



*Basingstoke  
and Deane*

**Basingstoke and Deane Borough Council**

# **TREE POLICY**

**June 2012**

## Introduction

- i. While it does have a mention in the Domesday Book, Basingstoke is for the most part a 'new' town. Much of its landscaping, including tree planting was undertaken in the 1960's and 70's when the aim was to provide a pleasant environment for residents and a place where people would want to live and work. Basingstoke's trees provide an enormous asset and make it one of the greener towns in the south. Beyond the town trees form an important part of the diverse landscape character of the borough. Approximately 15% (9600 hectares) is occupied by woodlands and copses compared to 7% in England as a whole (based on Forestry Commission figures) although this does vary from one part of the borough to another. In villages and towns, trees form important local landmarks and landscape features, add greatly to the setting of important buildings, village greens and open spaces or have special cultural, historical, wildlife or rarity value.
- ii. Trees and woodlands make a significant contribution to the diverse landscape of the borough by:
  - providing a valuable habitat for wildlife;
  - filtering air and noise;
  - providing shelter from the sun, wind and rain;
  - recycling the air that we breath;
  - removing harmful particulates from the air
  - helping lock up carbon
  - providing pleasant green settings in which to live and work;
  - softening the impact of development; and
  - maintaining a link with the natural environment.
- iii. The council has a dual role to play in tree issues. Firstly, as a landowner it has a legal obligation to manage its tree stock to ensure the safety of the public. Secondly, the council has a regulatory role under the Planning Acts for the preservation of trees and woodlands and making sure that trees are fully considered when planning for new development.
- iv. The 2012 Tree Policy sets out how the council will carry out its various tree functions including management of its own tree stock, how it will deal with dangerous privately owned trees, protected trees (trees subject to a tree preservation order or growing in a conservation area) and trees affected by development proposals. This policy does not cover the everyday management of trees or woodlands in private ownership or by other authorities, statutory undertakers or agencies. Each policy is shown in bold and has with it some text setting out the background and context.
- v. High hedges are not included even though the definition of a 'hedge' in the Anti-Social Behaviour Act 2004 part 8 allows for two or more evergreen or semi-evergreen trees growing on a boundary to fall within the high hedges controls. Policy 03 (protected trees) would be taken into account in any decision the council took on the serving of a notice on a hedge owner. Where a notice is to be served on protected trees, a separate application (for trees covered by a tree preservation order) or 'Notice of Intent' (for trees in a conservation area) would not be required.

## **Aims of the Tree Policy**

- i. The overall aims of the Tree Policy are to ensure the safety of council trees; maintain and encourage biodiversity; maintain and improve landscape quality; and through these elements, improve the quality of life for residents and visitors now and in the future. We will achieve this by:
- maintaining and improving the tree cover for the future;
  - encouraging the conservation, positive management and the appropriate planting of trees and woodlands in the countryside, villages and towns;
  - promoting the importance of trees and woodlands in shaping the distinctive local character and appearance of the borough's urban and rural landscapes;
  - recognising the significant aesthetic, landmark, ecological, cultural and historic value that trees provide;
  - effectively communicating, educating and engaging with the local community over tree issues;
  - continue the proactive management of the council tree stock;
  - providing clarity over why decisions and actions are taken;
  - balancing the risk and nuisance to persons and property against the other aims; and
  - recognising the value of trees as a tangible asset.

## **Policy 01 – New Tree Preservation Orders**

- 1.1. Under the provisions of section 197 of the Town and Country Planning Act 1990 the council has a duty to protect selected trees and woodlands in the interests of amenity. Because the council is seeking to protect trees and woodlands on behalf of the public, the selected trees or woodlands should be of some public benefit. While the primary consideration is the visual impact of trees and woodlands on their local surroundings, consideration may also be given to their ecological, historical or rarity value.
- 1.2. A tree preservation order is a legal document that in general makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without permission. Anyone deliberately destroying or cutting down a protected tree could be fined up to £20,000 (current amount in 2012) if convicted in a magistrates' court. The serving of a tree preservation order does not mean that the council becomes responsible for the trees; the duty of care continues to remain with the tree owner.
- 1.3. While the council has a duty to protect selected trees and woodlands, there is also a need to balance the landscape value of the tree against the species, size, growth potential and the relationship to adjacent buildings and gardens. It is important to ensure that tree preservation orders are not used to perpetuate significant problems arising from the proximity of large trees to buildings. Policy 03 sets out the situations where the council will consider the removal or pruning of protected trees.
- 1.4. The council is seeking to move towards a more strategic and pro-active approach, whereby those trees and woodlands that make the greatest contribution to local amenity are identified and where appropriate protected by new tree preservation orders. However ad-hoc requests will continue to be considered in the light of current government advice as set out in this policy. To ensure that council resources are used to the best effect, the level of risk to the trees, for example from felling, lopping or construction damage will remain an important factor in considering whether to make a tree preservation order. It is accepted that many landowners manage their trees in a responsible way and Government advice is that the use of tree preservation orders would not be appropriate where trees and woodlands are being responsibly managed.
- 1.5. The council has undertaken a number of pilot 'treescape appraisals' with regard to producing a tool kit to enable communities to undertake an appraisal in partnership with the council. The council will take the opportunity to include any tree preservation orders that have been identified for review as part of the appraisal process.

