



Tree and woodland strategy 2021-2026

**A strategy for
the planning and
management of
the district's trees
and woodland**

**East
Hampshire**
DISTRICT COUNCIL



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Executive summary

This Trees & Woodland Strategy will help EHDC meet its statutory biodiversity obligations as in the Natural Environment & Rural Communities Act 2006 (s 40; duty to conserve biodiversity), and to comply with the requirements of the National Planning Policy Framework 2012 (and subsequent updates), that looks to local planning authorities to set out “a strategic approach in the local plans, planning positively for the creations, protection, enhancement and management of networks of biodiversity and green infrastructure” (para 114)

It will also support the council in its recognition and maximisation of the wide range of benefits that trees and woods can deliver:

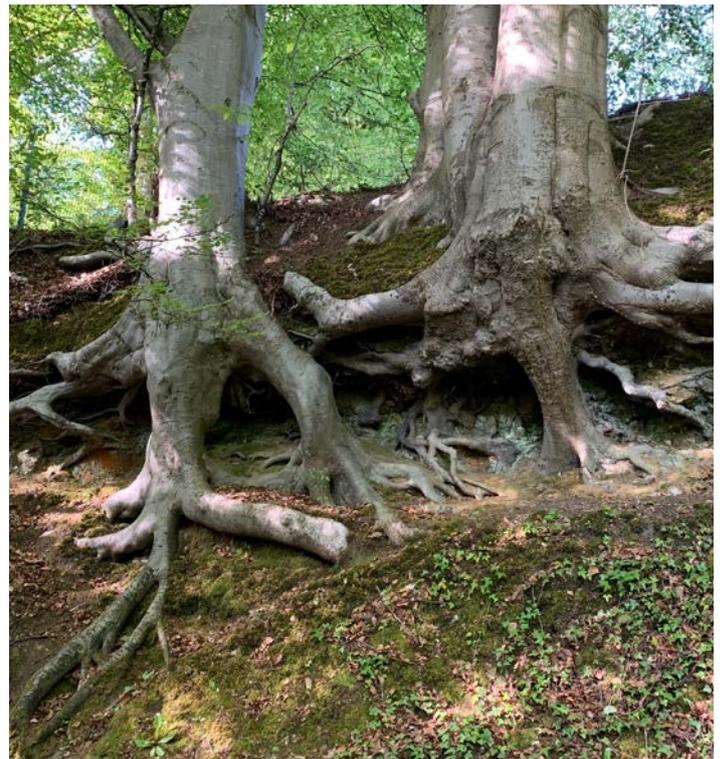


Social

- A sense community, shared experience and sense of place.
- An educational resource.
- Seasonal interest, flowers, fruits, autumn colours, winter structure.
- A cultural and historic link to many areas of the district.
- Trees help to put East Hampshire on the map, the green environment encourages people to visit, work and live in the area.

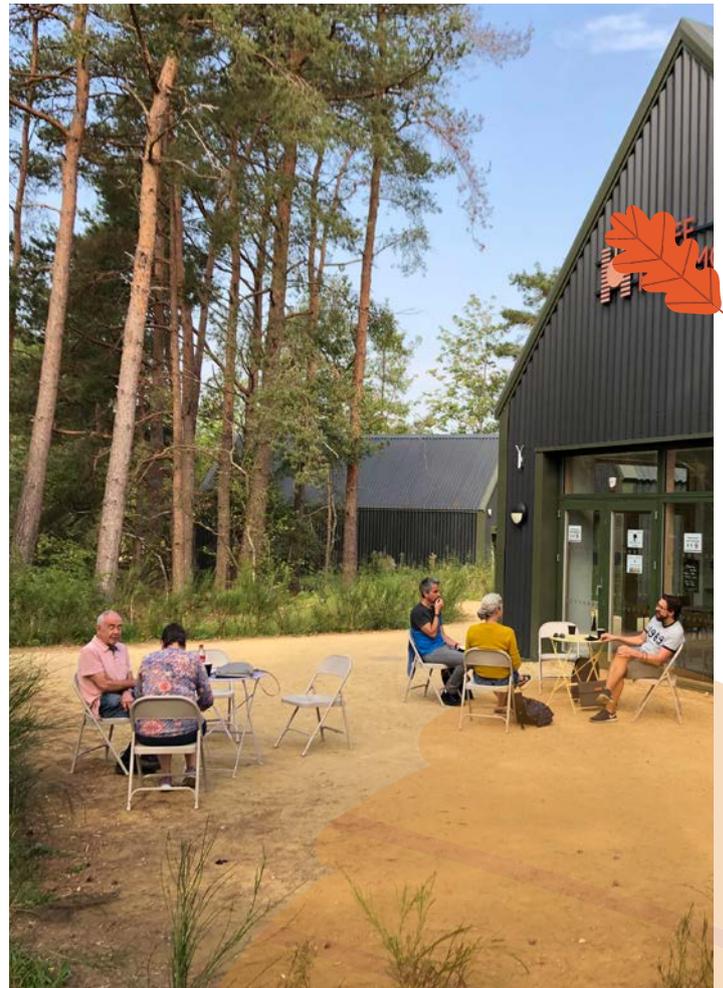
Economic

- The presence of trees can increase the value of properties. ¹
- A green environment makes for a better working environment; workers who have views of trees feel happier ² and therefore makes for better performance.
- Trees help to create welcoming areas within our town centres, encouraging people to visit and stay for prolonged periods, using shops, restaurants and other local businesses.
- Trees help to regulate local temperature extremes, therefore reducing the costs of heating and cooling buildings.



Environmental ³

- Trees reduce the 'urban heat island effect' by absorbing radiation and decreasing local temperature fluctuations caused by urban infrastructure.
- Trees absorb and store greenhouse gases such as carbon dioxide, helping to combat climate change.
- Trees offer shade as protection from the sun, within gardens and open spaces; they provide cool places for people to enjoy during periods of high temperature.
- Trees intercept rainwater helping to prevent localised flooding.
- Trees are an essential element of biodiversity, supporting wildlife throughout all areas of the district.
- Trees help to reduce noise pollution within the urban environment.



Health ⁴

- Trees help to improve air quality as they remove pollutants, helping to minimise associated health risks to our population.
- Trees have a positive effect upon our mental health and sense of wellbeing.
- Trees provide inviting areas for us to exercise.
- The presence of trees makes for a healthier (mentally and physically) population, therefore reducing the impact upon the health services.

[1] Natural England (2012) Microeconomic Evidence for the Benefits of Investment in the Environment – review

[2] Healthy Trees, Healthy Places Woodland Trust (2013)

[3] The National Adaptation Programme: Making the country resilient to a changing climate. London. The Stationary Office (2013)

[4] "Benefits of green infrastructure". 2010. Forest Research. Report to Defra and CLG Farnham



1: Introduction – the aims of a tree and woodland strategy

- To protect, promote, sustain and enhance our trees and woodlands - collectively known and referred to as the 'urban forest' [2].
- To recognise the urban forest's contribution towards the character and appearance of the natural environment of the district for the benefit of all those who live, work in and visit the area.
- To protect trees from unnecessary felling or disfigurement.
- To increase tree cover by annually planting more trees than are felled in any one calendar year.
- To manage trees in council control to take account of the predicted impacts of climate change.



2: Purpose of the tree strategy

- To enhance and protect all the district's trees, habitats and biodiversity, landscape character and local distinctiveness.
- By focussing on a common strategy for monitoring and managing trees and woodland assets in a consistent and measurable way in accordance with national, regional and local policies.
- To encourage partnerships with local communities, businesses and voluntary organisations to meet the aims of the strategy, by promoting the benefits of trees within the area to the community in relation to climate change, economic growth, benefits to human health and resilient wildlife.
- To contribute to current and future green infrastructure planning to avoid "the decline in natural capital seen over the last 60 years" that will lead to "costly impacts", such as decline in people's well-being and missed economic opportunities." (ref: The State of Natural Capital Protecting and Improving Natural Capital", 2015. Natural Capital Committee)
- Utilise risk assessment techniques to form part of tree inspections to measure potential health and safety issues and perform the necessary works to alleviate high-risk situations.



3: The benefits of a tree strategy

Urbanisation and climate change are leading to more frequent and severe flood, heating and air pollution episodes in Britain. There is a growing focus on the adoption of a proactive urban forest strategy to provide nature-based solutions to these problems.

Provision of regulating ecosystem services depends on increasingly emphasising urban forest management for health and safety concerns, resolving complaints about trees and to include policies to provide benefits such as storm-water attenuation, heat amelioration and air purification.

These benefits can be measured in verifiable economic values. iTree is a recognised method for evaluating the service benefits to the ecosystem that trees provide, and has been used across the United Kingdom, such as the London iTree eco project.

www.forestry.gov.uk/london-itree

The strategy will also deliver the following benefits for East Hampshire:

- Preservation of the area's existing historic, verdant and tree-rich character and its reputation as a prosperous, safe and attractive place to live and work.
- Increased public awareness of the value of trees.
- Increased number of trees protected, established and cared for within the area.



4: Tree issues and background

The district has - in the main - a verdant character providing an attractive, pleasant environment in which to live and work. Many of these trees, woodlands and field boundaries are remnants of the historic landscape, characteristic of southern Hampshire. A good example is Yoell's Copse which contains a number of rare Rowan trees.

