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## Introduction

Tree and hedgerow assets within the natural and built environment are becoming increasingly important as more is understood about these large, dynamic living organisms and the environmental and socio-economic benefits they provide. Research has shown benefits to health and wellbeing, reduction in pollution levels, cooling of land and buildings, flood alleviation, important habitat for associated species and increased property prices as a result of trees within the built environment.

The Borough of Brentwood is fortunate to have many tree features within its parks and open spaces, public buildings and woodlands. The Council owned tree stock ranges from young to veteran and from native ancient woodlands to non-native single amenity trees. Brentwood Borough Council is committed to protect, enhance and restore this asset where appropriate to do so. Available resources to manage this asset are limited and it is important that resources are targeted to allow efficient and correct management to those trees where it is needed. The aim of the below policy is to provide clear and concise advice to residents who are affected by trees either owned by Brentwood Borough Council or by a third party and what the management expectations should be.

Brentwood Borough Council is committed to:

- Maintaining and increasing the tree cover within the Borough by taking advantage of different funding methods available;
- Encouraging the conservation, positive management and the appropriate planting of trees and woodlands within Brentwood;
- Promoting the importance of trees and woodlands in shaping a distinctive local character;
- Recognising the significant aesthetic, landmark, ecological, cultural, and historic value that trees provide;
- Effectively communicating, educating, and engaging with the local community over trees;
- Managing the tree stock in accordance with good Arboricultural practice and current British and European standards;

Below is a list of frequent occurrences; details are provided of what the Council will or will not do assuming no health and safety issue or actionable nuisance (damage occurring to property) has been identified.

## 1 What the Council will do

### 1.1 Planned Tree Safety Inspections and Ad-hoc Tree Safety Inspections

The Council aims to inspect all Council owned trees every five years for health and safe related hazards and risks. Each individual tree or tree group will be inspected using visual tree assessment criteria (VTA). VTA criteria requires a systematic approach to be adopted whereby the rooting area, stem and crown will be assessed for biological or mechanical defects. Where biological or mechanical defects are **not** evident no works to that particular tree/group will be recommended. Where biological or mechanical defects are identified, their risk and severity will be assessed by the Arboricultural Officer or a

competent appointed person and suitable works recommended. If deemed necessary, the tree inspection frequency for any individual tree or group of trees will be increased as dictated by the severity of the defect and potential to cause harm, inspection frequency is recorded on the council approved tree management software. Depending on the tree's condition and likelihood of risk resulting in injury or harm, further investigation may be necessary using other diagnostic equipment; this will be detailed in the initial tree inspection.

**Priority for Tree Works** – Completed by an approved contractor or BBC in-house maintenance teams;

- No action required – No defect or target exists.
- Low Priority – Within 12 months
- Moderate Priority – Within 6 months
- Urgent Priority – Within 30 days
- Immediate Priority – Within 24 hrs

All tree management and inspections of Council owned trees will be recorded using the Councils' management software. Works are signed off as complete by the Arboricultural team once complete, this is recorded on the council's tree management software.

- BBC Owned Trees - Dangerous Tree (Customer complaint) – To be inspected within 12hrs – 2 working days (dependant on description of severity and perceived risk). To be inspected by the Arboricultural team, or competent person with VTA or PTI (Lantra) qualification. Inspection details to be recorded on the council's tree management software.
- BBC Owned Trees - Nuisance (general) – to be inspected within 10 working days, Nuisance (actionable) – to be inspected within 10 working days. To be inspected by the Arboricultural team or competent person (VTA or PTI Qualified). Inspection details to be recorded on the council's tree management software

## 1.2 Woodlands and Country Parks

Brentwood Borough Council is fortunate to own or manage many woodlands throughout the borough, including Hartswood, Hutton Poplars, Hutton Country Park, Merry Meade Country Park, St. Faiths Country Park, Warley Country Park. A full list of Council managed woodland is available on our website; [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

Many trees within woodlands and country parks are within areas of low footfall or areas of non-use, meaning that the risk to public and property is considered low. As it would be impractical nor necessary to inspect every tree within a woodland, the Council adopts a zoning approach to manage the risk within our Woodlands and Country parks.

