



EMERSONS GREEN TOWN COUNCIL

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# Tree and Hedge Policy

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## **1. INTRODUCTION**

This is a policy for the management of trees and hedges owned and maintained by Emersons Green Town Council (EGTC). It is intended to act as a point of reference for councillors and members of the public to ensure a clear, consistent and structured approach to the management of our trees. EGTC has a responsibility to take reasonable steps to manage its trees to reduce the risk of death or injury to those on parish council land.

Trees help to add variety to our landscape and provide valuable habitats for many species, while providing us with cleaner air. EGTC aims to preserve its trees for future generations to enjoy. There are trees within the EGTC area which are subject to Tree Preservation Orders (TPOs).

Any queries on trees belonging to EGTC should be made to the Clerk at [clerk@emersonsgreen-tc.gov.uk](mailto:clerk@emersonsgreen-tc.gov.uk)

## **2. TREE RISK ASSESSMENT & LEVEL OF RESIDUAL RISK**

It is not possible to eliminate all risks from trees however there are often indications that a tree may be in decline. EGTC employs a professional and independent arboricultural consultant to undertake a Risk Assessment at the frequency recommended by the arboricultural consultant.

The assessment records the condition and required maintenance schedule for EGTC-owned trees and identifies any which pose a risk to health and safety. The tree maintenance schedule aims to reduce the risk to an acceptable level. The legal framework does not require the elimination of risk altogether, but that the residual risk is minimised to a tolerable level.

## **3. TREE MAINTENANCE SCHEDULES & PUBLIC REQUESTS FOR MAINTENANCE**

Tree maintenance schedules will be put out to tender and works carried out in accordance with the Risk Assessment. EGTC will also give consideration to any complaints or requests for maintenance from the public regarding trees on EGTC-owned property, taking into account its tree management policy and/or advice from a qualified tree surgeon.

If an EGTC-owned tree is inspected and found to be in such a condition that it poses a high risk to people or property and is considered to be an emergency situation, instruction will be given to our tree contractor to make the tree safe as soon as practicably possible. If a tree is identified as requiring action, but the risk to the public is not immediate, then the tree will be made safe depending on the degree of risk identified at the time of inspection.

## **4. TREE WORKS WILL TAKE PLACE WHEN**

- 4.1 There are dead, dying or dangerous trees and branches that are found to be a danger to public safety.
- 4.2 Trees or branches are creating an unreasonable obstruction to a public highway, highways signage, public right of way or access to property.
- 4.3 A tree is causing an unacceptable trip hazard considered on the public highway, public right of way or access to property.
- 4.4 A tree which is proven beyond reasonable doubt to be the cause of serious structural damage to buildings as identified by an independent competent professional assessor.

## **5. TREE WORKS MAY TAKE PLACE WHEN**

- 5.1 Trees are deemed by EGTC to be an inappropriate species for their situation.
- 5.2 To ensure that a streetlight can perform to its design specification without being unduly blocked by the presence of trees.
- 5.3 Where a tree/branch is touching, or almost touching a dwelling and work is therefore recommended as part of the regular arboricultural surveys.
- 5.4 To maintain historic vistas or in the interest of preservation of heritage structures.
- 5.5 Trees giving rise to justifiable fears about risk of crime, or trees that have provided access and/or cover for criminal activity.
- 5.6 Trees and branches restricting grounds maintenance operations.
- 5.7 Trees which need formative pruning to shape or train them during the early years.
- 5.8 Thinning of trees where it will benefit adjacent specimens or those of more favourable species.
- 5.9 The tree is a species which is known to ultimately outgrow its location and in doing so unreasonably restricts the use of the area.
- 5.10 Trees restricting repairs and maintenance of property.
- 5.11 To protect or enhance biodiversity.
- 5.12 To improve the aesthetics of the designed landscape.

## **6. TREE WORKS WILL NOT TAKE PLACE WHEN**

- 6.1 We will not prune or fell a tree because it is considered to be 'too big' or 'too tall', or to cut back branches of a healthy tree overhanging private property.
- 6.2 Other than in extreme circumstances we will not prune or fell a tree to remove or reduce any of the following: Leaves, Sticky sap, Blossom, Tree pollen, Bird droppings, Falling fruit/berries/nuts.
- 6.3 We will not prune or fell a tree to remove or reduce incidence of perceived pests such as bees, wasps, or other wildlife.
- 6.4 We will not prune, fell or cut the roots of a tree to prevent roots entering a drain or pipe that is already broken or damaged.
- 6.5 We will not prune, fell or remove roots from drains or repair root damage to structures where the tree has not been clearly demonstrated to be the principal cause.
- 6.6 We will not prune or fell a tree to improve natural light or the view from a property.
- 6.7 We will not prune or fell a tree to prevent interference with TV or satellite TV installation/reception or to prevent the shading of solar panels.
- 6.8 EGTC has no authority to intervene in a dispute between neighbours where non EGTC owned trees are causing a nuisance or damage to property.