The council will seek to take a more strategic approach to making and reviewing tree preservation orders by developing a new approach to assessing the contribution of trees at a neighbourhood scale. As part of such assessments the most important 'key trees' will be identified, and where appropriate, protected by tree preservation orders. In identifying 'key trees' the council will consider, in addition to visual amenity value, evidence of any historical or special cultural value; contribution to local distinctiveness; significance in the wider landscape; and ecological value. Where trees are already protected by virtue of growing in a conservation area, tree preservation orders will not automatically be served, but they will be recorded as 'key trees' and this will be taken into account when dealing with future tree work proposals or planning applications.

While putting the emphasis on a more strategic approach to serving new tree preservation orders the council will continue to consider ad-hoc requests. These will be assessed according to the following criteria:

- a) the trees are of public amenity value. Primarily, this will be interpreted as meaning that they are clearly visible from a public place and add value to the streetscene or local landscape. However, evidence of strong cultural, historical, wildlife or rarity value can also be considered;
- b) the loss of the trees or damage to them would have a significant impact on the local environment and its enjoyment by the public and there is a significant risk of this happening if a tree preservation order is not made; and
- c) the trees are in reasonable health and condition, have a reasonable life expectancy and are not known to be causing damage to buildings.
- d) the trees do not cause excessive problems that unreasonably affect the quality of life of tree owners or their neighbours. (See Policies 03 and 04 for further guidance).

Following receipt of a 'Notice of Intent' to remove a tree growing in a conservation area the council will normally only serve a tree preservation order where the above criteria are met and particularly where the proposed work would have a significantly adverse impact on the character of the conservation area.

The council will not normally serve tree preservation orders on trees that it is responsible for managing unless the trees fulfil the above requirements and are at risk from a third party.

## **Policy 02 – Reviewing Existing Tree Preservation Orders**

- 2.1. Since 1990 the council has been reviewing its old tree preservation orders on an ad-hoc basis and has completed all the orders that were made before 1974. There are still a number of tree preservation orders that were made after 1974 to review because they are out of date in relation to land use, legal reasons and public amenity value.
- 2.2. A number of these orders contain 'area' or blanket designations that apply to all trees that were present on a specific parcel of land at the time that the order was made. Any trees that have been planted or have seeded naturally since the order was made will not be protected. To ensure that all tree preservation orders are appropriate, relevant, up to date and enforceable the council will continue to prioritise the review process by concentrating first on those orders that:
  - do not contain the offences of 'wilful destruction or damage';
  - contain incorrect group definitions; and
  - contain area designations.
- 2.3 The council will also consider whether the original reasons for serving the order are still relevant for example, an order may have been served as a result of development pressure but the trees are now located within a conservation area. In this situation the order could be removed and the trees would continue to enjoy the same degree of protection because the offences and penalties for trees in a conservation area are identical to those for tree preservation orders.

**The council will periodically review its existing tree preservation orders to ensure that these reflect the current legal, public amenity and land use aspects and will include any tree preservation order in need of review as part of the neighbourhood wide appraisals referred to in Policy 01.**

## **Policy 03 – Protected Trees**

- 3.1. While the council recognises the need to conserve the present tree cover, there will be occasions where tree removal is justified. This policy sets out the situations where tree removal may be acceptable.
- 3.2. The principal situations where the removal of a tree may be justified include where there is strong evidence that a tree is causing damage to a building; the original reasons for the serving of the order no longer apply; the tree is responsible for casting a significant level of shade; its removal would benefit the long-term development of adjacent trees; the tree has a limited life expectancy; or is at risk of causing damage to people or property that cannot be remedied by pruning. Protected trees that are dead or dangerous do not require a formal application to be made although 5 days written notice is required except in the most urgent situations. In these situations the tree owner has to be able to show that the tree is in the condition claimed. Where a dead or dangerous tree is removed, there is a duty on the landowner to plant a replacement tree. A formal application is required to remove dying trees.
- 3.3. Permission will not normally be given to remove trees because of leaf fall, fruit fall, bird droppings, honeydew from aphids, or interference with TV signals/solar panels. However, the council recognises that there may be occasions where the relationship of a tree to a property causes excessive problems significantly affecting quality of life. In such exceptional circumstances, where a tree owner's or neighbour's right to reasonably enjoy their property is significantly affected, permission may be given to remove a protected tree. When reaching a decision, the council will take into account public amenity value; species, size, age and condition; density of the canopy; proximity to the building; and the aspect of the property and garden in relation to the tree. Such situations will be considered in accordance with the council's adopted shading methodology and weighed against the value of the tree as a landscape feature.

### **Protected Trees**

**For the purpose of this policy, a protected tree is one that is subject to a tree preservation order or growing in a conservation area.**

**Permission to fell a protected tree will be granted where one of the following apply:**

- a) there is strong evidence that the tree is or is likely to contribute to (on the balance of probabilities) damage to a building and the criteria set out in the subsidence policy (5) are met; or**
- b) the tree does not meet the criteria set out in Policy 01 for the serving of a new tree preservation order or the original reasons for serving the order no longer apply; or**
- c) where the tree is responsible for casting a significant level of shade over a home or garden that cannot be remedied by pruning (in accordance with the council's shading assessment methodology); or**

- d) where the removal would be in the interests of good silvicultural or arboricultural management and would benefit the long-term development of adjacent better quality trees; or**
- e) the tree has a much reduced life expectancy due to ill-health; or**
- f) the tree is at risk of causing damage to people or property where the hazard cannot be reasonably remedied without removing the tree.**

**Permission to prune a protected tree will be granted where the work will improve the structure or longevity of the tree or is required to prevent damaging interference between the tree and surrounding infrastructure, such as buildings and overhead cables. Pruning may sometimes be granted for other reasons, but only if it is within the tree's ability to tolerate the work without unduly impacting on its health or its value in the landscape.**

**The council will not normally support the removal or pruning of protected trees that do not fulfil the above criteria, for example those perceived to be a problem because of leaf fall, fruit fall, bird droppings, honey dew, interference with TV signals or to facilitate the installation of solar panels. However, in some circumstances, the reasons put forward to support an application (or notice in a conservation area) will be supported if they are considered to outweigh the importance of the tree as a visual amenity.**

**Where there is a requirement to plant a replacement tree it should be of a suitable size and species to avoid causing future problems. In reaching a decision as to whether it would be reasonable to plant a replacement tree the council will take into account the criteria set out in Policy 07 (Tree planting)**

## **Policy 04 – Management of Council Trees**

- 4.1 The tree team have responsibility for trees growing on land owned by the borough council which includes amenity greens, parks and open spaces and woodlands. The team is also responsible for highway trees within Basingstoke as agents for Hampshire County Council. The county council are directly responsible for highway trees in rural areas outside of Basingstoke.

### **Duty of Care**

- 4.2 Under UK law the occupier of land has a duty of care to take reasonable steps to prevent or minimise the risk of personal injury or damage to property arising from the presence of any tree on the land, or from its breakage or uprooting. In England and Wales, liability is governed by the Occupiers' Liability Acts of 1957 and 1984. The 1957 Act deals with liability relating to visitors; i.e. persons who enter the land or premises either by invitation or by permission while the 1984 Act deals with liability to other persons, including trespassers. Occupiers can be held negligent in their duty of care even if injury or damage occurs on land where people do not have access by right or invitation.

### **Tree Inspection**

- 4.3 The council employs professional staff experienced in arboriculture (the care and management of amenity trees). To assist with the management of the tree stock and to meet the council's duty of care, a tree inspection system was introduced in 2000. Council owned trees are inspected for safety and information recorded on a computer based tree management system. This information includes details on species, age, condition, proximity to structures and any recommendations for work.
- 4.4 Inspection of the council's trees is carried out in a systematic way following the wards of the borough. It is expected that trees will be inspected regularly on a cycle of between 5 and 6 years depending on the condition and location of the tree. A small number of trees will have to be re-inspected more often due to their condition.
- 4.5 The main aim of the inspection is to identify trees which pose a risk to people or property, but other management issues are also identified such as obstruction to paths, roads street signs, street lighting and where branches physically touch fences and buildings. The tree survey records the works required and when they need to be carried out according to the priority.

### **Tree Work Applications**

- 4.6 The council has an application process for trees that are causing non-safety related nuisances to a third party. On receipt of an application, we will look at the reasons put forward to support the request and assess the environmental impact of pruning or removing the tree. Applications will only be successful if the environmental impact of removing or pruning the tree is acceptable. Your local councillor will be notified and in some cases we may consult with other residents. If there are any conflicting local interests, the application will be deferred to a panel of councillors.

- 4.7 You may be required to pay for the tree work, including in some cases the cost of a replacement tree and full details of fees can be found on the council's website. Alternatively you should contact the council if you would like to be sent a copy of the guidance in the post.
- 4.8 In some cases the council will fund the work - for example, if the tree is found to be dangerous or if it is causing damage to the property. We will also pay for the work if the tree is causing significant shade to the property following an objective assessment of the level of shade.
- 4.9 For successful applications, we will organise the work using our own tree work contractor. Please note that if an application is successful it does not give a resident the right to cut down or prune the tree, or to use a private tree surgeon. To do this may lead to enforcement action being taken by the council.
- 4.10 If it is likely that the work would be carried out under the ward programme in the next 18 months, then your application will not be processed, but a note will be made on the tree database so that the requested works are completed.

#### **4(1) Tree inspection and work priority**

##### **Street, park and public open space trees**

The council will inspect all council owned trees on a regular cycle of between 5 and 6 years

##### **Woodlands**

The council will

- Inspect significant trees or groups of trees along main footpaths and boundaries of woodlands and parks usually every 5 to 6 years

##### **Tree Work Applications**

**The council will**

- Process tree work applications for council-owned trees where works have not been identified as part of the ward inspection programme.