## Usage Zones and Zoning within a Woodland or Country Park

1. High Use – **Annual Inspection** – Parks, play spaces, main footpaths and bridleways, event areas which attract many visitors and have high footfall or areas with large trees considered close to property or person.
2. Medium Use – **Inspected Every 5 Years** - Parks, main footpaths, bridleways and areas with trees with medium footfall.
3. Low Use – **Inspected every 10 years** – Informal woodland areas and desire paths with minimal footfall.
4. **No Inspection** – minor woodland trails or areas with little or no public access.

The Council uses the Quantified Tree Risk Assessment (QTRA) method for inspections within woodland and country parks. This is a nationally recognised approach to managing tree risk.

### QTRA Advisory Risk Thresholds

| Thresholds  | Description  | Action   |
|-------------|--|--|
| 1/1 000     | Unacceptable<br>Risks will not ordinarily be tolerated   | Control the risk   |
|             | Unacceptable (where imposed on others)<br>Risks will not ordinarily be tolerated   | Control the risk<br>Review the risk  |
| 1/10 000    | Tolerable (by agreement)<br>Risks may be tolerated if those exposed to the risk accept it, or the tree has exceptional value | Control the risk unless there is broad stakeholder agreement to tolerate it, or the tree has exceptional value<br>Review the risk                        |
|             | Tolerable (where imposed on others)<br>Risks are tolerable if ALARP  | Assess costs and benefits of risk control<br>Control the risk only where a significant benefit might be achieved at a reasonable cost<br>Review the risk |
| 1/1 000 000 | Broadly Acceptable<br>Risk is already ALARP  | No action currently required<br>Review the risk  |

### 1.3 Branches and Hedgerows Crossing a Boundary (Fence, Hedge, etc.)

- The Council will inspect trees and hedgerows that cross a boundary and assess each case on individual circumstances and prioritise the works accordingly, e.g. It is likely that where a significant portion of the useable garden space is affected by branches crossing a boundary (over 50% of the garden) or the branches are above a dwelling roof space, then the Council will prune the trees on a low priority basis (see above); if the garden is very large and / or the trees and / or hedgerow are affecting only a minor part of the useable garden, the Council

will not carry out any works. If a third party wishes to complete the works itself or request a cost-based quote from the Council to get the works completed sooner, this can be arranged. Please see further sections provided below regarding working on Council owned trees and the provided information.

#### 1.4 Boundary Hedges above Safe Working Height

- Boundary hedgerows are a common feature within our parks and open spaces and often share a boundary with our residents who neighbour our parks and open spaces. Our grounds maintenance teams will undertake maintenance of these hedgerows twice annually. This includes a summer prune to face up the hedgerows and generally tidy them, and a winter prune which includes maintaining the height and reduction works. These heavier works will only be undertaken after the bird nesting season, which generally runs from March – September annually.
- Boundary hedgerows will be maintained at a safe working height of no higher than 1.5 meters. Any hedges that are requested to be left higher will be inspected on a case by case basis but will ultimately fall to the resident of the neighbouring property to maintain if agreed in writing by the Council.
- Brentwood Borough Council do not enter properties to undertake maintenance works on boundary hedgerows.

#### 1.5 Highways

- Trees situated adjacent to the public highway are usually maintained by Essex County Council – please call 08456037631 or report the problem online via <http://www.essexhighways.org/Report-a-problem.aspx>
- Essex County Council guidance recommends that trees that encroach a public highway, cycleway or footway provide a crown clearance of 5.1m over a highway, 2.5m over a cycleway and 2.1m over a footway. The Council, following inspection of its own tree stock, will prune trees to these recommendations for adopted highways. Council owned trees that are obscuring a highway sign, lamp column or street name will be pruned to provide sufficient clearance for visibility.

