

To consider adopting a Tree Policy

## Background

Langport Town Council signed up to the Tree Charter in 2017, [Charter for Trees, Woods and People](#) but there are a number of other actions which LTC could take in order to address the losses of many trees currently happening, largely through development as well as natural causes.

The idea of the Tree Policy is to guide and influence all decisions affecting the management of trees and hedges within the town. The policy will dictate how the Town Council manages the land within its jurisdiction and will guide landowners and residents when considering their trees and hedges. [Trees and Woodland Strategy](#)

Every landowner remains responsible for trees and hedges on their property and Langport Town Council in enacting this policy, in no way accepts any liability for trees and hedges not on its property.

If any aspect of this policy conflicts with statutory planning law or any aspect of common law or liability, the law takes precedence.

The aim is to act in partnership with everyone in our community to allow speedy, effective appropriate management of trees without unnecessary due bureaucracy and expense.

### Why trees are important:-

- a) They make our town more attractive and desirable.
- b) Absorb air pollution and noise.
- c) Produce oxygen and absorb carbon dioxide.
- d) Intercept rainfall and reduce runoff and flooding.
- e) Provide shade and shelter for people and animals
- f) Create a variety of habitats for wildlife
- g) Help to emphasize the changing season.
- h) Produce fruits, nuts and seeds.
- i) Produce firewood at the end of their lives.
- j) Help to combat climate change by sequestering CO2
- k) Are a source of inspiration, have psychological health benefit

### Trees and the Law

#### 1. Tree Preservation Orders

Tree Preservation Orders (TPO's) are used to protect selected trees and woodlands whose removal would have significant impact on the environment and its enjoyment by the public. The practical effect of a TPO is to prohibit the felling, pruning, damage or uprooting of trees without the consent of the Local Planning Authority (LPA).

A TPO extends to the whole tree including the roots.

A landowner must be provided with a copy of a TPO made by the LPA, and the trees must be identified on a map.

Anyone can check whether TPO's are in force on any tree by contacting the LPA.

Should anyone wish to fell, prune or uproot a tree covered by a TPO, they must:

Apply in writing to the LPA setting out the tree works they wish to carry out and why

Not carry out any work on a tree until written permission has been granted by the LPA

Strictly adhere to any work approved and associated conditions imposed by the LPA in terms of extent of pruning and type of operation.

Should consent be refused or no decision received within two months of applying to the LPA, an appeal may be made to the Secretary of State for the Environment, Transport and Regions.

Working on a protected tree without consent is an offence and it is open to the LPA to prosecute.

## 2. Conservation Areas

Most trees in Conservation Areas have temporary protection. Anyone proposing to work on a tree in a Conservation Area which is not protected by a TPO, but has a trunk diameter over 75mm (3") when measured at 1.5 m from ground level, is required to give notice to the LPA concerned. The LPA may, if it sees fit, place a TPO on the tree and the above procedures would then apply. If it does not do so after six weeks the work may proceed but if it is not completed within two years, a further notice is needed. Such work must be consistent with that specified in the notice of the intention.

Should anyone wish to fell, prune or uproot a tree within a Conservation Area, they must give six weeks notice in writing to the LPA detailing the nature and extent of the proposed work and identify the trees.

If the applicant has not received notification of the making of a TPO they may proceed with the work which was specified to the LPA.

Working on trees in Conservation Areas without giving six weeks written notification is an offence and it is open to the LPA to prosecute.

## 3. Unsafe Trees

The owner of a tree will not normally be held responsible in law for damage caused by it falling or losing branches if the failure of the tree could not reasonably have been foreseen or prevented. However, if the tree had obvious signs of disease or structural weakness, the owner might be sued for any damage caused. It is therefore very important that trees that are in public places or close to areas to which the public has access are regularly inspected to check on their condition and any necessary works are carried out. If a tree is suspected of being dead, dying or dangerous, professional advice should be sought. Consent is not required for the felling, pruning or uprooting of a dead or dying tree or a tree which has become dangerous, even though it may be covered by a TPO or in a Conservation Area.

However, unless the danger is imminent, the LPA should be given five days' notice before any felling commences. In order to justify the actions, proof may be required by the LPA detailing the condition of the tree before the remedial work was undertaken. To avoid complications, prior consultation with the LPA is therefore encouraged.

### **Recommendations for actions to address continuing tree loss.**

The draft recommendations for action to help compensate for these losses are:-

- 1) When applications are made to fell trees or large shrubs within the Conservation area and agreement is given, the town council should, whenever possible, request that suitable replacement trees are planted, either on or near the felled tree or on an alternative site to be agreed with the owner. (see item 7 on finding planting sites).
- 2) The Town Council should seek an agreement with SSDC (as the Planning Authority) that a replanting condition will be included in all planning consents which are granted in Langport and Huish Episcopi. The local Town and Parish councils are also concerned about the loss of native hedgerows in Conservation areas and will lobby the Planning Authority to protect these as well as trees.
- 3) The Town Council should take an active interest in ensuring that all trees which are planted on development sites (as a condition of Planning consent) are actually planted and that they survive. Where there are planting failures and the trees die, the developer has an obligation to replace any losses for a period of 5

years. While this is sometimes picked up by SSDC officers, they are not always aware of the local situation and the Town Council is in a good position to monitor losses and notify SSDC that enforcement action be taken where necessary.

- 4) Where significant trees in the Town/Parish are removed or are to be removed without requiring any consent, the Town Council could take the initiative and have a policy of encouraging owners to plant replacement native trees and shrubs on or near the site of the removed tree. This policy could be publicised locally so that Parishioners know that this is local policy are less likely to be surprised if they are approached after a tree is removed.
- 5) In some cases occupants of new houses may not welcome the trees in their gardens which are a Planning condition and remove them. This is again a situation where the Town Council could perform a monitoring role and keep SSDC informed, perhaps even negotiating a more suitable location for unwanted trees by agreement with all parties.
- 6) The Town Council should take an active role in finding suitable sites for planting new trees and have an annual tree planting programme. As tree planting is a relatively low cost activity and the Town Council is close to the 'grass roots' of local affairs, we are well placed to take tree planting initiatives. Local volunteers and community groups may be prepared to help plant the trees.
- 7) A local survey could be conducted to identify suitable planting sites. Requests for tree planting sites could be placed in local publications and notice boards asking the public to offer up or identify sites which could then be explored to check their suitability. A parish map could then be produced showing suitable sites.

**Further general draft recommendations to consider:**

- 8) Arrange regular tree inspections on Town Council owned land and action any recommendations.
- 9) Consider appointing a Tree Warden. The Tree Warden could develop a plan of trees within Langport highlighting important trees and areas where conserving and enhancing existing trees is required
- 10) Memorial tree planting in Cemetery.  
Consider if this is feasible and if so prepare regulations to include planting, types of tree, maintenance costs and associated memorial plaques.
- 11) Investigate suitable grants for tree planting. [Grants for tree planting](#)
- 12) Any other suggestions?