##### **Work Priority**

- Carry out tree works according to the prioritised safety works

## Council Tree Surgery Contractors

- 4.11 To ensure 'Best Value' service delivery, the council has moved away from pruning individual trees on a one off basis, to block contract work, which is more efficient both in terms of cost, efficiency and community benefit.
- 4.12 Most tree works will be carried out as a result of the routine tree safety survey by ward. The results of the survey for each ward will prioritise safety works as follows:
- Emergency work (for example a fallen tree on the highway), a contractor will be on site within the hour
  - High priority works (for example hanging branches) will be carried out immediately or within 24 hours
  - Essential works will be carried out usually within 2 to 6 months following the inspection.
- 4.13 In addition to the rolling programme of planned works, some works will also arise from unplanned events such as severe weather conditions or insurance claims. Trees which threaten public safety and property will always be given the highest priority which may lead to plans for essential works having to be delayed.
- 4.14 The council's arboricultural tree surgery contractors carry out all tree works in accordance with British Standard 3998:2010 Recommendations for tree work. All contractors used by the council are qualified, experienced, fully insured and carry out work in accordance with the British Standard for tree work (BS 3998:2010). Where specialist equipment is required for advanced decay or hazard detection, the council's arboricultural officers will carry out a detailed inspection.
- 4.15 The arboricultural contractors carrying out tree works on behalf of the council will only adhere to specifications and instructions as detailed in the contract. Instructions issued by the arboricultural officers and given to the contractors will not be changed or altered at the request of a local resident. The terms and conditions of the contract will detail pruning specifications, site health and safety requirements as well as the requirements for site clearance and cleanliness.

### 4(2) Council arboricultural contractors

#### The council will:

- **Employ a tree surgery contractor for a fixed term contract following a tendering process. Within the process the successful contractor will be assessed to ensure that they hold the appropriate insurance cover, adhere to industry health and safety requirements and are fully aware and experienced in all practices of modern arboriculture and silviculture.**
- **Carry out tree works in accordance with the current British Standard 3998: 'Recommendations for tree work'**

## **Tree Planting**

4.16 Where road side, open space and park trees are removed consideration will be given to replanting in the first planting season following removal unless there are good reasons for not doing so. These may include lack of resources, soil borne disease, changes in land use, underground/overhead utility services or the surrounding tree cover which would restrict good establishment. The council welcomes suggestions for planting sites and actively encourages people to take an interest in tree planting and young tree establishment. Unless the area for planting has been identified as one where only native species will be introduced, such as a woodland or other site managed for nature conservation, native and non-native trees may be planted as appropriate. Trees planted are normally 12-14 cm in girth (stem circumference measured at a point 1m from ground level).

### **4(3) Tree planting**

**The council will:**

- **Seek to increase tree planting throughout the borough.**
- **Replace trees removed in the course of management where appropriate**
- **Plant appropriate species according to site conditions**

## **Damage to Council Trees**

4.17 Malicious damage to council owned trees and woodlands, as well as fly-tipping is a criminal offence.

### **4(4) Damage to council owned trees**

**The council will:**

- **Take acts of malicious damage to trees seriously and seek prosecution where appropriate.**
- **Aim to prevent and control the abuse of woodlands through rubbish dumping, vandalism and illegal access by consultation and education, or by taking appropriate legal action**

## **Stump Grinding**

4.18 Stump grinding is the practice of removing a tree stump to below ground level by mechanical means. Where replacement replanting is desirable such as in highway verges, stumps will be ground out. Where stump removal is not necessary tree stumps will be removed close to ground level so not to leave a trip hazard.

### **4(5) Stump grinding**

**The council will carry out stump grinding where necessary to enable trees to be planted or to remove a significant hazard**

## **Birds, Bats and Badgers**

### Birds

4.19 The Wildlife and Countryside Act 1981, amended by the Countryside and Rights of Way Act 2000, is the principle legislation protecting birds. The Acts make it an offence to kill, injure or take any wild bird and to take, damage or destroy any nest that is either in use or being built. To comply with the Acts the council's

arboricultural services or contractors engaged by the council, will check trees for nesting birds during the nesting period (March – August) and take appropriate measures to prevent disturbance prior to the commencement of routine works. These measures may mean delaying the works until young birds have flown. If, despite best efforts, a nest is found after work has started, a buffer area around the nest will be created and the tree returned to once the young birds have flown.

### Bats

4.20 All bats are protected under the Wildlife and Countryside Act (Schedule 5) and the EU Directive Conservation of Habitats and Species Regulations 2010. These make it illegal to intentionally or deliberately kill, injure or capture bats; deliberately disturb bats, whether in a roost or not; or to damage, destroy or obstruct a bat roost. Given that trees can be significant hosts to bat roosts inspections will precede works where bat roosts are suspected. This is likely but not exclusively to occur in park or woodland trees. Where necessary the council will seek expert advice.

### Badgers

4.21 Badgers are protected under the Protection of Badgers Act 1992 which makes it an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a sett, recklessly, or with intent. Where necessary the council will seek expert advice.

## **4(6) Birds, bats and badgers**

### **The council will:**

- **Carry out inspections of trees prior to tree works for bird nests during the nesting period of April – mid July and comply with the relevant legislation**
- **Carry out inspections of trees for bat roosts or areas of land for badger sets, likely to be disturbed by tree or woodland works and seek expert advice from relevant organisations**

## **Tree Safety**

4.22 Residents may feel apprehensive about the size of a tree and consider it dangerous. However, trees are not dangerous just because they are large, tall or move in the wind. Tree movement in high winds is natural and one of the ways they are able to withstand strong winds.