The council is responsible for maintaining over 4,500 trees and 20 hectares of woodland; however, the vast majority of tree cover within the district falls outside the ownership of EHDC.

Implementation, monitoring and review:

Implementation:

The adopted Tree and Woodland Strategy is referenced during the planning process in respect of planning applications, inquiries, full planning application appeals and the tree preservation order appeal process.

All decisions and actions to manage the tree stock across the local authority should be underpinned by the policy statements contained in the strategy.

The adopted strategy is referenced during tree preservation order compensation claims, and with tree related subsidence claims, as the council's considered process for managing its trees and dealing with such a claim.

The strategy would benefit from a designated tree champion from within the district – such as a designated councillor, committee chair or council leader.

Monitoring:

The local authority service responsible for carrying forward the strategy will establish a process for monitoring policy implementation across all the council's service areas.

An annual analysis of tree removals and tree planting will be undertaken to inform on-

going actions. This will include increasing and diversifying tree canopy coverage within the district to take account of predicted climate change impacts.

Review:

This will include:

- Systematically undertaking a detailed analysis of the monitoring information.
- Identifying and addressing obstacles to the implementation and delivery of the strategy.
- A full review of the tree strategy every five years.
- Recommendations for amendments to the policy or practice as required.



5: Policy context

The following policies from the EHDC Local Plan are pivotal in defining the tree and woodland strategy.

www.easthants.gov.uk/localplan

- Policy S19 - Biodiversity, geodiversity and nature conservation
- Policy DM26 - Trees, hedgerows and woodland
- Policy DM26.1 - Planning permission will be granted where the approach to the planting, retention and protection of trees (including those protected by Tree Preservation Orders), hedgerows and woodlands:
 - reflects, conserves or enhances the existing landscape and integrates the development into its surroundings, adding scale, visual interest and amenity;
 - encourages adaptation to climate change by providing shade, shelter and cooling;
 - adequately protects existing trees and hedgerows including their root systems prior to, during and after the construction process;
 - would not result in the loss or deterioration of irreplaceable habitats including ancient woodland and ancient or veteran trees; and
 - includes proposals for the successful

implementation, maintenance and management of landscape and tree planting schemes.

- Policy DM26.2 - The local planning authority will refuse planning permission for proposals that threaten the retention of trees, hedgerows, and other woodland or adversely affects the importance to the site's character, an area's amenity or the movement of wildlife.
- Policy DM26.3 - Development proposals that include the loss of ancient woodland and ancient or veteran trees will be refused planning permission, other than in wholly exceptional circumstances and where a suitable compensation strategy is proposed.

Implementing policies

To prevent harm to trees, where there are trees with a main stem over 75mm in diameter and 15m from any proposed development, applicants are required to submit their development proposals with an arboricultural survey in accordance with British Standard BS5837 (2012).

For veteran trees, root protection area distances should be greater than the standard buffers stated in BS5837:2012. The root protection area should be a minimum of 15 times the diameter of the tree trunk or five metres beyond the canopy, whichever is the greater.

Any development close to ancient woodland should provide an adequate buffer between the development and ancient woodland, including through the construction stage. Surveys are required to establish whether ancient woodland parcels below 2.5 ha are known to be present.

To prevent damage to tree roots and branches developers will be required to provide protection to the tree prior to and during the development and construction process. Developers will be required to provide protection, in line with BS5837 (2012) ensuring the health and integrity of the tree is not harmed in any way.

Appropriate management measures will be required to be implemented to protect newly planted and existing trees, woodlands

and hedgerows. An appropriate on-going management mechanism will also be required where mitigation and compensation measures are present in the common areas of any development.

Some habitats may not benefit from additional tree planting, such as heathland and grassland. Regard should be given to the requirements of the habitat type and the appropriate biodiversity enhancements such as natural woodland succession. Priority should be given to the protection and enhancement of habitats that are threatened for their rarity or are fragile, fragmented or vulnerable. Opportunities should be sought to achieve greatest biodiversity gain where appropriate.

Tree Preservation Orders (TPO) and trees in conservation areas

The local planning authority will consider the use of TPOs on individual trees, tree groups, woodlands and areas of trees where there is a justifiable and defensible reason, in line with the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Trees in conservation areas are protected and proposals for their removal or management will be assessed for the impact and effect on the amenity value of the area. The local planning authority will then either:

- Make a TPO if justified in the interests of amenity. The proposal would be the subject of a formal application under the TPO, or
- Decide not to make a TPO, at which point the proposed work may go ahead as long as it is carried out within two years from the date of the notice.