## **7. CARRYING OUT TREE WORKS YOURSELF**

You have a legal right to deal with the nuisance associated with trees encroaching onto a property. The following advice is given where there is a wish to exercise the right to Common Law with respect to encroaching trees:

- 7.1 Before carrying out works to trees, it is strongly advised that checks are made as to whether the trees are protected by a Tree Preservation Order or if they are in a Conservation Area. If either of the above applies, consent is required by making an application / giving notice to the Planning Department at South Gloucestershire Council.
- 7.2 It is strongly advised that EGTC is informed of any plan to carry out work on EGTC-owned trees.
- 7.3 EGTC reserves the right to recover costs in the event that a tree is damaged, and requires corrective action by EGTC, as a result of works carried out on an EGTC-owned tree by a member of the public.
- 7.4 It is strongly advised that a professional tree surgeon is consulted for guidance on how best to prune back encroaching trees, unless the works are trivial meaning that works could be carried out with hand secateurs or similar.
- 7.5 There is no legal right to cut or remove any part of a tree that does not overhang the property.
- 7.6 Remove only those parts of the tree from the point where they cross the boundary of the property.

## **8. EVERGREEN HEDGES – ALL PROVISIONS**

The Council comply with the requirements of the Antisocial Behaviour Act 2003, Part 8 in relation to High Hedges.

The legal definition of a 'high hedge'<sup>1</sup> is:

- The hedge consists of more than one tree
- The hedge is evergreen or semi-evergreen
- The hedge is over two metres in height, not including its roots, with no significant gaps
- The hedge stops or interferes with your reasonable enjoyment of your home or garden

## **9. WORKS TO NATIVE DECIDUOUS HEDGES WILL TAKE PLACE WHEN**

- 9.1 They are dead, dying and/or pose a danger to public safety.
- 9.2 They are causing an unreasonable obstruction to a public highway, highways signage, public right of way or access to property.

## **10. WORKS TO NATIVE DECIDUOUS HEDGES MAY TAKE PLACE WHEN**

- 10.1 To ensure that a streetlight can perform to its design specification without being unduly blocked by the presence of trees.
- 10.2 Work to improve the shape and density of hedges.
- 10.3 To protect or enhance biodiversity, in particular to carry out work on hedges in line with any ecological survey recommendations.
- 10.4 Pruning of hedging if it will benefit adjacent specimens or those of more favourable species
- 10.5 To improve the aesthetics of the designed landscape.
- 10.6 Hedges giving rise to justifiable fears about risk of crime, or hedges that have provided access and/or cover for criminal activity.

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<sup>1</sup> Anti-social Behaviour Act 2003

- 10.7 We may reduce the height of deciduous native hedges where this is requested by a resident due to impacting reasonable enjoyment of their property, to a minimum height of 3 metres. Residents wishing to request this must make the request between March and July each year. All requests will be considered together at an Open Spaces Committee meeting with a view to agreed works taking place during the Autumn/Winter. Where request has been considered, another application cannot be made pertaining to the same hedge within three years.

## **11. WORKS TO NATIVE DECIDUOUS HEDGES WILL NOT TAKE PLACE WHEN**

- 11.1 We will not carry out works where birds are nesting. This would normally be during the months of February to August, however, works may take place where appropriate checks have taken place to ensure no birds are actively nesting.
- 11.2 We will not routinely reduce the size of a hedge because it is considered to be 'too big' or 'too tall'.
- 11.3 We will not reduce the width of a hedge overhanging private property.

## **12. CARRYING OUT HEDGE WORKS YOURSELF**

Common law rights entitle neighbours to cut overhanging branches back to the boundary line (unless other legal restrictions, such as a tree preservation order, apply).

The following advice is given where there is a wish to exercise the right to Common Law with respect to encroaching branches of hedges:

- 12.1 Remove only those parts of the hedge from the point where they cross the boundary of the property.
- 12.2 There is no legal right to cut or remove any part of a hedge that does not overhang the property.
- 12.3 You are not able to reduce the height of a hedge unless the owner agrees.

## **13. FURTHER SOURCES OF INFORMATION**

EGTC has no authority to intervene in a dispute between neighbours where non EGTC hedges and trees are causing a nuisance or damage to property. The first course of actions should be to try to resolve matters directly with your neighbour. Where you have damage to your property, contact your home insurers who, depending on the details of your policy, will investigate the matter on your behalf. If you cannot agree, you are able to appeal to South Gloucestershire council: [High hedges | South Gloucestershire Council \(southglos.gov.uk\)](https://www.southglos.gov.uk/high-hedges)

South Gloucestershire Council Trees and Hedges website contains lots of useful information: [Trees and hedges | South Gloucestershire Council \(southglos.gov.uk\)](https://www.southglos.gov.uk/trees-and-hedges)

The Government Guidance 'Over the garden hedge' is another useful source of information: [Over the garden hedge - GOV.UK \(www.gov.uk\)](https://www.gov.uk/over-the-garden-hedge)