

Canvey Island Town Council

Tree Policy

1. Purpose

- 1.1 To set out Canvey Island Town Council's policy approach to trees on sites under the management of the Council within Canvey Island.

2. Statement of Policy Aims

- 2.1 Canvey Island Town Council recognises that a variety of landscape types make up the environment within Canvey Island and trees are one of the most important, natural elements. Trees, whether appearing as individuals, or as groups, have a very significant effect on our quality of life by providing direct and indirect benefits.
- 2.2 Canvey Island Town Council recognises that it has a duty of care to ensure that all trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk.
- 2.3 The Council is committed to managing risk in accordance with recognised good practice.

3. Maintenance of Council Tree's

3.1 The Council will:

- a. commit to ensure the management of trees on Council land contribute to making Canvey Islands environment attractive and healthy, enhance the landscape and add to the biodiversity.
- b. commit to ensure the safe and efficient management and sustainability of its trees.
- c. commit to appoint a qualified arboriculturalist to conduct an annual Tree Audit Survey of all trees on land under the management of the Council.
- d. where work to a tree is identified as being necessary, the Council is committed to undertake these works in accordance with a priority system for arboricultural operations based on the risk that the trees present to people or property.
- e. Investigate and endeavour to replace any trees that have had to be removed due to disease, vandalism, or health & safety reasons.

3.2 Trees that overhang neighbouring properties

The Council *has no legal obligation to cut overhanging trees unless it is causing direct damage to an adjacent property or is causing a danger.*

Adjacent landowners have a common law right to cut encroaching tree branches or roots back to the boundary of their property. Legally, you are required to retain the cuttings and offer them back to the Council, but the Council is not obliged to accept them, therefore any cuttings must be disposed of appropriately and not returned to Council land.

Before considering doing any works to a tree / trees you should find out if it is protected by a Tree Preservation Order or within a Conservation Area. If a tree is protected, you will need to gain consent by making an application / give notice to the Council. To find out if a tree is protected and guidance on how to apply for works; contact the Council on 01268 683965.

3.3 Pruning trees to remove or reduce leaf fall or remove fallen leaves from private property.

The Council will not prune trees to remove or reduce leaf fall. The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning.

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. Where gutters are regularly blocked by fallen leaves gutter guards may be fitted to provide a low maintenance solution.

3.4 Pruning trees to remove or reduce pavement obstruction.

The Council will undertake work to a Council owned tree to maintain a minimum (where reasonably feasible) 2.5 metres height clearance over a footpath associated with a street, road, or highway (3 metres where there are cycling rights). Any works necessary to prevent an obstruction in the width of a footpath associated with the highway due to the presence of a Council owned tree would be considered on a case-by-case basis.

If a privately owned tree is causing an obstruction to a footpath. Essex County Council may enforce powers under the Highways Act to make the owner of the tree remove the obstruction.

3.5 Pruning trees to remove or reduce the release of pollen

The Council will not prune or fell a Council owned tree to remove or reduce the release of pollen, however, where it can be established that the presence of a tree is causing a detriment to the health of a resident, further consideration may be given to the management approach of that tree.

3.6 Pruning trees to maintain clear sight lines at junctions and access points (associated with a street, road, or highway)

The Council shall prune a council owned tree identified as causing an obstruction to the visibility (sight line) at a road junction or access point (associated with a street, road, or highway)

3.7 Pruning or felling of trees following acts of vandalism.

The Council shall investigate any reports of vandalism to a Council owned tree and (where reasonably feasible) try to correct any damage.

3.8 Pruning Trees for Light Improvement

In law there is no general right to light. Any right to light would need to be established via a specific grant (rare) or by prescription, which can only occur where the right has been enjoyed uninterruptedly for a minimum of 20-years. Following this, a legal right to light can only be enjoyed in relation to a specific opening (such as a window) in a building; there is no right to light in connection with open land, such as a garden. Further, if these conditions are met then an owner of the building is 'entitled to such access of light as will leave his premises adequately lit for all purposes for which they may reasonably expect to be used.

Where it can be established that the presence of trees is causing a detriment to the health of residents, further consideration will be given to the management approach of trees.

3.9 Pruning trees to improve Television, Satellite or Radio Reception

There is no right to good reception and in many cases, it is possible to resolve issues of poor reception by finding an engineering solution, however, the Council may consider requests to prune trees to improve reception where all the following conditions are met:

- Proven documented evidence can be provided ensuring efforts have been made to find an engineering solution to the problem and have not been successful.
- The work required is consistent with good arboriculture practice and will not unduly affect the amenity or health of the tree.
- The work required can be executed within financial resources available.

3.10 **Overhead Power Cables or Telecommunications Equipment**

The Council will not prune or fell a tree to remove or reduce interference with telephone wires or power cables. In accordance with Schedule 4 of the Electricity Act 1989, electricity suppliers are empowered to remove obstruction to their equipment, or the telephone service provider may be able to suggest an alternative solution to the problem.

3.11 **Planting trees on Council land**

The Council shall consider the constraints and opportunities of the proposed planting site, site character, design considerations and planting schemes.

The Council shall consider tree type, prior to planting, as too many of the same type of tree can increase the risk of a devastating loss of one or more species of tree to disease or other environmental factors.

Planting native trees is generally preferred especially if the intent is primarily to attract wildlife, however, the suitability of such tree's will be dependent on its location. The Council will endeavour to purchase trees that are of local provenance.

As climate change increasingly becomes a reality, the Council shall consider the types of trees that will be able to cope with a changed climate, which is projected to be a trend towards hotter, drier summers and warmer, wetter, and windier winters.

CLAIMS RESULTING FROM FALLING TREES AND BRANCHES

The Council can only be held liable for damage or injury caused by trees on its land, if it can be proved that the Council has been negligent in the management of its trees.

If the Council has acted reasonably and has implemented an appropriate frequency of inspections (Visual Tree Assessments) using a qualified arboriculturalist; and if any remedial action identified during that inspection has been implemented within a reasonable time, any claim for damages may be greatly reduced or even dismissed.

Further information

To find out if a tree is owned by the Council contact:

Town Clerk
Canvey Island Town Council
11 High Street, Canvey Island, Essex, SS8 7RB

Tel: 01268 683 965

Email: clerk@canveyisland-tc.gov.uk