

# Fairlight Parish Council

## TREE POLICY

### **1. Introduction**

- 1.1 Fairlight Parish Council (the Council) will manage its trees to ensure that it meets its legal responsibilities, duty of care and health and safety standards.
- 1.2 The Council will only fell trees for sound arboriculture reasons.
- 1.3 The Council will maintain all its trees ensuring any works carried out conform to the "British Standards for Tree Work" - BS 3998. All agents, partners and contractors of the council will be required to comply with these standards.

### **2. What we do to council owned trees:**

- 2.1 Remove dead, dying or diseased trees
- 2.2 Prune tree branches touching a property as agreed per individual inspection

### **3. What we do not do to council owned trees:**

- 3.1 Remove or prune a tree on council owned land that is contributing to fruit fall, leaf fall, insect sap or bird droppings
- 3.2 Remove or prune a tree that may be causing satellite reception difficulties.
- 3.3 Prune tree branches that are causing an obstruction to highway signs or traffic lights, please contact East Sussex County Council.

### **4. Maintenance MAY BE carried out if one of the following applies to Parish owned trees:**

- 4.1 A tree:
  - is causing a legal nuisance to an adjoining property;
  - may be contributing to soil shrinkage and structural damage to adjacent buildings or other built features, where it is felt that it is appropriate to restrict the size and moisture demand of the tree;
  - is creating an obstruction to repairs or maintenance of a property;
  - is blocking daylight from habitable rooms to a severe and unreasonable degree;
  - is restricting surveillance and needs to be managed to create a reassuring environment, reduce fear of crime, and increase citizen surveillance;
  - is physically in contact with a building and/or roof of a building;
  - is obstructing or interfering with highway signage or is likely to do so.
- 4.2 There is a need to remove dead, diseased or damaged branches.

**5. The Parish Council will not carry out tree maintenance if any of the following applies:**

- 5.1 Minor loss of light or removal to improve sight-lines unless there is a health and safety issue
- 5.2 Sap (Honeydew)
- 5.3 Bird fouling
- 5.4 Satellite or TV reception signal disruption
- 5.5 Pruning due to overhanging property
- 5.6 Squirrels gaining access to property via trees
- 5.7 Leaf, fruit or flowers and general debris fall
- 5.8 Pruning or removing for speculative subsidence where no evidence provided
- 5.9 Pruning or removing because of an increase to household insurance policy
- 5.10 Removing to improve aesthetics
- 5.11 Removing trees perceived as too large
- 5.12 Removal for drop kerb/ new driveway (when tree is deemed to live longer than 5 years)

**6 Tree Preservation Orders**

- 6.1 Tree preservation orders (TPO) can be served to stop a tree or group of trees from being felled. On occasions it is necessary to fell trees, for example to make way for property developments or if the trees themselves are poorly managed.
- 6.2 In order to successfully serve a TPO you need to demonstrate that the loss of the tree(s) will result in a negative impact on the surrounding area, for example reducing the public's ability to enjoy the location of the tree(s).
- 6.3 This can be claimed if:
  - the tree is normally visible from a public place such as a road or footpath (although exceptions can be made if other trees are blocking the view);
  - the benefit may be present or future e.g., if the trees are not yet fully grown and will in time be visible;
  - the trees are worthy of preservation for their intrinsic beauty or for their contribution to the landscape;
  - they serve to screen an eyesore or future development;
  - their value is enhanced by their scarcity;
  - the value of a group of trees or woodland may collectively be important;
- 6.4 Other factors such as wildlife habitat can strengthen a case but not be sufficient in isolation to justify a TPO.

## **7 Pruning overhanging trees that are owed by the Parish Council:**

- 7.1 You are permitted to prune back overhanging branches from a tree owned by the Parish Council, if the tree is not covered by a TPO or in a conservation area.
- 7.2 We would advise you to check the status of a tree with the Parish Council or Rother District Council (RDC) before pruning any branches. Any unauthorised works to trees covered by a TPO or in a conservation area carry a substantial fine.
- 7.3 If the tree is located within a conservation area, but is not covered by a TPO, a description of works to be carried out needs to be submitted to RDC.
- 7.4 You will need to submit this to the Tree Preservation Officer before the works are due to start.

## **8 Private property**

- 8.1 The care and maintenance of any trees within private property is the responsibility of the landowner or homeowner.

## **9 Pruning overhanging trees on Private Property**

- 9.1 You are allowed to prune back overhanging branches from a tree in a neighbour's property, if the tree is not covered by a TPO or in a conservation area.
- 9.2 We would advise you to check the status of a tree before pruning any branches as any unauthorised works to trees covered by a TPO or in a conservation area can carry a substantial fine.
- 9.3 If the tree is in a conservation area but is not covered by a TPO, a description of works to be carried out needs to be submitted by requesting an application for the work.

## **10 Trees not covered by a TPO or conservation area**

- 10.1 Any dispute between neighbours regarding trees not covered by a TPO or not within a conservation Area is considered a civil matter. The Parish Council will not intervene at any time.

Adopted: February 2022

Reviewed: