

**NORTHAMPTON PARTNERSHIP HOMES**

**TREE MANAGEMENT POLICY**

**AUGUST 2020**

Table of Contents

[**1.** Summary 3](#_Toc45705889)

[**2.** Policy Scope 3](#_Toc45705890)

[**3.** The Importance of Trees in The Urban and Rural Landscape 3](#_Toc45705891)

[**4.** Legislation 4](#_Toc45705892)

[**5.** Trees On Northampton Partnership Homes Managed Land 5](#_Toc45705893)

[**6.** Trees in Tenants Gardens 5](#_Toc45705894)

[**7.** Inspection Of Trees 5](#_Toc45705895)

[**8.** Tree Maintenance 6](#_Toc45705896)

[**9.** Publicising Tree Felling / Pruning 7](#_Toc45705897)

[**10.** Dealing with Tree Care 7](#_Toc45705898)

[**11.** Damage and Tree Roots 11](#_Toc45705899)

[**12.** Trees On Private Land Causing A Danger / Obstruction To The Public Highway 13](#_Toc45705900)

[**13.** Trees on Private Land Causing A Danger (Other Than To The Public Highway) 13](#_Toc45705901)

[**14.** Anti-Social Behaviour 14](#_Toc45705902)

[**15.** Protected Trees 15](#_Toc45705903)

[**16.** Trees in Conservation Areas 16](#_Toc45705904)

[**17.** Forestry Commission (FC) Felling Licences 17](#_Toc45705905)

[**18.** Other Factors Constraining Work to Trees 17](#_Toc45705906)

[**19.** Replacement Tree Planting 18](#_Toc45705907)

[**20.** Trees and Estate Development 18](#_Toc45705908)

[**21.** Vandalism and Damage to Council Owned / Managed Trees 19](#_Toc45705909)

[**22.** Biosecurity / Pest and Epidemic Management 19](#_Toc45705910)

# Summary

Trees are a highly valued feature of Northampton; they make an enormous contribution to the character and beauty of our landscape and create /maintain environments rich in biodiversity. Northampton Partnership Homes (NPH) values the trees it manages on behalf on Northampton Borough Council (NBC) and recognises the economic, human and environmental benefits of having a healthy and sustainable tree population.

NPH also recognises that although trees are a positive feature, they can cause a range of problems, from being a nuisance or inconvenience to potentially causing serious injury or even death. Being responsible for the trees we manage on behalf of NBC, we have a direct responsibility for ensuring those trees do not pose a danger to the public or property and are managed appropriately. This policy sets out our approach to tree management.

NPH aims to inspect our tree stock on a regular basis to ensure continued public safety. A survey will be carried out annually on twenty five percent of trees on common land, allowing those trees to be surveyed once every four years. This will be reviewed from time to time.

We also have a duty under the Highway Act to ensure that those trees being managed by NPH adjacent to the highway do not pose a danger to its users. The annual surveys referred to above will highlight those trees that represent a risk and Highways will be included in any required remedial works.

# Policy Scope

This policy applies to all trees under the management of NPH, regardless of their location (common land, tenants gardens etc)

Although, we believe this policy to be as comprehensive as possible, we acknowledge it does not cover every situation. We reserve the right to exercise discretion in application of this policy when to do so would be in the best interests of NPH and its residents.

# The Importance of Trees in The Urban and Rural Landscape

Trees are important features in the landscape. They help to create an attractive environment, making Northampton a better place to live, work, study and visit. They bring colour and contrast, screen unsightly structures, give privacy, soften the hard lines of and contribute to the setting of the town’s buildings, streets and landscapes. Not only do trees have a visual quality, but they also enhance the environment in less obvious ways:

* they improve air quality by filtering airborne dust, smoke and fumes;
* they absorb traffic noise in built-up areas and can help limit noise pollution;
* they reduce temperature extremes by providing shelter in hot weather and insulation in cold weather; trees adjacent to buildings can reduce air conditioning and heating costs;
* they act as a screen, increasing privacy in residential roads and gardens;
* they convert carbon dioxide to oxygen, increasing the quality of the air locally and helping to reduce the ‘greenhouse effect’;
* they provide food and habitat for birds and other wildlife, thus supporting nature conservation value and biodiversity;
* they help provide flood protection and storm weather filtration;
* research has shown that trees provide many psychological and health benefits and have been shown to reduce stress significantly.