#### 1.6 3<sup>rd</sup> Party Dangerous Trees and Local Government (Miscellaneous Provisions) Act 1976

- If you suspect a tree is dangerous, please contact the Council on **01277 312500** who will be able to advise further.

**Please Note: Trees that are large, mature, tall, leaning, within proximity to a boundary, building or other property association, or sway in the wind are not necessarily dangerous.**

- The responsibility for a tree lies with the landowner of where the tree is rooted. The local authority is not responsible for trees on private land.
- The Council has discretionary powers using the Local Government (Miscellaneous Provisions) Act 1976 to make a tree safe if there is a danger of the tree causing harm to

persons or property. There are two circumstances where this will apply, the owner and non-owner of a dangerous tree.

- If a request is received by an owner of a dangerous tree the Council may take such action to make the tree safe, the danger must be imminent and assuming an imminent danger, likely to cause injury or harm. In such circumstances the Council may recover costs from the owner.
- An inspection will be raised for the Arboricultural team, who will determine whether the tree is dangerous and what further action should be taken. A site visit will be undertaken by the Arboricultural team within 12 hrs to 2 working days depending on the description of works.
- If a request is received from a non-owner and the tree is considered 'likely to cause damage or harm' the Council must take reasonable steps to contact the owner, unless the danger is imminent. If tree works are necessary to make the tree safe the Council may enter the land and carry out the work. Once the work is complete the Council may recover costs from the owner. If the owner is known to the Council, the Council may serve notice on the owner requesting the tree be made safe which must be completed within 21 days from the date on which the notice is served. If this is not completed within 21 days, the Council may enter the land and make the tree safe. Following completion of the work the Council may recover costs from the owner.

## 1.7 Property Damage

- If you suspect a Brentwood Borough Council owned tree is causing damage to your property or any property associations and you want to make a claim, please write to the Council at **enquiries@brentwood.gov.uk**, who will be able to further advise and forward your claim to the Council's insurers. You need to provide as much information as possible and you may be required to support your claim with an independent expert's report as detailed below:
- **Subsidence damage evidence requirements:** If you suspect that a Brentwood Borough Council owned tree or hedgerow is causing subsidence damage to your property, please write to **enquiries@brentwood.gov.uk**, who will be able to advise further. It should be noted that to support an insurance claim for subsidence, evidence may be required to be gathered by the property owner to enable the Council to undertake further investigations. In any case, it is recommended that a property owner seeks advice from their own insurers. Examples of the types of evidence that may be required are listed below. This is not an exhaustive list, and is provided for guidance only:
  - Root identification from a qualified botanist
  - Soil analysis, including borehole details
  - Structural engineer report
  - Independent expert Arboricultural report
  - Level monitoring over a sufficient period (6-12 months)
  - Crack monitoring over a sufficient period (6-12 months)

- Direct property damage (fences, low rise walls, driveways, etc) evidence requirements:

Arboricultural report provided by a competent person to include photographic evidence of stem, branch, root or other causal part. Tree species, dimensions, site plan, tree condition, opinion on cause and reasons for.

## **1.8 High Hedges Legislation (Part 8 Anti-social Behaviour Act 2003)**

- The above legislation gives the Council powers to deal with complaints about high hedges that adversely affect the reasonable enjoyment of residential property. See link for further details and criteria <https://www.gov.uk/how-to-resolve-neighbour-disputes/high-hedges-trees-and-boundaries>.

## **2 What the Council will not do**

### **2.1 Trees in Private Ownership**

- The Council cannot advise or act for an individual with regards to a tree under the ownership of a third party. The Council cannot resolve nuisance, boundary disputes or actionable nuisance with regards to trees owned by a third party. It is recommended that you contact the owner of the tree, Citizen's Advice Bureau, Land Registry, an independent legal advisor, or your buildings insurers, who will be able to advise further.