Where damage is caused to a tree protected by a TPO or within a Conservation Area, the local planning authority will undertake the necessary investigation and consider prosecution if deemed appropriate, in line with the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and provide specialist arboricultural input into the High Hedges (Appeals) (England) Regulations 2005.

The government's natural environment white paper

The Tree and Woodland Strategy will align with the broad national objectives outlined in the government's white paper on the natural environment:

"Trees, woodlands and forests have a very special place in English culture and have provided us with many of the essentials of life through history.

Their health is essential for our wellbeing and prosperity. They shape our landscapes and street scenes. Our choices today will shape our future landscapes, prosperity and wellbeing. Our ambition is for a major increase in the area of woodland in England, better management of existing woodlands and a renewed commitment to conserving and restoring ancient woodlands.

Forests and woodlands must play a full part in achieving a resilient and coherent ecological network across England.

We want to create more opportunities for planting productive and native woodlands; more trees in our towns, cities and villages; and a much larger proportion of existing woodlands brought into active management. We also want to increase the use of sustainably grown and harvested wood products.

Together, this will enhance the wide range of benefits that woodlands provide, including renewable energy and timber, new wildlife habitats and green space for people to use and enjoy, helping us to mitigate and adapt to the future changing climate. It will also increase resilience to climate change, pests and diseases and help to halt the loss of biodiversity."

The Natural Choice: Securing the value of nature –
DEFRA 2011

England Forestry Strategy & Regional Forestry Framework

The government is seeking a significant increase in tree and woodland cover across England and has published a National Forestry Strategy - A new Focus for England's Woodlands - to encourage tree planting for visual amenity, environmental, commercial and recreational benefits.

NPPF 2018 revision places an emphasis on ancient and veteran trees, described as "irreplaceable." Para 175c) has introduced potentially stringer protection for irreplaceable habitat (including ancient woodlands and veteran trees; any development should be refused unless there are wholly exceptional reasons (e.g. nationally significant infrastructure projects).

Following the 2018 NPPF revision, revised standing orders were published in Nov 2018. regarding that buffers around veteran trees should be significantly more than the 15m recommended by BS 5837:2012 - (now "at least 15 times larger than the diameter of the tree or 5m from the edge of the canopy if that's greater.")

6: The positive role of a tree strategy

The Tree and Woodland Strategy aims to provide the way forward for the management of the district's trees supported by the guidance and policies of the council's adopted Core Strategy.

East Hampshire Saved Policy C6 of the Local Plan gives detailed advice and guidance on the principle issues to be considered. The main aims 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.

- Encourage the incorporation of features into new developments to sustain and enhance wildlife.

It is anticipated that the actions arising from the Tree and Woodland Strategy will contribute to the broader initiatives being undertaken by the council towards meeting local and national environmental and sustainability objectives.

7: Planning control and planning policy in relation to trees

East Hampshire is fortunate to have a significant amount of mature tree cover across many parts of the area, providing character and environmental benefits. However, this very cover can create a conflict of interest, because the trees that make a pleasant area to live and work in are for some residents and businesses a source of frustration.

Issues often occur when the tree makes an important contribution to the local environment and landscape character, but also causes problems or an inconvenience to those living nearby. Urban trees, by their nature, are located close to people's dwellings and are a common source of complaint, including; parking restrictions, loss of light, overhanging branches and leaf fall.

Current national planning policy guidance is seeking to increase the density of development in urban areas, while current national policy guidance is seeking a significant increase in tree and woodland cover. This puts pressure on both existing trees and the ability to plant new trees.

Careful pruning can alleviate some of these problems, but sometimes these problems can be attributed to inappropriate placement, species selection or previous pruning methods. Consequently, it is inevitable that responsible management of the trees in the district will involve situations that are impossible to resolve in favour of all parties.

8: The management of council owned trees

This section of the strategy details the council's approach to the management of the trees for which it is directly responsible. This is provided by the Arboricultural Service at EHDC.

The district's tree cover falls under the following categories:

- Trees in parks and public open spaces – East Hampshire has an array of parkland and green spaces, all with significant numbers of trees which contribute to the make-up of the urban forest.
- Woodlands – EHDC is responsible for managing a wide variety of woodland, with each having site-specific management plans.
- Cemeteries and council owned land - trees through the district which comprise specimen planting, avenues and ancient pollards. These can be encountered in a range of public environments maintained by EHDC such as cemeteries and car parks.
- Street trees - These are the trees planted in highway grass verges and pavements along the roads of the district and are the responsibility of Hampshire County Council as the highway authority.

9: General tree management

Arboriculture is a relatively new discipline and the latest research has illustrated the importance of what is termed target pruning - minimising wound area, aeration of wood tissues and encouraging good wound response in the tree.