# Legislation

There is a range of legislation that has been considered during the development of this policy, for example:

* The Forestry Act (1967) requires certain permissions and licences to be granted where felling of trees is proposed within a woodland setting. Northampton Borough Council will ensure that any proposed felling is fully compliant with the requirements of the Forestry Act.
* We, as the Local Planning Authority, are able to create Tree Preservation Orders (TPOs) in respect of trees or woodland, which is considered to have a significant impact on the amenity of NBC.
* In addition to those trees protected by a Tree Preservation Order, the Town & Country Planning Act (1990) also makes special provision for trees in conservation areas.
* The Wildlife & Countryside Act (1981, as amended CROW Act 2000) states that it is illegal to intentionally or recklessly damage or destroy the nest of a wild bird while that nest is in use or being built. For Schedule 1 (Wildlife and Countryside Act) bird species, it is also an offence to disturb birds whilst they are building or using a nest.
* Many bat species use holes, cracks and crevices in trees as roosts. Bats are a European Protected Species and are protected by the Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to or destroying a roost site, preventing access to a roost site and killing bats are all criminal offences that can lead to imprisonment or a fine. A roost cavity is considered to be a roost even if bats are not currently using it. Felling trees with bat roosts for health & safety reasons without first consulting Natural England may still be an offence under the Regulations.
* The Hedgerow Regulations (1997) introduced powers allowing important rural hedgerows to be protected.

# Trees On Northampton Partnership Homes Managed Land

We have a responsibility to maintain trees within our ownership / management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance. All enquiries regarding trees NPH managed land be directed to our **Customer Services** on 03333 3307003

Where development or maintenance works on NPH managed land have the potential to conflict with adjacent trees maintained by NBC, the relevant department responsible for the work will liaise with arboricultural professionals in advance of any work commencing and will adhere to sound arboricultural practice and guidelines within the NJUG volume 4 and British Standards (BS5837 (2012)) where practicable.

# Trees in Tenants Gardens

Trees in tenants gardens are generally covered within the Tenancy Agreement signed between the tenant and NPH, and as such, maintenance of those trees is the responsibility of the tenant. NPH will not normally become involved in the routine management of those trees, although in extraordinary circumstances, consideration might be given to providing assistance. Requests for such help should be directed to the Customer Services on 0300 330 7003.

As part of the management of trees in their own gardens, tenants have a responsibility to ensure that any new trees planted in those gardens are of a type that are suitable for the property. They will be manageable, and will not cause future issues (such as lack of light, overhanging foliage onto public highways etc). In most cases, tenants would be expected to contact NPH to discuss and agree the planting of new trees. The planting of new trees is supported and encouraged by the “NPH Growing Green Environments” project which is currently at Pilot Stage

# Inspection Of Trees

We work to a risk-based approach to tree management: a programme of inspection identifying and prioritising potential hazards. Each year, twenty five percent of the trees managed by NPH will be inspected, ensuring that every tree is looked at every four years. Trees will be categorised to ensure that any works required are prioritised in accordance with their risk to public safety.

# Tree Maintenance

Tree maintenance is currently mostly ‘reactive’ in nature and conducted in response to reports received by NPH concerning specific trees. In future, a greater level of tree maintenance work will be conducted as a result of information gathered during proactive inspections.

However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and normally originates from the following:

* programmed and routine inspections by NPH;
* ad-hoc inspections by NPH following enquiries, reports and service requests;
* reports from Customers;
* enquires from County and Parish Councillors;
* reports from utility companies;
* cyclic maintenance;
* emergency works (e.g. resulting from high winds).

