



Bentham Town Council

Tree Management Policy

Adopted: 21.09.26
Minute: OS34
Date of review: September 2029

1. Introduction

Bentham Town Council recognises the significant environmental, social, and visual benefits provided by trees. This policy sets out the Council's approach to managing trees under its ownership or control in a consistent, responsible and sustainable manner. It provides clarity for residents, councillors, and contractors.

2. Objectives

The Council aims to:

1. Protect and enhance the local treescape for current and future generations.
2. Meet its duty of care under the Occupiers' Liability Acts 1957 & 1984 and other relevant legislation.
3. Manage tree risk proportionately, using an inspection-led and evidence-based approach.
4. Promote biodiversity and resilience by encouraging species variety and appropriate planting.
5. Ensure transparency and consistency when responding to tree-related enquiries.

3. Scope

This policy applies to:

- All trees located on land owned, managed or leased by Bentham Town Council.
- Any future land acquisitions that include tree stock.

It does **not** apply to trees on private land or those managed by other authorities.

4. Legal and Policy Framework

The Council will comply with:

- Health & Safety at Work etc. Act 1974
- Occupiers' Liability Acts 1957 & 1984
- Wildlife & Countryside Act 1981
- Countryside and Rights of Way Act 2000
- Highways Act 1980 (where relevant)
- Tree Preservation Orders (TPOs) and Conservation Area legislation
- British Standard BS3998: Tree Work – Recommendations
- British Standard BS5837: Trees in Relation to Design, Demolition and Construction

(Appendix 1)

5. Tree Inspections & Risk Management

5.1 Inspection Regime

The Council adopts a proactive, risk-based approach to tree management. Maintenance requirements are identified through scheduled inspections, unplanned events such as storm damage and reports received from the public.

5.2 Additional Inspections

Additional inspections may be carried out:

- after severe storms or extreme weather;
- when significant defects are reported by the public or staff.

5.3 Risk Assessment

Risk will be assessed based on:

- the likelihood of tree failure;
- the potential impact on people, property, or infrastructure.

Works will be prioritised accordingly.

6. Tree Works

6.1 General Principles

The Council will:

- only undertake tree works where necessary and justified;
- use qualified arborists working to BS3998;
- avoid unnecessary removal or excessive pruning;
- maintain natural form where possible and encourage biodiversity.

6.2 Reasons the Council *will* undertake work

- The tree poses an immediate safety risk.
- The tree is dead, dying, or dangerous.
- The tree obstructs a public highway, footpath, or lawful access.
- The tree is causing direct structural damage to property.

Where property damage or subsidence is alleged, the claimant must provide suitable evidence (e.g., a structural engineer's report, crack monitoring data, and root analysis). Mitigation may include pruning, root barriers, or removal if justified and proportionate.

- The tree requires maintenance as identified during a professional inspection.

6.3 Reasons the Council *will not normally* undertake work

BTC will not undertake work solely because of:

- leaf, fruit, or seed drop;
- blossom, bird droppings, or seasonal debris;
- perceived loss of light or shading;
- TV/satellite signal interference;
- obstruction of views;
- minor seasonal nuisances such as sap drip, insects, or pollen.

These are considered normal characteristics of living near trees.

7. Tree Removal

Tree removal will only occur when:

- a tree is dead, dying, or dangerous;

- it poses an unacceptable risk to public safety;
- necessary to prevent the spread of a serious pest or disease;
- removal is required for sound arboricultural or ecological reasons;
- removal forms part of an approved management plan.

Where possible, replacement planting will be undertaken.

8. Conservation Areas & Tree Preservation Orders (TPOs)

Where trees are subject to TPOs or are within Conservation Areas:

- The Council will seek the necessary permissions before carrying out works;
- emergency works will be notified afterwards as required;
- contractors must comply with all statutory controls.

9. Resident Requests & Enquiries

If residents report a potentially dangerous tree, an inspection will be arranged as soon as reasonably possible.

For non-urgent issues, the Clerk will place the request on the next available Council agenda. If approved, an inspection will be carried out within three months. Residents will be informed of outcomes.

The Council acknowledges the value of mature and ancient trees and will balance public safety with the need to protect the natural environment. Only essential or minimal works will be undertaken where possible.

9.1 Requests for pruning or removal

Requests will be assessed by a qualified inspector. Decisions will be based on risk, tree health, condition, location and the provisions of this policy.

9.2 Boundary and encroachment issues

- Adjacent landowners may prune overhanging branches back to the boundary, provided the work is carried out safely, does not damage the tree and the tree is not protected by a TPO or located within a Conservation Area.
- The Council will not undertake work solely to address encroachment unless safety or tree health is at risk.

