



AMENITIES COMMITTEE **TREE MANAGEMENT POLICY**

General Statement

This policy applies to all trees under Marden Parish Council ownership/management, regardless of their location and aim to preserve its trees for future generations to enjoy.

Trees growing on land which forms part of the adopted Highway are the responsibility of the Highways Authority, Kent County Council (www.kent.gov.uk)

This policy details Marden Parish Council's methods for managing the tree stock owned and maintained by the Council. The policy has been written to:

- Ensure that the Council maintains a safe tree stock.
- Ensure consistency with regard to requests to prune and maintain trees.

The Council is responsible for trees on land that it owns on its areas of open space at Marden Playing Field (including Napoleon Drive and The Chestnuts area), Rookery Path, Southons Field and Marden Cemetery.

In terms of trees that the Parish Council has responsibility for, it is important that their approach to management is prudent and proportional to ensure that those persons using the Parish Council grounds, who drive past the Parish Council grounds or use the Parish Council areas as a place of work, are safe when doing so.

Any queries on trees belonging to the Parish Council should be made to the Clerk.

Legal Framework

In both civil and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch.

The owner of land on which a tree stands owes a duty of care in common law, to take reasonable care to avoid acts or omissions that could cause a reasonably foreseeable risk of injury to persons or property.

Office Opening Times:

Mondays, Tuesdays & Fridays 10am - 12 noon

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Benefits of Trees

Trees have many benefits including:

- They are crucial to the climate effort as they capture carbon dioxide (CO₂) from the atmosphere and help to improve air quality
- Provide shelter from the sun, wind and rain
- Stabilise soil – particularly important on sites adjacent to water bodies
- Help to reduce flood risk
- Filter atmospheric pollution
- Provide a barrier to noise and screening poor views
- Provide a valuable habitat for wildlife
- Provide pleasant green settings in which to live and work
- Provide opportunities for people to re-connect with nature to improve health and wellbeing
- Soften the impact of development
- Commemorate or celebrate individuals, events and/or communities

Tree and Hedge Management - General

Trees and hedges will not be removed unless there is a demonstrable arboriculture, safety or legal reason for the removal.

All requests for any arboriculture work to trees growing on Council land will be inspected and authorised by Council Officers.

Birds

Under the Wildlife and Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent tree work involving tree removal/reduction and hedge cutting operations should not normally be undertaken during the bird nesting/breeding season, which is considered to be from 1st March to 31st July.

If tree/hedge works are required in the bird nesting season, trees will be examined for evidence of nesting. Where a bird's nest is found, tree/hedge works will be delayed until the end of the nesting season. The Council will take advice from a tree surgeon in the instance that a tree or branch proved dangerous during nesting season.

No work will be undertaken on trees/hedges where there is potential to impact upon protected species (for example bats or badgers) until consultation has been undertaken with appropriate external consultants.

The Council is encouraged to consider when dealing with planning applications for privately owned land, whether there are Council owned trees on adjacent land that may be affected by the development before approving the application (e.g. for site access, dropped kerbs or storage of materials).

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The Council is committed to explore and develop opportunities to utilise the arisings e.g. woodchips, logs, habitat piles and dead standing timber generated by arboriculture operations towards greater environmental sustainability.

Tree Presentative Orders (TPOs)

(See list at Appendix A)

A TPO is a legal document made, administered and enforced by the local planning authority, to protect specified trees and woodlands with public amenity value. A TPO prevents cutting down, uprooting, lopping, wilful damage or destruction of trees (including cutting roots) without permission.

Some trees in Marden Parish Council's ownership are covered by TPO's and it recognises its responsibilities in regard to its trees that are protected by TPOs.

Trees in Conservation Areas

It is an offence to cut down, prune, lop, top, uproot or wilfully damage or destroy a tree in a conservation area without giving prior written notice to Maidstone Borough Council.