The following categories will be used when prioritising tree works:

|  |  |
| --- | --- |
| **Priority** | **Response** |
| Priority 1: Urgent Public Safety | From within 24 hours to one week depending upon the risk |
| Priority 2: Non-urgent but essential work | Between 1 to 6 months depending upon risk and time of year |
| Priority 3: Desirable | 12 months where possible |
| Non-priority | No action proposed |

* Priority 1 - A tree could warrant immediate attention if, for example
  + it has snapped or blown over;
  + it is rocking (roots are damaged);
  + it is uprooted but held up by another tree or building;
  + a large branch has broken off or is hanging off the tree;
  + it or its branch is blocking the road or footway / public right of way;
  + it or its branch is blocking access to property;
  + it has fallen on to a structure, such as a building or car.
* Priority 2 - A tree may be a risk to people or property but does not require immediate attention if: for example
  + it is dead;
  + it is dying (few leaves in summer or dieback in the crown);
  + its bark is loose and falling off;
  + mushrooms or fungi are growing on or near the tree;
  + old splits and cracks are in the trunk or large branches;
  + smaller branches are falling from the tree.

Trees will be made safe via pruning or felling and NPH would use the most cost-effective approach. However, for certain high value trees such as ancient and veteran trees, we would consider other options to reduce the risk to an acceptable level. This would include options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

Trees in tenant gardens are normally covered by the Tenancy Agreement and would fall to the tenant themselves to maintain. However, there may be occasions in which the tenant feels they are either not responsible for or do not have the capability to maintain those trees. In such cases, the process outlined in this section will apply following a review of the tenants circumstances.

# Publicising Tree Felling / Pruning

Minor works involving pruning or removing smaller trees will not be publicised.

Where works are more impacting, for example, felling larger trees, carrying out works to a veteran tree or a tree with a Tree Preservation Order (TPO), we will inform adjacent properties.

If a tree scheme (felling, pruning or planting) is judged to be more impacting on the local area we will consider more publicity as appropriate.

Where a competent officer has determined that the tree should be felled on public safety grounds there will be no public consultation and no right of objection

# Dealing with Tree Care

While NPH recognises the need to conserve the present tree cover it manages, it also recognises that removal of trees is sometimes justified for sound arboricultural reasons and that pruning works are sometimes necessary to ensure that trees are in a safe and healthy condition.

NPH receives many requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment and enjoyment of the town by local residents and visitors. Many of the complaints received involve minor or seasonal issues that are generally considered to be foreseeable or social problems associated with living near trees, which can often be minimised through careful pruning and careful species selection when planting.

In all cases, consideration will be given as to whether the tree in question is worthy of retention and protection. Particular care will be given to proposals affecting ancient or veteran trees.

To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, our policy in relation to the more common types of request is outlined below.

* **Obstructing / Overhanging Tree Branches** 
  + Tree branches can cause obstructions to roads, footways, public rights of ways, signs, streetlights and open spaces. Appropriate pruning to eliminate hazards caused by obstructive branches will normally be acceptable, providing efforts are made to retain the shape of the tree.
  + NPH will undertake work to trees it manages to maintain a minimum 5 metres clearance over roads, 2.4 metres over footpaths / public rights of way and 3 metres over railway paths.
  + NPH will prune trees on common land that overhang neighbouring properties if the trees are dangerous or causing an actionable nuisance by creating a risk of damage to the neighbour’s property or their enjoyment of the property (e.g. touching the walls, roofs, windows, gutters, garage).
  + NPH will not, as a standard practice, prune trees in Tenants gardens. This will remain the responsibility of the Tenant unless otherwise agreed with NPH (See NPH Gardening Service)
  + Adjacent landowners do have a common law right to prune back tree branches to their boundary, providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area. The works should be carried out in accordance with good arboricultural practice.
* **Shading and Loss of Light**

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered. However, NPH will consider taking action (pruning or felling) in the following circumstances:

* + if the height of the tree is more than 12metres and the distance between the base of the tree and the window of the nearest habitable room is less than 5metres;
  + if the height of the tree if less than 12 metres and the distance between the base of the tree and the window of the nearest habitable room is less than half the height of the tree (where the separation between the edge of the tree canopy and a vertical line through that window is less than 2metres). A ‘habitable room’ is a dining room, lounge, kitchen, study or bedroom but not a WC, bathrooms, utility room, landing or hallway.
  + Where elderly, infirm or disabled persons who spend a significant amount of time within their home are affected there will be flexibility to look at some intervention. Where it can be established that the presence of trees is detrimental to the health of such residents, further consideration will be given to the management approach to trees. This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.
  + If natural light is being blocked by the growth of a high hedge, then action may be taken under the Anti-social Behaviour Act 2003 (see Anti-social Behaviour – High Hedges).
* **Loss of View**

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape or townscape. Historical records may be used to determine the level of management required. Pruning of trees for highway sight-line requirements will be dealt with on a case by case basis.

* **Trees affecting reception (Television / Satellite / Solar Panels)**

Pruning in the short term may help improve television reception. However, in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases, the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a Booster. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

Similarly, we will not prune or fell a tree in our ownership / management to improve natural light to a solar panel. Whilst we recognise the need for renewable energy sources, trees are also important in tackling climate change.

* **Overhead Cables / Telephone Wires**

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, NPH will encourage utility operators to adopt the most appropriate long-term solution, giving consideration to tree health, local tree cover and visual amenity.

NPH will not normally prune or fell a tree in our ownership / management to prevent or reduce interference with telephone wires. NPH would recommend contacting the telecom service provider in such circumstances for them to arrange appropriate pruning works.

Problems caused by branches interfering with privately owned telephone wires can usually be eliminated through appropriate pruning and tree removal would not usually be considered.

* **General / Minor Nuisances**

NPH will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of its control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems are:

* + falling leaves, twigs, sap, blossom, fruit, nuts, bird and insect droppings;
  + insects associated with trees (spiders, wasps, flies etc);
  + reduction or increase of moisture to gardens;
  + suckers or germinating seedlings in gardens;
  + leaves falling into gutters, drains or onto flat roofs;
  + the build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds is considered to be normal routine seasonal maintenance which tenants are expected to carry out on their property. On communal land, NPH will carry out normal routine seasonal maintenance.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with these issues alone.

NPH would not normally prune or fell a tree under our management that bears poisonous fruit / foliage (such as laburnum or yew). However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, NPH will investigate on a case by case basis and take action where appropriate.

* **Trees considered too big / too tall**

NPH will not routinely prune or fell a tree under its management because it is considered ‘too big’ or ‘too tall’ for its surroundings. However, consideration will be given to either should the tree represent a health and safety risk to either the general public or to highways adjacent to the tree.

* **Personal Medical Complaint**

NPH will normally not prune or fell a tree under its management where a request has been made to do so because of a personal medical complaint. However, where it can be established that the presence of a tree is causing a detriment to the health of residents’ further consideration will be given to the management approach of trees.

# Damage and Tree Roots

Many tree conflicts arise on account of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

* **Root invasion in gardens**

Tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Tenants do have a common law right to prune back tree roots to their boundary, providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

Most species of deciduous tree will re-sprout from the stump when cut down. Many species will produce a new growth shoot from a root if it becomes exposed to sunlight through ground erosion. Some species readily produce shoots from their buried roots as a way to regenerate and this is often stimulated by stresses, such as heavy pruning or felling. Numerous tree species (including Cherry and Poplar) are therefore likely to produce vigorous root suckers as a response to being felled. Poisoning a stump to prevent such suckering is not always successful since application of herbicide onto a stump face often only affects the stump and the upper roots.