9.3 Complaints

The Council will **not** prune or remove trees solely for reasons such as:

- light reduction unless it is severe and affects daylight to habitable rooms to an unreasonable degree;
- falling leaves, sap, fruit, nuts, blossom, or bird droppings;
- moisture changes to gardens;
- seedlings or suckers;
- leaves collecting in gutters or drains;
- algae build-up caused by shade.

Television and satellite reception

The Council will not prune or remove trees solely to improve reception. Action will only be considered where:

- residents have taken reasonable steps to resolve the issue;
- there is clear evidence that pruning will improve reception;

- works do not unreasonably reduce the amenity value of the tree.

10. Ash Dieback (*Hymenoscyphus fraxineus*)

Given the national prevalence of ash dieback, the Council will:

- monitor ash trees regularly;
- prioritise works where safety risks arise;
- remove and replace severely infected trees;
- aim to maintain canopy cover through replanting.

11. Wildlife & Ecology Protection

All tree works will take account of:

- bird nesting season (March–August);
- protected species such as bats;
- existing habitats and ecological networks.

Where protected wildlife is present, works will be delayed or modified in accordance with the law.

12. Contractors

Only suitably accredited and insured contractors will be used. Contractors must:

- hold appropriate qualifications (e.g., NPTC, LANTRA);
- follow BS3998;
- hold public liability insurance of at least **£5 million**;
- operate safely and respect site users and the natural environment.

13. Emergency Procedures

In emergencies (e.g., fallen trees or storm damage):

- The Council will arrange an immediate inspection;
- priority will be given to safety, access, and protection of property;
- temporary measures may be taken until full works can be carried out.

14. Review of Policy

This policy will be reviewed every three years, or earlier if significant legislative or environmental changes occur.

Appendix 1

1. Health & Safety at Work etc. Act 1974

Relevance:

The Council has a legal duty to ensure, so far as reasonably practicable, that employees, contractors, and the public are not exposed to risks from its tree stock.

Compliance Requirements:

- Undertake regular tree risk inspections.
- Ensure tree work is carried out by competent, trained contractors.
- Maintain safe systems of work.
- Record inspections, defects, and actions taken.

2. Occupiers' Liability Acts 1957 & 1984

Relevance:

The Council, as a landowner/manager, owes a duty of care to lawful visitors (1957 Act) and to some extent trespassers (1984 Act) to take reasonable steps to prevent foreseeable harm from trees.

Compliance Requirements:

- Operate a defensible inspection regime based on risk (zoning).
- Carry out remedial works where hazards are identified.
- Keep documented evidence of inspections and maintenance decisions.

3. Wildlife & Countryside Act 1981

Relevance:

Protects nesting birds, bats, and other wildlife that commonly use trees.

Compliance Requirements:

- Avoid tree works during nesting season unless essential for safety.
- Carry out ecological checks before major works or felling.
- Ensure no disturbance to protected species or habitats.
- Consult ecologists where wildlife may be affected.

4. Countryside and Rights of Way Act 2000 (CROW Act)

Relevance:

Strengthens protection of wildlife and public rights of access across council-managed land.

Compliance Requirements:

- Ensure tree works do not damage habitats or protected areas.
- Maintain safe access on public rights of way (e.g., fallen trees, dangerous branches).
- Follow enhanced wildlife protection duties, especially for SSSIs.

5. Highways Act 1980 (where relevant)

Relevance:

The Council must ensure that trees adjacent to highways do not pose a danger or obstruction.

Compliance Requirements:

- Maintain adequate clearance over roads and footpaths.
- Remove or make safe trees that obstruct visibility or signage.
- Respond promptly to reports of dangerous roadside trees.

6. Tree Preservation Orders (TPOs) and Conservation Area Legislation

Relevance:

Certain trees may not be pruned or felled without consent from the Local Planning Authority.

Compliance Requirements:

- Check TPO/Conservation Area status before carrying out works.
- Apply for and obtain permission where required.
- Document decisions and maintain compliance records.
- Only undertake exempt works where safety or dead tree exemptions apply - and record justification.

7. British Standard BS3998: Tree Work – Recommendations

Relevance:

National standard for all tree works (pruning, felling, crown lifting, etc.).

Compliance Requirements:

- Ensure all tree works conform to BS3998 best practice.
- Use trained arborists who understand the standard.
- Retain records showing that works followed BS3998 guidance.

8. British Standard BS5837: Trees in Relation to Design, Demolition and Construction

Relevance:

Applies when development, building works, or construction may affect trees.

Compliance Requirements:

- Protect trees during construction (root protection areas, fencing).
- Conduct tree surveys as part of planning applications.
- Ensure design and demolition plans incorporate BS5837 recommendations.