Therefore, the council will not carry out topping of trees and will utilise the best practice pruning techniques highlighted within the British Standard 3998 Tree Work - Recommendations. The terminology and description of these pruning techniques are described below:

- Crown lifting - This involves pruning to achieve a desired vertical clearance above ground level or other surface by removing small diameter secondary branches.

- Crown reduction - This is the removal of a specified percentage of branches from the crown all around the tree, by retaining the main framework of the crown and therefore a high proportion of the foliage bearing branches.
- Crown thinning - This is rarely a once-only operation and should be undertaken to meet a specific tree management objective. It involves the removal of a specified percentage of branches throughout the crown and should retain an even density of foliage throughout a well-spaced and balance branch structure.
- Formative pruning - The main aim is to produce a tree which, in maturity, will be free from any major physical weakness. The term can also be applied to more specialised practices such as pollarding, utility pruning and restorative pruning.

It may be necessary to organise works beyond this scope, either to remove a health and safety concern or to undertake work to maintain a tree previously 'topped' in the past. The tree team will utilise risk assessment procedures to determine the extent of work required.

Management of ancient and other veteran trees require specialist input in order to prevent avoidable loss of ancient trees and maintain a tree population in which the values associated with ancientness are sustained.

Ancient and other veteran trees : further guidance on management. 2013 Ed. David Lonsdale
Pub. Ancient Tree Forum

10: Tree inspections

Tree inspections following the principles of risk assessment form the basis of pro-active maintenance regimes for council owned trees. Please see Policy TP1 in appendix 1.

11: Trees on council owned land

Trees are fundamental to the structure of parks and open spaces. The trees in parks and open spaces are not only important to regular visitors,

they are very important contributors to the overall environment and landscape character of the area. They are an extremely important resource that requires active management for the trees to prosper and provide the benefits for our current and future residents.

The nature of tree populations of different parks and open spaces are as variable as the sites themselves. At one end of the spectrum there are older sites, with a declining mature population of trees including a number of interesting specimens. Some sites often contain important veteran trees potentially supporting rare and varied wildlife and holding historic value. Please see Policy TP2 in appendix 1.

12: Insurance claims

On occasion third party insurance companies may contact EHDC if they believe a council owned tree has caused damage. The third party will either request that the contentious tree is felled or simply begin a claim against the council.

A number of factors are involved when determining the cause of subsidence to a building, the location of trees being just one factor. Monitoring of the subsidence, by qualified experts in various fields, is required over a number of months to ascertain the true reason for the movement in a structure. Please see Policy TP3 in appendix 1.

13: New tree planting and maintenance

New tree planting is one of the most important elements of this strategy if the tree cover of the district is to be maintained for future generations. Trees take decades to mature, so the loss of older trees will have a significant impact on the area.

To ensure EHDC retains its existing levels of tree coverage, re-planting needs to take place continuously throughout the district. It is recognised that newly planted trees require specific maintenance during their initial establishment period.

It is becoming increasingly difficult to establish new trees, particularly in urban areas, due to considerations such as underground services, competition for space, limited soil volumes, poor soils, pollution, insurance claims, safety audits, vandalism, and the impacts of climate change.

These constraints may vary and are less prevalent in many of the parks and open spaces. However, the commitment required to establish a newly planted tree, so as to achieve independence in the landscape, should not be underestimated and remains a challenge for local authorities.

Where trees have been removed from EHDC land, it is important they are replaced the following planting season in order to sustain our tree heritage. New planting will take account of the future impact upon the local and wider environment.

Young tree maintenance is not only crucial to the survival of a newly planted tree. It ensures future problems are remedied before they become high cost maintenance issues or health and safety concerns. Please see Policy TP4 in appendix 1.

EHDC Tree Planting Initiative

During 2019, EHDC Leader Cllr Richard Millard, as part of the Climate Emergency declaration, announced a commitment to plant 120,000 trees.

He launched the initiative by planting an oak tree at Gilbert White Museum on 3 October 2019.

The council vision is to work with stakeholders including the Woodland Trust, volunteer groups such as the Tree Council, and landowners, parish and town councils to plant a tree for every resident of the district.

The proposal is to achieve the objective through three key deliverables:

1. Incorporating tree planting in all planning applications where the site lends itself to soft landscaping.
2. Planting trees on suitable areas of EHDC-owned land and offering advice and guidance to private landowners in planting trees on their land.

3. Using available sources of grant funding where appropriate to assist and encourage tree planting across the district.

This initiative is underpinned by Adopted Policy CP28 of the East Hampshire Joint Core Strategy and considers the retention and enhancement of green infrastructure.