Tree felling or branch pruning in response to root invasion in gardens would not normally be appropriate, as such works are likely to worsen existing problems. The pure encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

* **Damage to walls and fences**

If a tree on NPH Managed land is found to be causing damage to a neighbouring property NPH will investigate and take action as appropriate. It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. This can be achieved in a number of ways (for example installing a section of railing or bridging foundations around the base of a tree).

Therefore where trees are considered to be causing damage to walls or fences, NPH will normally only consider tree removal if the walls or fence is irreplaceable and of exceptional importance e.g. a retaining wall or of historical interest, or if there is a risk to public health in leaving the tree which cannot otherwise be mitigated.

* **Damage to paths**

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude, they can be root pruned, or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths or footpaths, NPH will not normally consider tree removal except where there is a risk to public health that cannot otherwise be mitigated.

* **Damage to drains or water pipes**

If a tree on NPH managed land is found to be causing damage to an existing pipe or drain on a neighbouring property NPH will investigate and take any reasonable action as appropriate.

* **Trip Hazards**

NPH will make safe an unacceptable trip hazard in a street, road or highway that is caused by a tree under its management. This does not cover land that is managed by NBC.

* **Installation of drop kerbs**

NPH will consider felling or pruning the roots of a tree under our ownership / management to allow the installation of a drop kerb. Each case will be considered on an individual basis.

* **Subsidence**

Where an allegation is made that a tree under NPH’s management has caused, or is likely to cause damage to a third party structure through subsidence or other mechanisms, NPH will initially visit the site and make a general assessment of any damage or the foreseeability of damage occurring and take any reasonable action.

Where there is insufficient evidence of damage, or no clear and unambiguous correlation between the alleged damage and the effects of the tree(s), NPH would expect evidence in support of a request to remove a tree(s) or any claim for damages/repairs. This evidence will normally include:

* + Root analysis (presence, condition and identification)
  + Crack/level monitoring (showing greater than expected seasonal movement)
  + Details of the nature, extent and type of damage
  + Two trial pits (one remote one at point of damage)
  + Soil analysis (soil type, moisture level)
  + Depth of foundations

NPH will not normally subject its trees to regular heavy pruning to deal with suspected damage. Instead NPH will where feasible opt for removal and replacement planting with an alternative species that is less likely to cause future problems.

* **Heave**

When a tree is removed in a clay sub-soil, the soil will rehydrate and swell in volume. The expansion may lift the foundations and cause cracking to the property. This is known as ‘heave’. This is more likely to occur if the removed tree was mature and had a high water demand such as an oak tree.

# Trees On Private Land Causing A Danger / Obstruction To The Public Highway

If a privately owned tree is causing

* a danger to the highway including public rights of way
* an obstruction to a highway including a Public Right of Way
* damage to a pavement

NPH will use powers that exist under the Highways Act to request the owner makes safe / removes the obstruction. If they do not, NPH will undertake the work and recharge the owner.

# Trees on Private Land Causing A Danger (Other Than To The Public Highway)

NPH has discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976, Section 23, to deal with trees in private ownership that are dangerous. This legislation only allows NPH to become involved when trees pose an imminent threat to people or property.

NPH can serve notice on a tree owner to carry out specified safety works within a period of not less than 21 days. Where the specified safety works are not carried out, NPH does have powers to enter the land, carry out the works and reclaim from the land-owner any reasonable costs incurred.

Where trees on privately owned land represent an immediate threat to people or property NPH will undertake one of the following actions, dependant on the severity of the risk and the site location and conditions:

* secure the affected area to prevent public access and notify the tree owner of the risk posed and action to be taken;
* undertake work from a position within NPH managed land (only if safe to do so);
* as a last resort, enter the property and carry out remedial works to remove the risk.

In such cases, NPH will seek to recover the cost of these works from the owner of the tree.

The Local Government (Miscellaneous Provisions) Act 1976 does not enable NPH to become involved with private trees causing a nuisance to a neighbouring property by causing shade, blocking views or dropping leaves, flowers or fruit etc. unless the trees are imminently dangerous.

