

## WOOTTON PARISH COUNCIL TREE POLICY

Our natural environment and trees are an important aspect of our community, and we have a duty to ensure that we take appropriate steps to protect and enhance, as well as maintain, this vital asset.

Parish and Town Councils have a statutory duty to conserve nature and wildlife as set out in the [Natural Environment and Rural Communities Act \(NERC\) 2006](#). The NERC Act stipulates that public authorities have a duty to have regard for conserving biodiversity through their policy and decision making. Conserving biodiversity can include restoring or enhancing a population or habitat.

Trees provide essential habitat for our wildlife as well as many other environmental benefits including, helping to combat climate change and purifying our air. They also enhance our community spaces for residents to provide recreational and wellbeing benefits.

### **Overhanging trees:**

In Law, there is no legal obligation for a tree owner, private or public, to prune trees in order to prevent branches spreading over a boundary, unless structural damage is caused.

Wootton Parish Council endeavours to ensure a 2-metre clearance distance from overhanging trees to residential structures (i.e. houses, garages, etc.) as part of our maintenance programme. However, there is a common law right which permits a person (or their agent i.e. tree surgeon, gardener, etc) to prune back any growth of tree, shrub etc to the line of their boundary, as long as any cuttings are disposed of in a responsible manner, i.e. not dumped on public property or private land.

### **Pruning:**

Any prunings, fruit etc... must be offered back to the owner of the tree, but if the owner declines to accept them it is up to the person who has pruned the tree to dispose of the waste in a responsible manner.

The law of trespass applies. So, the pruning can only be carried out from the enquirer's side of the boundary unless permission is obtained from the landowner.

By carrying out any work to a tree as above, the person takes responsibility for their actions. Should injury/ damage or failure of the tree occur, as a result of such action, the person who carried out the work becomes liable.

If the tree is protected by a Tree Preservation Order (TPO) or is in a Conservation Area, permission must first be obtained from the local planning authority.

### **Topping:**

'Topping' is an outdated arboricultural practice that is no longer considered to be acceptable by the industry for a number of reasons including:

- Topping removes so much of the trees canopy it upsets the crown to root ratio temporarily reducing its food making ability.
- Topping exposes the rest of the tree, and surrounding trees and vegetation, to scorching from direct sunlight, which can damage the natural physiological processes and future survival of the trees.
- The large stubs and wounds caused by 'topping' open the tree to insect attack, disease, and decay entry, compromising the future survival of the trees.
- Any new shoots that grow from the cut stubs will be weakly attached and pose a risk to safety when they become larger and heavier.
- 'Topping' a tree will encourage rapid re-growth often with larger leaves and denser crowns!
- Some species of tree cannot cope with 'Topping' and will die as a result.
- A 'Topped' tree is ugly and deformed and will never regain its natural shape and character.

Council do not prune trees to ease TV reception. A T.V. Licence does not give the holder a guarantee or legal right to reception, be it digital or satellite.

### **General:**

Wootton Parish Council does not accept responsibility for the tree leaf litter, seed drop, pollen, sap drop etc..., as these are natural physiological occurrences only to be expected by trees.

Wootton Parish Council does not undertake tree works to facilitate the prevention of leaf litter, seed or sap drop in gardens or footpaths.