In addition to Policy CP28, on 18 July 2019, EHDC Full Council approved the Climate Emergency Declaration, where a key element is outlined below:

“Carbon capture – as one element of this, East Hampshire District Council will be implementing an exciting and far-reaching tree planting initiative. The council will work with the Woodland Trust, landowners and other partners to plant a tree for every citizen of the district. This will equate to 120,000 trees. The trees planted will be natural English species. The programme will extend into schools across the district and be used as the basis for a specific programme of additional education to the young, which will extend into greater biodiversity issues.”

The tree planting initiative demonstrates the council’s commitment to green infrastructure and ecological sustainability across the district.

14: Trees and development

The council is committed to continuously improving 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.

Saved Policy C6 of the EHDC Local Plan 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 landscaping within the sites.

- Ensure that new developments avoid causing harm to important wildlife habitats and species that are under threat.
- Encourage the incorporation of features into new developments to sustain and enhance wildlife.

The council will consider the ultimate mature size of the tree, available space and the relationship to buildings when designing layouts to avoid causing future relationship issues.

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 5837:2012 (trees in relation to design, demolition and construction recommendations).

Developers often assume that all trees on a site will have to be retained and consequently often view trees as a problem rather than an asset. It is common for planning applications to fail to provide sufficient information to enable proper consideration of trees on a proposed development site. This usually means that considerable officer time is spent making detailed assessments of trees and other factors, at the council's expense.

The council's Neighbourhood Support Service are responsible for enforcing and monitoring the statutory protection of trees on private land and relies upon the professional and technical support of the Arboricultural Service. Please see Policy TP4 in appendix 1.

15: Private trees

The provision of tree advice to customers is invaluable not only in terms of promoting best practice for the care and management of trees, but also increasing awareness of their value and importance in our communities. It additionally provides the council with a greater degree of awareness in terms of the potential threats to trees in its area. Where development is intending to be undertaken, a pre-application fee is now applicable for arboricultural advice.

Subsidence in relation to TPO trees

This strategy seeks to set out the council's response to subsidence and heave claims where applications have been made to undertake work on protected trees.

- Subsidence is a complex interaction between the soil, building, climate and vegetation that occurs on highly shrinkable clay soils. Where the soil, supporting all or part of a building, dries out and consequently shrinks, it results in part of a building moving downwards. Trees lose water from their leaves through transpiration and are 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 species.
- Heave is the opposite of subsidence and 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, although it is considered to be finite and as such less of an ongoing problem than subsidence.

Where an application to work on a protected tree in relation to a subsidence case is received, it must 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 this strategy are met.

Although the level of evidence required will differ on a case by case basis, the council will normally require an engineer's 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.

References to guidelines –
www.easthants.gov.uk/subsidence

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.

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.

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.

Dangerous trees

Tree owners are advised that they have a duty of care towards any tree or trees within their ownership. Whether these are subject to statutory protection, in the form of a tree protection order or growing within a conservation area, is not a material consideration. Tree owners must fulfil their duty of care and address any issues relating to concerns over health and safety.

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.

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 and undertake the works. 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.

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. Please see Policy TP5 in appendix 1.

16: Protection of trees

The council will consider the use of TPOs to increase the legal protection afforded to specific trees or woodlands which are considered to be under threat. Where damage is caused to a tree which is protected by a TPO, the council will undertake the necessary investigation and consider prosecution if deemed appropriate.

This allows us to use our 'powers' responsibly and our resource effectively and I think the planning context of each case on its own merit is helpful.

Under the Town & Country Planning Act 1990 the council has powers to make and enforce TPOs and designate conservation areas under the Planning (Listed Buildings and Conservation Areas) Act 1990, which gives protection to trees of a certain size.

There are over 1,500 TPOs and 43 conservation areas within the district.

The majority of trees that provide amenity value within East Hampshire are in private ownership. The pressures for development within the area necessitate the proactive use of TPO's and planning conditions as a proactive tool to ensure

sustainable tree cover for future generations.

TPOs place a responsibility on the owners of such trees to request permission from the council prior to undertaking any pruning or felling works. The council has a statutory duty to respond to such requests within eight weeks.

Owners of trees within a conservation area have to request permission from the council before undertaking any tree works. The council has the option to allow the notification to expire or to respond within six weeks, either raising no objection for the works or by placing a TPO upon the tree or trees affected.

The council will ensure the process of placing TPOs upon trees within the district is undertaken in a consistent manner with clear explanations provided to those directly affected by the decision.