# Anti-Social Behaviour

* **Trees**

If an NPH managed tree is the focus of a nuisance leading to anti-social behaviour, NPH will take measures to reduce the problem. These measures will be determined on a site by site basis.

* **High Hedges**

Once all avenues for resolving a hedge dispute have been tried and exhausted, a complaint about a neighbour's overgrown hedge can be made to NPH, who will then refer on to the Council’s Planning Enforcement Team. A fee is payable for this service.

NPH’s role would be to offer to mediate between the complainant and the hedge owner and not to adjudicate on whether, in the words of the The Anti-social Behaviour Act 2003 (High Hedges), the hedge is adversely affecting the complainant's reasonable enjoyment of their property. This might be considered during the mediation process however.

In doing so, NPH must take account of all relevant factors and must strike a balance between the competing interests of the complainant and hedge owner, as well as the interests of the wider community.

If NPH considers that the circumstances justify it, a formal notice will be issued to the hedge owner, which will set out what they must do to the hedge to remedy the problem, and when by. Failure to carry out the works required is an offence that could lead to a fine.

# Protected Trees

At the moment, NPH is not aware of any protected trees on the land that it manages. However, should that situation change, the policy it would adopt is set out below.

* **Tree Preservation Orders (TPO’s)**

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, topping, lopping, wilful damage or destruction of trees (including cutting roots) without the permission of NPH.

* **Works on Protected Trees**

If anyone intends to carry out any works on protected trees on NPH managed land, consent must be sought from NPH first.

Supporting technical information may be required if the reason for any application relates to the condition of the tree - for example due to the presence of pests, diseases, fungi, or structural defects affecting the safety of the tree. Written evidence from an appropriate arboricultural professional may be required to support the application. For a list of arboriculturalists who are members of the Arboricultural Association, visit their website for details.

If the reason for any application relates to suspected structural damage caused by the tree, a report from a structural engineer/surveyor needs to be submitted together with technical advice to support the application.

Once an application has been submitted, NPH may either grant or withhold consent for works on a tree with a TPO or NPH may give a conditional consent. In determining whether to grant consent NPH will have regard to the amenity value of the tree and the considerations set out in sections 9 and 10 above. Permission to fell a preserved tree usually carries a condition to plant a replacement, which will automatically become the subject of the TPO.

If there are trees which anyone believes should be protected or have seen work being carried out on a protected tree and want to know if the owner has permission, please contact NPH Customer Services on 03333 330 7003

* **Penalties**

Section 210(2) of the Town and Country Planning Act 1990 provides that anyone found guilty of offences relating to protected trees is liable, if convicted in the magistrates’ court, to a fine of up to £20,000. In serious cases, a person may be committed for trial in the Crown Court and, if convicted, is liable to an unlimited fine.

* **Rights to appeal**

You have a right to object to the making of a TPO or any refusal of consent to do works to the tree.

* **Which trees are covered by a TPO?**

Any tree, group of trees or woodland may be protected. There are currently no TPOs on land managed by NPH. If any resident in NPH managed properties wish to discuss trees on their property, the resident should contact NPH Customer Services on 03333

330

7003

NPH will make new TPOs where appropriate. In deciding whether or not to make an order NPH will take into account the amenity value of trees, their potential life expectancy, and the level of threat posed to them.

NPH may at any time review an existing TPO to assess whether it is still appropriate to provide protection in circumstances that may be different to those when the Order was made. When it is considered necessary to make changes, we will either revoke the order, revoke the order and make a new order, or vary the order in some detail.

# 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 NPH prior written notice.

* **Work on trees within a Conservation Area**

If a tree has a stem diameter greater than 75mm (3") measured 1.5m from the ground level, NPH requires six weeks notice of any tree works that are being proposed. This enables NPH to assess the proposed works and if necessary, serve a Tree Preservation Order. If no decision is received within six weeks, then consent is gained by default.

* **Penalties**

The penalties for failing to notify NPH are similar to an offence affecting a tree under a TPO.