4.23 Foreseeable signs of dangerous trees are:

- The presence of fungal fruiting bodies (mushrooms) on or near the tree
- Cavities or decay in the main stems or branches
- Splits in stems or branches
- Large dead limbs
- Loose bark
- Lifting of the ground at the base of a tree

The council will inspect a tree and take appropriate action in the event of any of these signs being identified by residents.

#### **4(7) Tree safety**

**The council will:**

- **Inspect trees suspected of being dangerous and take appropriate action**

#### **Tree Roots**

4.24 The roots of trees exploit the soil in various ways dependent on species and local conditions. Direct root action can deform the surfaces of footpaths, roads or other light structures. To constitute a trip hazard the deformation will be assessed by the Highway Authority. Where a hazard exists and is attributable to tree roots engineering options will be explored before root pruning or tree removal is undertaken.

4.25 Indirect root action is more often associated with the drying of clay subsoils during prolonged periods of dry weather and the subsequent downward movement of ground resulting in subsidence damage of buildings. However, subsidence can also be caused by leaking or collapsed drains, particularly if the subsoil under a building contains high proportions of sand, and or inadequate foundations for the soil type or proximity of vegetation, including trees. All insurance claims for suspected tree related subsidence will be dealt with in accordance with Policy 5.

#### **4(8) Tree Roots**

**The council will seek to explore engineering options through consultation with Hampshire Highways to reduce trip hazards before root pruning or tree removal**

#### **Ivy on Trees**

The council acknowledges the considerable value of ivy (*Hedera helix*) as a habitat and food source for wildlife. Unless ivy has established on young or weak trees, where it may compete for water and nutrients and restrict healthy growth, it causes little harm. However, where ivy has taken hold on mature trees, especially those close to roads and public areas, judgements must be made on its retention based on the health of the tree and the possibility of cavities or defects being hidden from view. In these situations removal of ivy may be deemed necessary for risk management purposes.

#### **4(14) Ivy on trees**

**The council will seek to retain an acceptable level of ivy on trees where the inspection for decay or defects is not compromised**

### **Policy 05 – Subsidence**

5.1. Subsidence is a complex interaction between the soil, building, climate and vegetation that occurs on highly shrinkable clay soils when the soil supporting all or part of a building dries out and consequently shrinks, resulting in part of a building moving downwards. Trees lose water from the leaves through transpiration that is replenished by water taken from the soil by the roots. If the tree takes more water from the soil than is replaced by rainfall, the soil will gradually dry out. Trees have a large root system and they can dry the soil to a greater depth critically to below the level of foundations. The amount of water trees can remove from the soil can vary

between different species. This policy seeks to set out the council's response to both subsidence claims against its own tree stock and subsidence related applications to undertake work to protected trees. The opposite of subsidence is 'heave' which occurs when a shrinkable clay soil re-hydrates (re-wets) and begins to increase in volume exerting upward pressure. Heave can also cause damage to buildings and is just as undesirable as subsidence.

- 5.2. While the council recognises its responsibilities for the trees it manages or protects, it will expect any claim against its own trees or an application to work on a protected tree to be supported by strong evidence that the tree in question is or is likely to contribute to (on the balance of probabilities) damage to a building and the criteria set out in the this policy are met. Although the level of evidence required will differ on a case by case basis, the council will normally require an engineers report, including an accurate survey, a history of damage and precise level monitoring information to demonstrate that the tree is responsible for the damage. If this evidence is not sufficient, the council may require further information including crack monitoring, soil analysis, foundation details, root analysis and drain surveys to be submitted.
- 5.3. There will be situations where a tree makes a negligible contribution to the character or quality of the local environment. In these situations the council will agree to its removal based only on a visual assessment of the damage.
- 5.4. Where necessary, the council will obtain expert specialist advice to verify submitted evidence and where it demonstrates that the tree is an influencing cause, permission to remove the tree will not unreasonably be withheld.
- 5.5. The council will seek to avoid potential subsidence incidents by taking a proactive approach when determining planning applications. In those areas where the risk of subsidence is greatest because of the presence of a highly shrinkable clay soil and important landscape trees the council will require evidence that measures will be taken to try to prevent future subsidence damage. In some instances, engineering solutions such as differential building joints and special foundations may be required.

**In the event that a council owned or protected tree is alleged to be causing damage to a building, the council will agree to the removal of the tree provided that, on the balance of probabilities, there is sufficient evidence to demonstrate that the tree is an influencing cause.**

**Although the level of evidence required will differ on a case by case basis, the council will normally require an engineers report, including an accurate survey, a history of damage and precise level monitoring information to demonstrate that the tree is responsible for the damage. If this evidence is not sufficient, the council may require further information including crack monitoring, soil analysis, foundation details, root analysis and drain surveys to be submitted.**

**In some cases, where the tree makes a negligible contribution to the character or quality of the local environment, the council will agree to its removal, based only on a visual assessment of the damage.**

**When determining planning applications, the council will take a proactive approach to limit incidents of tree-related building damage in the future. In areas where the risk of subsidence is greatest and has the potential to result in the removal of important trees, the council will require evidence that measures will be taken to try to prevent future subsidence damage. In some instances, engineering solutions such as differential building joints and special foundations may be required.**