Claims for Subsidence and Damage

When investigating claims of subsidence and damage to properties from tree roots emanating from a tree owned and maintained by the Council, the Council requires the property owner to submit a structural engineers report. This will enable the Council to review the evidence and determine the appropriate course of action. The report must cover:

- Physical damage
- Presence of live roots of a suitable species
- Seasonal movement or variation of the damage during different seasons

All claims regarding subsidence will be referred to the Council's Insurer along with a brief report detailing the age, type, and condition of the tree and any other factors that may be of importance to the claim.

If evidence is insufficient any claim will be dismissed.

Tree Inspections

The Council contracts a company to carry out a three yearly tree inspection on all of its open space. This inspection includes looking at the health and risk of all trees. The Caretakers conduct a monthly visual tree inspection and ad hoc inspections following Yellow, Amber and Red Weather Warnings of high wind from the Met Office. Each Caretaker monthly tree inspection and inspection following adverse weather is recorded in a report that is kept on file at the Parish Office.

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Damage to Property Caused by Trees

The Council will cut back trees from properties where they touch windows, walls, roofs or gutters. This will ensure that damage to property such as tiles or gutters is avoided. Owners should notify the Parish Council if this occurs (please also see: “Carrying Out Tree Work by A Resident” below)

Obstruction by Overhanging Branches

Tree branches from Council trees that obstruct footpaths, the carriageway, highway signage, street lighting or CCTV will be inspected and have the necessary pruning work undertaken within the timescale appropriate to the situation.

Low branches overhanging private gardens will be cleared to a height of 3m maximum when work undertaken by the Parish Council.

Television or Satellite Signals

There is no legal right to good television or satellite signals and no legal requirements to rectify a loss of television, satellite or radio service in respect of trees. Interference is not at present a legal nuisance, and in many cases it is possible to resolve issues of poor reception involving trees by finding an engineering solution.

Shade or Blocking of Light

There is no legal right to light under the law and therefore the Council has no legal obligation to abate this perceived nuisance. The Council will consider applications to prune trees on an individual basis and that the work can be executed within financial resources available.

Leaf/Fruit Fall and Secretions

Tree work will not be carried out solely to alleviate problems caused by natural and or seasonal phenomena as follows:

- Falling leaves
- Sap exudation (e.g. honeydew)
- Falling fruits and nuts
- Bird droppings
- Blossom
- Reduction or increase moisture to gardens
- Blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves, presence of algae and moss build up.

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Highway Tree Management

Street trees are defined as trees planted or growing in road verges along the parish's highway network. The Parish Council is not responsible for road verges.

Greenspace Tree Management

The Council aims to create a varied and sustainable tree population in the open spaces and cemetery for reasons of aesthetics and for the benefit of the biological diversity of the parish.

The Council will maintain the overall number of trees in open spaces and cemetery through replacement planting programmes.

Trees on open spaces, which are not blocking the highway or sightline, will be left with a more natural shape where the branches may extend down to the ground.

See Appendix B for MPC's Tree Risk Management Scheme.

Woodland Tree Management

The Parish Council is not currently responsible for any woodlands.

Replacement Trees

The Council will select indigenous trees that are appropriate for their location and the anticipated maintenance needs throughout the life of the tree.

To help maintain a continuity of tree cover the Council will undertake the planting of new trees where suitable opportunities arise.

Tree Pruning Techniques and Who Carries Out the Work

Marden Parish Council will seek to ensure that tree works are carried out to the highest standards. In carrying out tree works, it and other third parties working on trees over which MPC has a responsibility, will ensure that pruning conserves the overall amenity value, form and shape of the tree and all tree works must be carried out in accordance with British Standard 3993 – Recommendations for Tree Works. Particular pruning specifications may or may not be appropriate for trees of different ages, species, health and condition, or even between trees of the same species depending on their condition, age and environment. Clear and acceptable pruning objectives are necessary in advance of approval of a pruning specification.

Tree Planting

The principle aim of new planting will be to maintain and increase tree cover within the parish and to achieve a robust and diverse tree population, well suited to the planting location and able to meet the challenges of a changing climate and pests and disease, whilst maximising amenity, biodiversity and other tree related benefits.