* **Is my Tree in a Conservation Area?**

Contact **Customer Services** on 03333 330 7003

# Forestry Commission (FC) Felling Licences

A felling licence from the Forestry Commission may be required in some circumstances i.e. for example if anyone wishes to fell more than five cubic metres of timber per calendar quarter. More details can be found on the Forestry Commission web-site: www.forestry.gov.uk

# Other Factors Constraining Work to Trees

* **Birds**

Under the Wildlife & Countryside Act 1981 (as amended CROW Act 2000) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. For Schedule 1 birds (Wildlife & Countryside Act) it is an offence to disturb them whilst building or using a nest (see www.legislation.gov.uk for list of species). Tree work involving tree removal / reduction and hedge cutting operations should not normally be undertaken during the bird nesting season without a nest survey carried out by a competent person.

* **Bats**

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species (Amendment) Regulations 2012 (also known as the Habitat Regulations) and the Wildlife & Countryside Act 1981 (as amended). Causing damage to or destroying a roost site is a criminal offence that can lead to imprisonment or fine. Trees with suitable features such as holes, cracks, crevices and dense ivy should be risk assessed for their ability to support bats, prior to any works commencing on the tree. Any trees supporting roosting bats will not be worked on until due process has been followed and a license acquired if necessary.

* **Planning Permission**

Where planning permission has been granted, trees may be protected as a condition of that permission. Any works to such trees will require consent from NPH/NBC and an application for a variation of the planning condition may be required.

* **Restrictive Covenants**

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

# Replacement Tree Planting

NPH has produced both Development and Environmental Strategies that outline the steps that will be taken to safeguard the tree population across Northampton.

Tree planting will be encouraged whenever existing trees are removed from NPH managed land and its ambition is to replace one with more, where possible. The species of tree and the environment they are planted in will be given full consideration to ensure they will be easy to maintain over the long term, maximising ecosystem benefits, improving the lives of tenants and reducing potential future issues.

Where a tree is protected by a Tree Preservation Order and it is dead or unsafe, a tree replacement will normally be required.

To help maintain and increase the continuity of tree cover across the town NPH will undertake the planting of new trees on the land it manages when suitable opportunities arise. Having too many of the same type of tree in a locality is a concern because of the increased risk of a devastating loss of one or more species of tree due to pests / diseases or other environmental factors.

# Trees and Estate Development

NPH has produced a Sustainability Strategy that outline the steps that will be taken to safeguard the tree population across Northampton.

NPH is committed to continuously improving the way that trees are considered in relation to planning applications for new development. NPH will ensure that full consideration is given to both the retention of existing trees and the planting of new ones on all development sites. NPH will take into account the ultimate mature size of the tree, available space and the relationship to buildings when designing layouts to avoid causing future relationship issues. It will also consider the ease of future maintenance as the trees mature.

Once the trees to be retained have been identified, their removal can be prohibited by a Tree Preservation Order, planning conditions or a planning agreement. The aim of this policy is to ensure that trees are not unnecessarily lost and that the most suitable ones are retained.

# Vandalism and Damage to Council Owned / Managed Trees

Vandalism is an increasing pressure on trees. Usually it is young newly planted trees that are damaged; however, mature trees are often damaged too. There are various ways in which vandalism can be counteracted, but none of these is 100% effective against determined attack.

There are cases where trees NPH manages that have been irrevocably damaged or removed without permission. This is criminal damage. NPH will investigate any reports of vandalism / damage to trees under its management and try to repair any damage where it can.

NPH will remove rope swings from trees under its management where it is aware of them.

# Biosecurity / Pest and Epidemic Management

Biosecurity is a set of precautions that aim to prevent the spread of pests, pathogens or invasive species. The threat to trees from these has never been greater and as manager of large areas of land, NPH undertakes to follow best practice and specific advice that is regularly published by the Forestry Commission. Attendances to high risk sites are subject to risk assessment and we employ measures to minimise pest or disease spread.