## **Policy 06 – Woodland Management**

- 6.1. The Community Woodland Strategy was adopted in 1996, a primary objective of which is to ensure that all the council's woodlands are enhanced and sustained on a long term basis with the involvement and support of the local community (including schools). Woodlands are unique and will be different in character with different parameters affecting them. Some will have public access as a primary objective while others will be managed for conservation. The long-term intention is to develop a range of woodlands benefiting the borough in terms of their public recreation use, wildlife habitat and educational potential. While the production of timber is not a primary objective, thinning and coppice products may find a local market and the council will seek to make use of these when appropriate to do so. The woodlands will be managed (including any replanting) in line with relevant local biodiversity action plans and landscape strategies.
- 6.2. Although the council encourages and co-ordinates volunteer involvement in many aspects of woodland management under its control, there are some essential operations that need to be carried out by trained professionals. These include the safety inspections of trees around the perimeters of the woodland and adjacent to footpaths. The management of woodlands for wildlife in conjunction with allowing public access presents certain challenges. Aspects which are beneficial to one are not necessarily desirable for the other. Trees will only be pruned where public presence is high or to improve the environmental benefits of the woodland.

**The council will continue to manage its woodlands in accordance with the Community Woodland Strategy involving local people. The council will undertake safety inspections and carry out essential works for public safety reasons.**

## **Policy 07 – Tree Planting**

- 7.1. Although most of the trees in Basingstoke town were planted in the 1960s and 1970's, in other parts of the borough there is a legacy of trees planted over a much longer period of time. The borough also contains 381 (source English Nature) ancient semi-natural woodlands that date from at least the 1600's. If future generations are to continue to enjoy this rich heritage then it is important that new trees and woodlands are planted. The council as a land owner has an opportunity to lead by example by planting new trees and woodlands on its land and equally

importantly, looking after them to ensure they establish and thrive. The council has recently established a new woodland at Beggarwood Woodland Park

- 7.2. New tree planting can be used to increase diversity, restore or improve the local landscape character or introduce trees of a different age class to that which already exists. When planting trees in gardens or close to dwellings consideration will also need to be given whether there is enough physical room for the new tree to grow and flourish without causing excessive shading or physical problems in the future. Similar considerations will also need to be given when planting trees close to other structures such as footpaths, roads, street lights and existing vegetation. Where trees that have been implicated in subsidence damage to dwellings are removed it may not always be appropriate to plant a replacement tree of the same species. This is especially if the implicated tree is a large high water demanding species and in such cases smaller species that are appropriate to the site will be considered.
- 7.3. While it has no statutory powers to require land owners to plant trees and woodlands on their land (other than as replacements for protected trees), the council will continue to encourage people to do so and will produce advice to help in species selection, planting and aftercare (see also Policy 9).

**To help maintain a continuity of tree cover the council will undertake the planting of new trees and woodlands on land that it manages where suitable opportunities arise. Where the council removes trees it will plant replacements when and where it is appropriate to do so and carry out a programme of maintenance to ensure that they are given the best start possible. In addition, where protected trees have been removed the council will normally require the planting of replacements. In reaching a decision as to whether it would be right to plant new or replacement trees the council will take into account the following considerations:**

- a) Will the new/replacement tree be of public benefit?;
- b) Is there sufficient room for a new tree to grow and develop without it causing future problems?;
- c) Is there a deficit of younger trees in the area?;
- d) Was the removed tree part of a local feature e.g. a line of trees?; and
- e) What species add to local distinctiveness and are suitable for the local landscape character and are these appropriate for the site?

## **Policy 08 – Enforcement**

- 8.1. Under the planning legislation the council has powers to take action against people who carry out work to protected trees without consent. There are two levels of fine. For more serious offences, where there is wilful intent the maximum fine in a Magistrates Court is £20,000 (in 2012) for each offence. For cases reported to the Crown Court the fine is unlimited. For less serious offences, for example where someone carries out some minor pruning without consent, the maximum fine in a Magistrates Court is £2,500 (in 2012) for each offence. The council also has powers under the planning legislation to require the planting of replacement trees.

- 8.2. As well as the enforcement powers under the planning legislation, the council as a landowner is able to take action under the Criminal Damage Act against third parties that cause damage to or fell its trees.

**Where there is sufficient evidence of a contravention involving a protected tree (one subject to a tree preservation order or one growing in a conservation area) or where a council owned tree has been damaged or destroyed, provided that it is in the public interest to do so, the council will initiate criminal prosecution proceedings.**

### **Policy 9 – Provision of Arboricultural Information and Advice**

- 9.1. The council recognises the need to raise awareness of tree issues and one way to achieve this is to provide a range of easily understood and relevant arboricultural advice to help answer frequently asked questions. The advice will be produced primarily in an electronic format but will make hard copies available for those without access to the internet or a computer. These will be regularly updated to reflect current Government advice or the latest arboricultural practices. The council will include advice on the selection, planting and aftercare of trees. In addition to producing its own material, the council will continue to make available relevant information advice and links from other organisations.
- 9.2. In addition to the written advice, the council will continue to provide verbal arboricultural advice but is unable to provide a full advisory service to private individuals. However, it will encourage the use of the Arboricultural Association's Directory of Registered Consultants and Directory of Arboricultural Approved Contractors. The council is currently unable to routinely give pre-application advice on site for people who wish to submit a planning application or apply to carry out work to a protected tree. Exceptions will be made where a site is known to contain important trees or where there is a long planning history. The council will continue to offer verbal advice to applicants.

