-social Behaviour Act, 2003. For further information please visit B&NES Council webpage regarding [high hedges and enforcement](#).

Suckers from tree roots

Policy: We do not prune or remove a Council owned tree to stop or reduce the nuisance of sucker growth on private land.

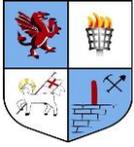
Personal medical condition - complaint

Policy: We do not prune or remove a council owned tree where a request has been made to do so because of a personal medical condition.

Pollen

Policy: We do not prune or remove a council owned tree to stop or reduce the release of pollen.

Trees affecting streetlights, signs, and traffic view



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Policy: We will undertake work to a council owned tree to maintain clear sight lines (where feasible) at junctions, access points (associated with a street, road, or highway), traffic signals and street signs.

Information and advice

1. Standards for visibility vary according to the class and speed limit in force.
2. If a privately owned tree is causing an obstruction to the visibility at a road, please report using [Fix my Street](#).
3. If you have concerns about a council tree affecting streetlights, signs, and traffic view, please report using our tree/hedge report form.

Sap/honeydew

Policy: We do not prune or fell a council owned tree to remove or reduce honeydew or other sticky residue from trees.

Information and advice

1. Honeydew is a natural and seasonal problem. When new trees are planted, we try to choose trees less likely to cause this problem.
2. When honeydew affects your car, warm soapy water will remove it.

Subsidence damage to property (tree-related)

Policy: the council has in place active tree management systems to avoid damage being caused to buildings and other structures as a result of the action of council owned trees.

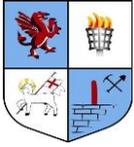
Information and advice

1. If you have concerns about tree related subsidence damage to property, please contact your insurance provider for advice.
2. You are advised to contact the Parish Clerk if you wish to make a formal claim for damage. All claims or notice of claims against the council relating to a council tree will be acknowledged within 5 working days. Please email clerk@peasedownstjohnparishcouncil.gov.uk

Telephone wires

Policy: We do not prune or remove council owned trees to stop or reduce interference with telephone wires.

Information and advice



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1. Your telephone service provider may be able to suggest an alternative solution to the problem.

[Trip hazard](#)

Policy: The council will make safe an unacceptable trip hazard caused by the growth of council owned trees.

Information and advice

1. If you are concerned about a tree that might be causing a trip hazard on a Highways footpath you can report this online using [Fix My Street](#).
2. If you are concerned about a tree that might be causing a trip hazard to a Parks or Green Space footpath you can report this online using our tree/hedge report form.

[Tree touching building](#)

Policy: If a council owned tree is touching a property (house, boundary wall, garage etc.) we will take action to remove the problem.

Information and advice

1. If you have concerns about a tree touching a building you can report this online by using our tree/hedge report form.

[Tree too big / too tall](#)

Policy: we do not prune or remove a council owned tree because it is considered to be too big or tall.

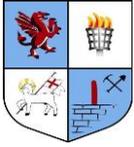
Information and advice

1. A tree may seem too big for where it is, but this doesn't make it dangerous.
2. Our trees (excluding woodland areas) are inspected for safety. We inspect them every one to five years, depending on how much the area surrounding them is used. Maintenance will be carried out, if necessary.

[Tree and TV / satellite reception](#)

Policy: We do not prune or remove a council owned tree to prevent interference with TV / satellite installation / reception.

Information and advice



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1. Your satellite or TV provider may be able to suggest an alternative solution to the problem.

View

Policy: We do not prune or remove a council owned tree to improve the view from a private property.

[Wild animal / insect pest](#)

Policy: We do not prune or remove council owned trees to stop or reduce incidents of perceived pests such as bees, wasps, or wild animals.

Information and advice

1. Bees are protected species and advice should be taken before considering their removal.
2. On private land B&NES Council provides a chargeable service for removing certain pest species. You can contact them on 01225 394041 or via email on council_connect@bathnes.gov.uk

General Information

[Crime and anti-social behaviour](#)

Crime and Anti-Social behaviour should be reported to the police.

[High hedge](#)

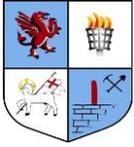
For information on High Hedges, please visit the B&NES Council webpage regarding [high hedges and enforcement](#).

You may benefit from approaching a mediation service if you cannot resolve a dispute between yourself and a neighbour.

[Logs/woodchip](#)

All logs and woodchip generated from council trees are the property of Peasedown St John Parish Council and are recycled where possible. When they are inaccessible and remain on site, they are left to break down naturally to provide wildlife habitat. Logs and woodchip are not for the use of the public.

[Tree and tree protection - Tree Preservation Order, Conservation Area](#)



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For more information, please view B&NES Council's webpage on [Tree Preservation Orders](#).

Tree next to a building site

Policy: The Council is not required to prune or remove a council owned tree to allow building works to proceed, whether planning consent was necessary or via permitted development.

Vandalism

Policy: We will look into any reports of vandalism to a council owned tree and try to correct any damage where we can.

Information and advice

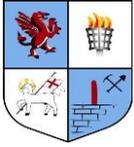
1. We try and protect newly planted trees with stakes/wrap, which is removed once the tree has become established, usually three years after planting.
2. We encourage local communities to report incidents of vandalism and we have taken legal action where witnesses have been prepared to come forward.
3. Crime and anti-social behaviour should be reported to the police.
4. If you would like to report an incidence of vandalism you can report it using our tree/hedge report form.

Why is a tree going to be removed/ has it been removed?

Tree removal is regrettable but in some circumstances it is necessary. The decision to remove a tree is not taken lightly and, apart from when a dangerous tree needs urgent attention, we will inform local residents where possible.

The most common reason that we remove a council owned tree is that it is in an unsafe condition.

If you would like to enquire about why a tree in council ownership was removed or is due to be removed, please use our tree/hedge report form.



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Why is / was a tree pruned?

Trees are pruned for a variety of reasons including the removal of damaged or poorly formed branches, to reduce the likelihood of failure by taking 'weight' out of the tree and generally to keep a tree as healthy and attractive as possible.

If you would like to enquire why a tree in council ownership was pruned, you can request information using our tree/hedge report form.

Tree planting

If you would like to enquire about sponsoring or tree planting, please contact the Parish Office.

Hedges

Hedges are an attractive feature on Council-owned land, and they provide an important habitat for a wide range of species, offering food, shelter, protection from predators, wintering, and nesting sites, and acting as transit corridors. It is recognised that trimming hedges too severely can have a detrimental impact on their wildlife value.

Where there is no negative impact on health and safety, the Council aims to have taller, bushier hedges. However, it will ensure that hedge growth does not impair the safety of highway or footpath users nor impede their access. Hedge cutting will not be conducted between March and August unless for urgent health and safety reasons.

* * *

The foregoing ***Tree and Hedge Management Policy*** has been revised and amended to reflect the changes in the Council's working practices and the latest Government legislation. They were adopted by Peasedown St John Parish Council at a meeting held on 18th January 2022.

Signed:

Chair: Cllr Jonathan Rich

Date: 18th January 2022

Signed:

Clerk & RFO: Tanya West

Date: 18th January 2022