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All new tree planting will utilise high-quality, disease-free planting stock and will follow the principles set out in British Standard 8545 (2014) Trees: From Nursery to Independence in the Landscape – Recommendations.

Marden Parish Council is committed to planting trees following a tree removal. Wherever possible at least one replacement tree will be planted for each tree removed. Where, due to location or other issue this is not appropriate, Marden Parish Council will seek to plant at least one tree on land it manages in the vicinity so that the tree cover in the local area is not diminished.

Public Requests for Maintenance

Marden Parish Council will give consideration to any complaints or requests for maintenance from the public regarding trees on Parish Council owned land, taking into account its tree management policy and/or advice from a qualified tree surgeon. If a parish council 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 the 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.

In cases where it is necessary to remove a tree, or substantial lop or prune a tree at a resident's request, and where the request is found to be valid subject to the conditions set out within this Policy.

Carrying Out Tree Works by a Resident

Residents 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 risk to exercise the right to Common Law with respect to encroaching trees:

- Remove only those parts of the tree from the point where they cross the boundary of the property;
- There is no legal right to cut or remove any part of a tree that does not overhang the property;
- 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;
- It is strongly advised that Marden Parish Council is informed of any plan to carry out work on Parish Council owned trees;
- 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 Maidstone Borough Council;

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- If agreement is received for the work the resident must obtain quotes from qualified tree surgeons and arrange for the work to be carried out at their own expense

Marden Parish Council reserves the right to recover costs in the event the tree is damaged, and requires corrective action by the Parish Council, as a result of works carried out on a Parish Council owned tree by a member of the public.

Although Marden Parish Council believes this policy to be as comprehensive as possible, they acknowledge it does not cover every situation. The Parish Council reserves the right to exercise discretion in application of this policy when to do so would be in the best interests of the Council and its residents.

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APPENDIX A

MARDEN TREE PRESERVATION ORDERS (TPOS)

For full details of the following TPOs please contact the Parish Office or visiting [Tree preservation orders \(TPOs\) - Maidstone Borough Council](#) if you know the postcode.

TPO No: 8 of 1975

Location: Little Oaks and Field House, Park Road

ID No: G1

Details: 7 Oaks

TPO No: 17 of 1977

Location: Loves Wood, Loves Farm, Goudhurst Road (boundary of Goudhurst Parish Council)

ID No: W2

Details: 4.2 acres of woodland. Comprising of Oak standards with mixed hardwood coppice undergrowth

TPO No: 32 of 1981

Location: Church Farm, Maidstone Road

ID No; T1

Details:1 Scots Pine

TPO No: 12 of 1985 (originally No. 27 of 1984)

Location: Chantry Place, Church Green

ID No: T1 to T7

Details: 1 of each of Ash, Horse Chestnut, Wild Cherry, Weeping Willow and Corsican Pine and 2 Pine

TPO No: 12 of 1985 (originally No. 27 of 1984)

Location: Chantry Place, Church Green

ID No: G1

Details: 2 Horse Chestnuts

TPO No: 12 of 1985 (originally No. 27 of 1984)

Location: Chantry Place, Church Green

ID No: G2

Details: 7 Sycamore; 8 Yew; 4 Horse Chestnut; 2 each of Lime and Ash and 1 of Pine

TPO No: 12 of 1985 (originally No. 27 of 1984)

Location: Chantry Place, Church Green

ID No: G3

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Details: 4 each of Yew and Sycamore; 3 each of Horse Chestnut and Pine; 1 each of Acer Cappadocicum, Ash, Hawthorn and Scarlet Oak

TPO No: 12 of 1985 (originally No. 27 of 1984)

Location: Chantry Place, Church Green

ID No: G4

Details: 2 each of Cupressus spp; 1 Horse Chestnut

TPO No: 20 of 1986

Location: Lime Close, off Chantry Road

ID No: G1

Details: 19 Lime; 1 each of Birch and Elder

TPO No. 17 of 1987

Location: Chantry Place, Church Green

ID No: T1

Details: 1 Lombardy Poplar

TPO No: 8 of 1991

Location: Thorn Farm, Marden Thorn

ID No: T1 and T2

Details; 2 Horse Chestnut

TPO No: 9 of 1991

Location: Land West of Maidstone Road (north of Blue House Farm)