### **2.2 Light Restriction**

- With the exception of High Hedges Legislation 2003, the Council will not prune trees to improve light entering/reaching a property.

### **2.3 Solar Panels**

- With the exception of High Hedges Legislation 2003 the Council will not prune trees to improve light reaching solar panels.

### **2.4 Pests**

- The Council will not prune trees to prevent pest nuisance occurring such as aphids causing honeydew deposits or pests entering property (squirrels, birds, etc.).

### **2.5 Tree Debris**

- The Council will not prune trees to reduce problems with leaf, fruit or twig dispersal. Shedding of leaves, fruit and twigs is a natural process that occurs at varying times of the year in different frequencies, pruning is unlikely to remove or significantly reduce the nuisance.

### **2.6 TV or Satellite Reception**

- A TV licence or any other subscription does not guarantee TV or satellite reception. It is recommended that where a new installation of satellite or TV equipment occurs,

the owner takes account of mature height and spread of nearby trees or other potential obstructions.

- The Council will not prune trees to provide a TV or satellite reception. In instances where an obstruction is occurring it must be demonstrated that no alternative position will rectify the situation and that the trees are the cause of the obstruction. It is recommended that the owner provide evidence supported by a competent person for the installation of TV equipment to justify any TV or satellite reception issue.

## **2.9 Working on Trees Owned by Brentwood Borough Council**

- Council will approve a third party working on Council owned tree stock to remove or reduce a nuisance as described above; however, the works must not be carried out to the detriment of tree health or visual amenity, must be in accordance with British Standard 3998 (2010) and must not be carried out on trees contrary to any Tree Preservation Order (TPO), Conservation Area designation or trees subject of Hedgerow Regulations 1997, unless written consent has been issued by Brentwood Borough Council. The work is to be carried out by a contractor approved to work on Council land (details can be provided upon request) and they must work to a specification provided by the Council. Any contractor employed to work on Council owned tree stock, must demonstrate adequate insurances including Public Liability Insurance to a minimum value of £10 million, suitable risk assessments and method statements to undertake the work and to prove competency of the operatives employed to undertake such works. These documents must be submitted to the Council for inspection prior to the works taking place. All contractors and private tree surgeons must demonstrate compliance with the Health and Safety at Work Act 1974.
- Alternatively, the Council employ suitably qualified tree surgeons and can undertake works on a not-for-profit basis i.e. Brentwood Borough Council can manage Council owned tree stock on behalf of any third party on a cost basis to cover the activity. The tree/groups will be assessed for the reasonableness of the works requested and a fixed price will be provided to the individual requesting works. Should the individual wish to proceed, then a full specification for works will be provided, an order raised with our tree surgery team and a date scheduled for the works. Upon full completion of the specified works an invoice will be issued for payment.

## **3 Informative**

### **3.1 Tree surgery**

- Tree surgery is a dangerous occupation; Brentwood Borough Council recommends anyone contemplating tree works first seek the advice from a professional working within the arboriculture industry.
- Work must be carried out in compliance with BS3998: 2010 “Tree work – Recommendations”, plus all relevant health and safety legislation, regulations and codes of practice.

### 3.2 Wildlife Legislation

- Certain associated tree flora and fauna are protected by European and UK legislation.
- **Wildlife & Countryside Act 1981** (as amended) and **Countryside and Rights of Way Act 2000**. It is an offence to intentionally or recklessly damage or destroy the nest of any wild bird while it is in use or being built. Please therefore check for the presence of nesting birds before commencing work. Where nesting birds are found to be present, the contractor must stop work immediately and inform the Council's Tree Officer. Work will be postponed until further notice.
- **Conservation of Habitats and Species Regulations 2010** (as amended). This applies to European protected species which, regarding trees refers primarily to bats. A person is guilty of an offence if he/she:
  - deliberately captures, injures or kills a protected species;
  - deliberately disturbs a protected species;
  - damages or disturbs a breeding site or resting place.