**The borough council will seek to develop and improve the range of arboricultural information in both written and electronic formats and will seek to ensure that the advice reflects current Government advice or latest arboricultural practices.**

### **Policy 10 – Dangerous Trees in Private Ownership**

- 10.1. The council has discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976 to deal with trees in private ownership that pose an imminent danger of damage being caused to people or property. The legislation only allows the council to become involved where a whole tree or a substantial part of the tree poses an imminent danger. Such situations might include the root plate moving, extensive decay in the trunk or roots, catastrophic root damage or the failure of a major fork or branch.
- 10.2. The council may serve notice on a tree owner to carry out the specified safety works within a period of not less than 21 days. Where these are not carried out the council has powers to enter the land, undertake the works and recover reasonable

costs from the land owner. Where the council does undertake safety works it will seek to recover reasonable costs from a land owner. Where an owner is unable to meet these costs or where land ownership is not clear, the council will put a charge on the land.

- 10.3. There are no powers under the Local Government (Miscellaneous Provisions) Act 1976 for the council to become involved with private trees that are merely causing a nuisance to a neighbouring property for example, by causing shade, blocking views or dropping leaves, flowers or fruit etc. Other than writing to the tree owner to remind them of their duty of care, these situations will remain a private matter between the two parties.

**The council will only undertake work to make trees in private ownership safe under section 23(1) of the Local Government (Miscellaneous Provisions) Act 1976 where there is an imminent danger of damage being caused to persons or property. For the purposes of this policy, an imminent danger is where a tree or a substantial part of a tree is about to fail at any moment. Such situations might include one or more of the following:**

- **root plate moving**
- **extensive trunk decay with buckling evident**
- **extensive root decay with signs of fracture**
- **catastrophic root damage (e.g. half of root system removed by trenching)**
- **failure of a major fork (split trunk or major limb)**
- **crack or cavity in a major branch (above 150mm in diameter) with insufficient safety reserves to prevent the branch from failing**

**The council may take action under sections 23(2) and 23(3) of the Local Government (Miscellaneous Provisions) Act 1976 if it is expedient to do so by serving a notice on a landowner to carry out the required safety works. In the event that the landowner is unable or unwilling to undertake the safety works, the council may enter the land carry out the work itself.**

**Where the council does take action to make a private tree safe it will seek to recover its reasonable costs from the landowner.**

## **Policy 11 – Trees and Development**

- 11.1. The council is committed to continuously improve the way that tree, biodiversity and landscape issues are considered in relation to applications for new development. There is increasing pressure to both maximise available development opportunities and at the same time protect and enhance existing landscape and biodiversity features.
- 11.2. The Landscape and Biodiversity Supplementary Planning Document 2008 gives detailed advice and guidance on the principle issues to be considered. The main aims of this document are to:
- ensure that new developments respect the character of the local landscape, successfully incorporate features of landscape importance and, where

appropriate, include the creation of a high-quality functional landscape within the sites;

- ensure that new developments avoid causing harm to important wildlife habitats and species that are under threat; and
- encourage the incorporation of features into new developments to sustain and enhance wildlife

11.3 The council will use this document along with the relevant saved policies from the Basingstoke and Deane Borough Local Plan 1995-2011 to ensure that full consideration is given to both the retention of existing trees and the planting of new ones. The council 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.

11.4 The council will continue to require planning applications to take into account the advice and guidance contained in the latest version of British Standard BS 5837 (Trees in relation to construction).

**The main aims of the Landscape and Biodiversity Supplementary Planning Document 2008 are to:**

- **ensure that new developments respect the character of the local landscape, successfully incorporate features of landscape importance and, where appropriate, include the creation of a high-quality functional landscape within the sites;**
- **ensure that new developments avoid causing harm to important wildlife habitats and species that are under threat; and**
- **encourage the incorporation of features into new developments to sustain and enhance wildlife**

**The council will use this document along with the relevant saved policies from the Basingstoke and Deane Borough Local Plan 1995-2011 to ensure that full consideration is given to both the retention of existing trees and the planting of new ones to include future mature size and relationship to buildings. The council will continue to require planning applications to take into account the advice and guidance contained in the latest version of British Standard BS 5837 (Trees in relation to construction).**