ID No: T1 – T44

Details: 40 Oak, 3 Field Maple and 1 Wild Service

TPO No: 9 of 1991

Location: Land West of Maidstone Road (north of Blue House Farm)

ID No: G1 – G18

Details: 156 Oak; 13 Field Maple, 6 Ash, 2 each of Alder and Wild Service; 3 Aspen and 1 Hawthorn

TPO No: 15 of 1994

Location: The Rookery (Rookery Path)

ID No: T1

Details: 1 Ash

TPO No: 15 of 1994

Location: The Rookery (Rookery Path)

ID No: G1 – G5

Details: 5 Ash; 13 Yew and 1 Oak

TPO No: 18 of 1995

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Location: West of North View, Hunton Road
 ID No: W1
 Details: Woodland comprising of Ash, Oak, Willow, Field Maple, Wild Cherry

TPO No: 10 of 1997
 Location: New Lodge, Hunton Road
 No details

TPO No: 15 of 1998
 Location: Westfield House, Goudhurst Road
 No details

TPO No: 13 of 1999
 Location: The Willows, Church Green (now Rookery Court)
 No details of trees

TPO No: 8 of 2007
 Location: Little Mountain Farm Barn, Park Road
 ID No: T1
 Details: 1 Oak

TPO No: 4 of 2011
 Location: Adjacent to The Lodge, Goudhurst Road
 ID No: T1 – T4
 Details: 2 each of Wellingtonia and Pine

TPO No: 5008/2022
 Location: Land rear of 4 Bramley Court
 ID No: G1
 Details: 3 Ash and 1 Field Maple

TPO No. 5010/2024
 Location: Land to the rear of The Stores, Church Green
 ID No: T1
 Details: 1 Horse Chestnut

TPO No: 5014/2024
 Location: Land East of Albion Road and North of Copper Lane
 ID No: T1 – T10
 Details: comprising of Oak, Common Oak, Field Maple, Willow, Silver Birch and Maple

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APPENDIX B

TREE RISK MANAGEMENT SYSTEM

General Statement

The risk of being killed by a falling tree is extremely low:

“Each year between 5 and 6 people in the UK are killed when trees fall on them. Thus, the risk of being struck and killed by a tree falling is extremely low – the risk of being struck and killed by a tree growing in a public space is even lower. Up to 3 people are killed each year by trees in public spaces, but as almost the entire population of the UK is exposed, the risk is about one in 20 million.” (HSE, 2007).

Although the actual risk is low it is not generally perceived in this way by the public, often because when incidents do occur, they often attract a lot of public attention. It is important that an appropriate balance is reached which minimises risk but ensures that large trees are not lost from the landscape.

General Approach

Tree inspections are generated in a variety of ways; the majority of inspections are reactive and in response to a request or enquiry usually from the public. The identification of hazardous trees or those requiring inspection also arise from tree surgeons undertaking other work in the area or from the three-yearly tree audit by a qualified arboriculturist.

Scheduled Surveys

Proactive inspections of trees need to be undertaken in the areas owned and managed by the Council and a more detailed inspection of trees to identify any work required as well as those trees which require monitoring because of their condition or location. This will be undertaken on a three yearly cycle. Re-inspection of individual trees will depend on the level of risk associated with them.

Recording Tree Related Risk

When a tree on Parish Council land poses a significant risk, work to make the tree safe or fell the tree will be undertaken as appropriate. In some cases, however an identified risk may not be sufficiently severe to warrant immediate action, but the tree will require ongoing monitoring, for example a reassessment of the tree may be required in the summer to assess the vigour of the tree. In these cases where the tree is not within an area currently part of a proactive inspection regime it will be recorded separately on a register of ongoing tree risk assessments.