17: Legal protection – Wildlife & Countryside Act

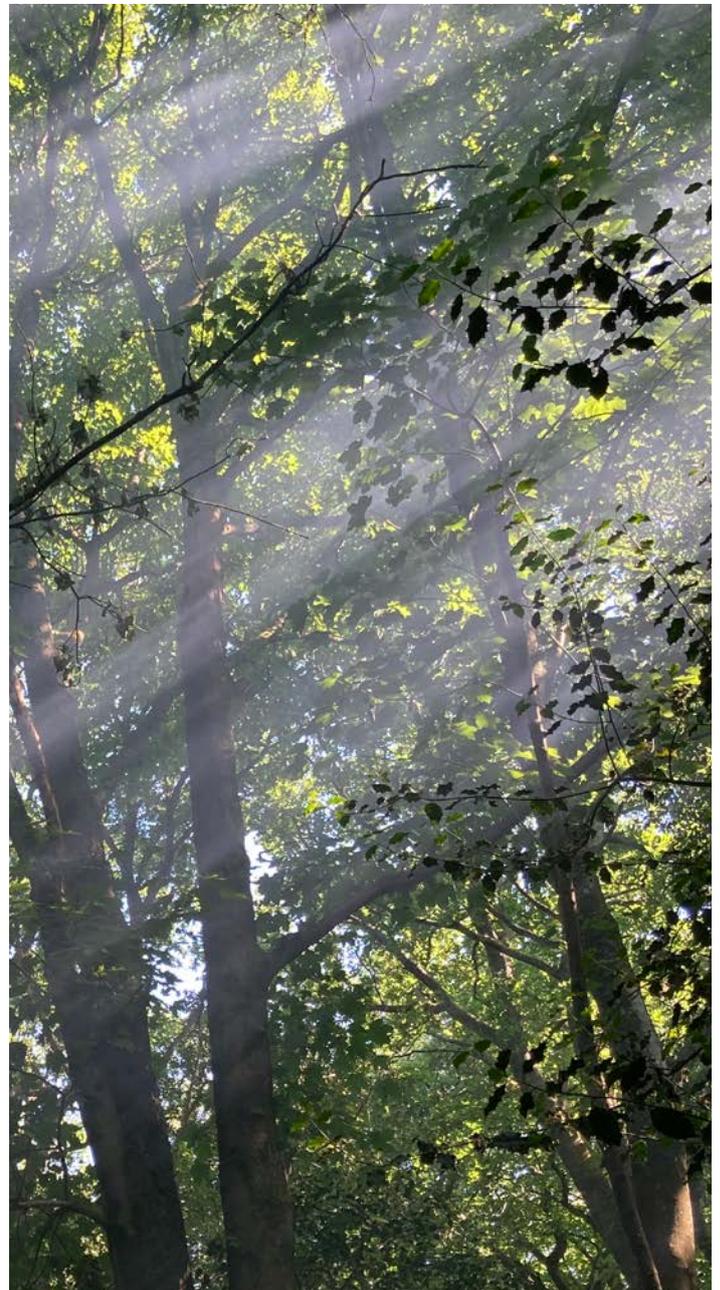
Features such as holes and splits in trees are often used as roosting or breeding sites for bats. Bats are protected under the Wildlife & Countryside Act 1981(as amended) which makes it illegal to intentionally or recklessly 'kill, injure or take', or 'damage, destroy or obstruct access to any structure or place' which supports any bat species.

Nesting birds are also protected under the act, making it illegal to intentionally 'kill, injure or take any wild bird' or 'take, damage or destroy the nest' of any wild bird intentionally while that nest is in use or being built. Please see Policy TP6 in appendix 1.

18: Promotion of trees in the district

Currently, East Hampshire has a number of active volunteer groups who support our woodlands and open spaces. In addition to this, EHDC supports a Tree Warden Network comprising volunteers with an enthusiasm for the protection of their environment, working in partnership with the council and the Tree Council.

The scheme represents an ongoing opportunity for the council and the community to work together to protect and enhance the local environment. Please see Policy TP7 in appendix 1.



Appendix 1: Tree Strategy Policies

Policy TP1

- The council will utilise tree officers' knowledge and risk assessment procedures that take account of the health of the tree and its effects on the local environment to provide the basis for management of council trees.
- The council will resist the removal of any tree unless it is:
 - Dead, diseased or dangerous.
 - Identified for removal following a risk assessment procedure or planning consent.
 - A tree causing an obstruction to a public highway, public right of way, where the obstruction cannot be removed by pruning the tree or other reasonable measures.
 - A tree causing a legal nuisance to an adjoining property, where pruning would not address the problem. Felling would only be acceptable when justified by the facts of the case and where pruning would not remedy the problem.
- Circumstances where pruning has been undertaken to remedy a severe problem and proved to be unsuccessful.
- Thinning out young and developing trees following principles of best arboricultural practice.
- The council will resist unnecessary pruning of the district's tree stock, whilst ensuring resources are allocated to remedy health and safety concerns.
- Pruning works undertaken by the council will follow best arboricultural practice and, where possible, be scheduled so as not to be detrimental to the tree species involved.
- Inspections will cover the protected species under the Wildlife & Countryside Act 1981 and any evidence of bats will be investigated. Where evidence of birds nesting is found, no work will be carried out until the nesting season is over.