### 3.3 Tree Legislation

- Trees may be subject to a relevant Tree Preservation Order, Conservation Area designation or the Hedgerow Regulations 1997 (contact the Council's Customer Services department who will be able to advise). If trees are subject to the abovementioned legislation, then an application or notice of intent (conservation area only) is to be submitted to Brentwood Borough Council, works cannot commence until written consent/ notification has been received from the Council.
- Forestry Act 1967 – If you are considering removing trees it is recommended you contact the Forestry Commission for further advice regarding whether a felling licence is required. [enquiries.eastfd@forestryengland.uk](mailto:enquiries.eastfd@forestryengland.uk) or 0300 067 4500.

### 3.4 Disposal

- All debris is to be disposed of in accordance with current legislation regarding waste.

### 3.5 Cross-contamination

- Where there is a risk of transferring pathogens to vegetation at other sites, felling and pruning equipment must be disinfected after use. Also consider brushing mud and debris from soles of boots and spraying boots and vehicle tyres before leaving the site with an approved disinfectant. All disinfectants should be used in accordance with the recommended safety precautions and COSHH regulations (refer to the material data safety sheet for each product).

### 3.6 Working on Council Property

- Consent is required to work on Council owned property. Risk assessments, method statements and suitable/current insurance documents are to be submitted to and approved by Brentwood Borough Council before work commences.
- Traffic management must comply with **New Road and Street Works Act (NRSWA) 1991**.

**3.7 Work at Height Regulations 2005.** Choose the right work equipment and measures to prevent falls i.e. mobile elevating work platforms, before other measures which may only provide protection from a fall e.g. rope and harness.

- (a) As per Schedule 5, Part 1, a personal fall protection system shall be used only, if:
  - (i) a risk assessment has demonstrated that;
  - (ii) the work can so far as is reasonably practicable be performed safely while using that system; and
  - (iii) the use of other, safer work equipment is reasonably practicable; and
- (b) the user and a sufficient number of available persons have received adequate training specific to the operations envisaged, including rescue procedures.

01277 312500

- (c) [Enquires@brentwood.gov.uk](mailto:Enquires@brentwood.gov.uk)

## Appendix 1 – Action Plan Time Scale

| Action  | Timescale       | Implementation Date  | Notes  |
|---|-----------------|----------------------|--|
| Approval of Tree Policy and recommendations of Audit/Insurance report | <b>1 Month</b>  | <b>December 2024</b> | As recommended in audit report, a request for additional resource to undertake initial survey of Council owned tree stock and budget to implement approved tree management software  |
| Procure and implement new Tree Management Software/Hardware           | <b>3 months</b> | <b>April 2024</b>    | Local Government G – Cloud framework allows direct award to government approved systems  |
| Recruit fixed term post for tree inspections/review Arboricultural JD | <b>3 months</b> | <b>April 2024</b>    | If additional resource is not approved at FAIR, service priorities will need to change to a risk-based priority, meaning that tree planting/woodland and country park management will likely go on hold to resource the recommendations highlighted within audit/insurance report. |
| Roll out proactive inspection's regime for Council owned tree stock   | <b>2 years</b>  | <b>April 2024</b>    | Depending on outcome of FAIR, this will be actioned by either new fixed term contract, or existing resource  |

|  |                 |   |   |
|--|-----------------|---|---|
|  |                 |   | within the Green Spaces team.   |
| Undertake procurement exercise to develop an approved contractor framework for arborists/tree works for a 7-year period. | <b>2 months</b> | <b>Tender exercise – Jan 2024</b><br><b>Tender award - March 2024</b> | Approved contractors list will ensure Health and Safety/Procurement and Financial Regs are adhered to. To include emergency, call out register. |