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The tree inspection procedures take into account the following criteria:

- Species
- Height
- Age category
- Physical condition
- Recommended action required
- Priority of work required
- Usage zone

Method of Risk Assessment

The Council should undertake a risk assessment of a tree or group of trees where some basic risk management principles should be applied. The assessment of tree risk is made up of the following three components:

Usage Zone:

- Red – High – Inspection annually and immediately after severe weather events.
- Blue – Medium – Inspection every 2 years and immediately after severe weather events.
- Green – Low inspection – During normal routine visits or every 5 years.

Zoning

This is a practice whereby areas of land are identified according to use. This practice identifies high frequency and low frequency use and contributes to a cost-effective means of tree inspection by focusing resources where most needed.

A high frequency use zone is an area that is frequently visited by members of the public, close to occupied properties or close to frequently used highways and pathways, where the failure of a tree or branches from a tree would cause most damage to people or property or disruption to normal activities.

A low frequency use zone is an area that is not frequently visited by the public or some distances from properties, highways and footpaths, where the failure of a tree or branches from a tree would not cause much damage to property or people or disruption to normal activities.

Risk Zone

Priority

Where the probability of a tree failing and would cause harm or damage

- Inspect annually as part of the Proactive Inspection Regime and reactively post storm conditions

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- Areas such as trees adjacent to busy A and B roads; Trees adjacent to well used open spaces; Trees adjacent to well used footpaths

Moderate

Where the probability of a tree failing and causing harm or damage is unlikely

- Inspected every three years and reactively post storm conditions
- Areas such as trees adjacent to B roads; Trees adjacent to lesser used open spaces; Trees adjacent to properties and businesses

Low

Where the probability of a tree failing and causing harm or damage is highly unlikely

- Inspected every five years and reactively post storm conditions.
- Areas such as trees adjacent to rarely visited areas.

Acceptable Level of Risk

Once the level of risk has been established the action required will be dependent on how to reduce the risk to an acceptable level. The legal framework does not require the elimination of risk altogether, but that the risk is minimised to an acceptable level.

It may be possible to reduce the risk associated with a tree by pruning or moving the target e.g. rerouting a footpath.

There may be exceptional occasions when a higher risk may be acceptable for example if there is a tree of particular additional value or for reasons of heritage. In these circumstances the advice from an independent consultant and where appropriate an officer from Maidstone Borough Council will be sought. In addition to this further arboricultural advice or investigations into the condition of the tree may be sought.

Types of Tree Risk Assessment

At present three levels of inspection are used to identify the level of risk associated with trees dependent on the circumstances. Not all trees require individual assessment by an arboriculturalist. The HSE (2007) considers that someone to be competent requires a working knowledge of trees and their defects, but need not be an arboricultural specialist.

Non-specialist Survey – undertaken monthly

Officers/grounds staff report trees that are observed as needing more of a detailed inspection.

Walking Survey – undertaken twice a year

Site inspections include a walking survey of trees. Those trees with defects are noted and recorded. Particular attention is given to trees in high-risk areas, eg by high occupancy areas, roads and buildings. If a defect in a tree is noted an

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assessment will be made. The Marden Tree Warden will undertake this, on a voluntary basis, to identify common signs and symptoms that may lead to tree or limb failure and methods of reporting this information.

Detailed Inspection – undertaken every 3 years (Tree Audit)

A comprehensive inspection by an independent consultant of a tree in question with all relevant details recorded and specific management recommendations made. This type of inspection will only be undertaken by an experienced and qualified inspector trained to Professional Tree Inspection level approved by the Arboricultural Association.

Recording

A location map identifying significant tree by species will be drawn up and kept up to date.

A database of formal tree inspections will be kept up to date

All tree surgeon reports, recommendations and invoices will be retained

Reports received from members of the public will be retained (in line with GDPR policies)

Summary

The risk associated with trees is generally relatively low.

The identification of risk associated with trees is always considered when a tree is inspected.

A strategy of pro-actively surveying trees in areas under the responsibility of the Parish Council is in place.

Adopted by Marden Parish Council on: 6th April 2021

Reviewed/Amended: November 2021 / 12th April 2022 / 14th March 2023 / 12th

March 2024 / 28th February 2025 / 10th March 2026

Review Date: March 2027

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