- The council will respond to enquiries from the public within ten working days and to emergency calls as soon as is practicable given the circumstances of the case.
- Maintain a programme of proactive tree inspections to ensure the risks to people and property from council owned trees are as low as reasonably practicable.
- All identified works necessary to alleviate health and safety concerns will be undertaken following risk assessment inspections.

Policy TP2

- EHDC will continue with the ongoing inspection of trees within parks and open spaces and undertake any health and safety works deemed necessary.
- EHDC will seek to create a varied and sustainable tree population.
- EHDC will undertake annual planting programmes of new and replacement trees in line with the strategy aims.
- Replacement trees will be of a variety that ensures bio-diversity and sustainability. Where appropriate and possible EHDC will retain deadwood habitat in trees to benefit local wildlife.
- The council will endeavour to work with local community groups and other organisations to ensure their involvement in future management plans for our trees.

Policy TP3

- Upon receipt of insurance enquiries from third parties, council officers will do their best to clarify the technical issues relating to building subsidence.
- Officers will continue to react quickly to insurance enquiries and request the relevant reports and monitoring information necessary to accurately determine the involvement of council owned trees.
- The council's insurers, tree officers, legal officers and building control surveyors will work closely to resolve any issues in an expedient manner.

- Officers will continue to develop the procedure for the timely resolution to insurance enquires involving council owned trees.

Policy TP4

- Undertake high quality new planting to replace trees identified for removal as part of programmed works.
- The tree stock within the district will be increased utilising where practicable, and plant material will be sourced from local indigenous stock.
- Pro-active maintenance of young trees will continue to assist with the establishment and development of new trees.
- Each year more trees will be planted than are felled by the council.
- Tree planting methods will be integrated through all EHDC processes and services to ensure all new planting follows the same best practice principles.
- Ensure that all new tree planting is specified in a suitable location with appropriate tree pit design, ground preparation, staking, irrigation / drainage (if necessary) and protection details to ensure healthy establishment.
- Encourage the public to suggest areas where they would like to see more trees planted through increased community consultation and engagement with residents in all parts of the district.

Policy TP5

- Continue to offer advice to district residents concerning all statutory tree related issues.
- Continue to provide a paid pre-application service in relation to trees and development (currently set at £100 per visit and correspondence).
- Promote 'Best Practice' and the utilisation of tree works that comply with British Standards.
- Protect significant trees deemed to be at risk that are not under EHDC ownership through the making of TPOs where appropriate.
- Council officers will continue to provide technical assistance with regard to high hedge disputes.

Policy TP6

- Where necessary, protect private trees of high amenity value with TPOs.
- Enforce TPOs and conservation controls.
- Utilise planning conditions and technical supervision to ensure a high standard of arboricultural work to protected trees.
- Enforce the planting of replacement trees for felled trees.
- Support a review of older TPOs. Where necessary, revoke out of date orders and serve new ones.
- Ensure all EHDC employees, whose work may involve them directly or indirectly with trees, are provided with suitable training courses to raise their awareness of tree issues.

Policy TP7

- Continue to support and encourage development of community participation.
- Designation of high-profile tree champion for the district to act as a focal point and figurehead for wider community participation.

Appendix 2: Tree Strategy Action Plan

Actions	Lead	Timescale
1: EHDC owned trees <ul style="list-style-type: none"> • Manage and monitor a rolling safety inspection regime. 	Arboriculture Team	Zoned inspection
2: New tree planting and maintenance – council land <ul style="list-style-type: none"> • Complete annual assessment of the number of trees that have been removed or felled. • Complete annual assessment of new tree survival rates from previous years planting. • Implement schedule of replacement tree planting, where appropriate, prior to undertaking any new tree planting initiatives. 	Arboriculture Team	Annual
3: Protection of trees <ul style="list-style-type: none"> • Produce a viability report of the need to review the council's older TPOs. • Monitor and review the TPO procedure on an ongoing basis. 	Arboriculture Team	2025
4: Planning policy <ul style="list-style-type: none"> • Site allocation plans - provide arboricultural advice and guidance to policy officers. • Strategic development area and area action plans - provide arboricultural advice and guidance to policy officers. • Strategic sites and master planning - provide arboricultural advice and guidance to policy officers and planning consultants. 	Arboriculture Team	Local Developments Framework Timescales
5: Promotion of trees <ul style="list-style-type: none"> • Offer training to relevant council officers/sections. • Designation and support of high-profile tree champion. • Continue to provide community-based events. 	Arboriculture Team	Annual