**Useful internal and external tree related links and web sites**

Ancient Tree Forum	<a href="http://www.woodland-trust.org.uk/ancient-tree-forum">www.woodland-trust.org.uk/ancient-tree-forum</a>
Arboricultural Association (AA)	<a href="http://www.trees.org.uk">www.trees.org.uk</a>
Basingstoke and Deane Borough Council	<a href="http://www.basingstoke.gov.uk">www.basingstoke.gov.uk</a>
Botanical Society of the British Isles	<a href="http://www.bsbi.org.uk">www.bsbi.org.uk</a>
British trees	<a href="http://www.british-trees.com">www.british-trees.com</a>
Department of Communities and Local Government	<a href="http://www.communities.gov.uk/corporate/">http://www.communities.gov.uk/corporate/</a>
English Oak Trees	<a href="http://www.oldknobbley.com/">http://www.oldknobbley.com/</a>
Environment Agency	<a href="http://www.environment-agency.gov.uk/">www.environment-agency.gov.uk/</a>
Environmental web links	<a href="http://www.webmesh.co.uk">www.webmesh.co.uk</a>
Forestry Commission	<a href="http://www.forestry.gov.uk/home.html">www.forestry.gov.uk/home.html</a>
Hampshire County Council	<a href="http://www.hantsnet.co.uk">www.hantsnet.co.uk</a>
HCC – The Hampshire Landscape: A Strategy for the Future	<a href="http://www3.hants.gov.uk/hampshire-landscape-strategy-complete.pdf">http://www3.hants.gov.uk/hampshire-landscape-strategy-complete.pdf</a>
HCC – Biodiversity Action Plan	<a href="http://www3.hants.gov.uk/hampshirebiodiversity/hants-bap.htm">http://www3.hants.gov.uk/hampshirebiodiversity/hants-bap.htm</a>
Hedgeline	<a href="http://www.freespace.virgin.net/clare.h/">www.freespace.virgin.net/clare.h/</a>
Institute of Biology	<a href="http://www.iob.org">www.iob.org</a>
International Society of Arboriculture	<a href="http://www.isa-uki.org/">www.isa-uki.org/</a>
National Association of Tree Officers	<a href="http://www.nato.org.uk/">www.nato.org.uk/</a>
Natural England	<a href="http://www.naturalengland.org.uk/">http://www.naturalengland.org.uk/</a>
Royal Botanic Gardens, Kew	<a href="http://www.rbgkew.org.uk">www.rbgkew.org.uk</a>
Royal Forestry Society (RFS)	<a href="http://www.rfs.org.uk">www.rfs.org.uk</a>
Royal Horticultural Society (RHS)	<a href="http://www.rhs.org.uk">www.rhs.org.uk</a>
Tree Advice Trust	<a href="http://www.treehelp.info/">http://www.treehelp.info/</a>
Trees For Cities	<a href="http://www.treesforcities.org">www.treesforcities.org</a>
Tree Register of the British Isles (TROBI)	<a href="http://www.tree-register.org">www.tree-register.org</a>
The Tree Council	<a href="http://www.treecouncil.org.uk">www.treecouncil.org.uk</a>
The Woodland Trust	<a href="http://www.woodlandtrust.org.uk/en/Pages/default.aspx">http://www.woodlandtrust.org.uk/en/Pages/default.aspx</a>
World Land Trust (rainforest conservation)	<a href="http://www.worldlandtrust.org">www.worldlandtrust.org</a>

### **Other Relevant Borough Council Documents**

#### **The Landscape and Biodiversity Supplementary Planning Document 2008**

Adopted in September 2001 this document contains guidance on assessing the suitability of sites that contain trees for development. It also sets out guidance for preparing proposals which successfully integrate development with existing trees and hedgerows.

<http://www.basingstoke.gov.uk/planning/leaflets/landscape.htm>

#### **Borough Landscape Assessment**

The assessment was adopted as Supplementary Planning Guidance in 2001 and provides the basis for responses to development proposals affecting the landscape of the borough and assists the council and other bodies involved in making decisions affecting the future of the landscape. It also provided an objective basis for the preparation of the Countryside Design Summary for the borough, and [Village Design Statements](#).

<http://www.basingstoke.gov.uk/planning/leaflets/landscape.htm>

#### **Living Landscapes (the borough's landscape and biodiversity strategy)**

Protecting and enhancing the quality of wildlife habitats and the landscape have been identified as high priorities amongst borough residents. However, a number of factors threaten these cherished aspects of our environment. These range from global climate change to the lack of appropriate habitat management for individual sites. The populations of many species are declining nationally and some are at high risk of extinction. Landscape character is affected by the loss of traditional rural land management practices, the introduction of suburbanising features into the countryside and the use of non-local building styles and materials.

Within the last few years, a number of plans and strategies have been developed to address the above problems, including the development of biodiversity action plans at national and local level. The council has an important role to play in the development and execution of these initiatives and its response is set out in Living Landscapes. This document describes the features, landscape characteristics and species most in need of attention within the borough, presents long-term aims and sets out an initial five-year programme of council-led work.

Appendices describe relevant initiatives with which the council is already engaged, list species and habitats that are a priority for conservation action, give details of sites in the borough that have been designated for their nature conservation importance and provide information on protected species.

<http://www.basingstoke.gov.uk/planning/leaflets/landscape.htm>

#### **Countryside Design Summary**

Adopted in April 2002 this design guide explains in simple terms the essential design relationship between the Borough's landscape, settlement patterns and buildings. It identifies distinct character areas and sets out design criteria for each of these, against which any future development proposals can be assessed.

<http://www.basingstoke.gov.uk/planning/leaflets/landscape.htm>

**Green Spaces/Parks Strategy**

Outlines the council's approach to the management and development of green spaces and parks.

For copies, contact 01256 845630 - No link on web site [in 2007, link now?](#)