

Melton Park Management Company

Tree Policy – January 2023

1.0 INTRODUCTION AND SCOPE: MELTON PARK MANAGEMENT COMPANY MANAGED TREES

- 1.1 Melton Park Management Company (MPMC) is responsible for maintaining a large number of trees throughout the neighbourhood of Melton Park. These are distributed across a variety of environmental types including woodlands, amenity open spaces, verges, green lanes and landscape strips. A proportion of the trees are in the vicinity of dwellings, access roads and formal footpaths. Consequently, they have a notable influence on the residents, visitors and service agencies. Other trees are more isolated from the developed area of Melton Park but still need management to ensure their long-term retention.
- 1.2 This Tree Policy understands the benefits that trees bring and provides a framework for transparent decision-making by considering the legalities and responsibilities that come with owning and maintaining trees.
- 1.3 This policy only applies to trees within the management responsibility of MPMC. Other third party and privately owned trees will be the responsibility of the individual owners themselves who are thus obliged to seek the relevant statutory permissions for works and must fund any operations themselves.

2.0 BENEFITS OF TREES

- 2.1 It is universally recognised that trees are vital to human existence. The United Nations General Assembly has stated that their “sustainable management and use of resources are key to combating climate change, and to contributing to the prosperity and well-being of current and future generations”. For this reason, MPMC understand and appreciate the following:
- Trees create a better place in which to live and work – most people prefer living and working in green surroundings. They generate a more attractive landscape by softening the impact of the built environment and providing links between other green spaces.
 - Trees supply a healthier place to live – they trap and absorb sooty particles and chemicals from the atmosphere, improving the air people breathe and have a positive impact on the incidence of asthma. The shade they create helps reduce the risk of skin cancer from solar radiation and people feel less stress in green and leafy surroundings – the environment they create has been scientifically shown to improve welfare and wellbeing.
 - Trees provide attractive, calm settings for amenity and recreation – trees bring life and colour to where people live and highlight the changing seasons.
 - Trees moderate the climate in residential settings – they provide shade and shelter and thus can significantly reduce energy consumption in adjacent buildings. Leaves and branches intercept rainfall and reduce the risk of flooding after rainstorms and also filter noise. The tree roots stabilise soil and prevent erosion.



- Trees enshrine valuable habitat for wildlife in both residential and rural areas – much of the varied and valuable wildlife depends on trees and woodland for survival. Wildlife is a vital indicator of sustainability and is closely linked to the health and extent of tree cover.

3.0 PRIMARY AIMS

3.1 MPMC has four primary aims with regards to the management and maintenance of its tree stock:

1. Reduce, and maintain at as lower level as reasonably possible, the risk from the existing tree stock to persons and property;
2. Preserve the existing tree stock;
3. Enhance the existing tree stock;
4. Comply with legal obligations.

3.2 Intervention will only be undertaken when there is a genuine and justifiable benefit to be gained from an arboricultural perspective that complies with one or more of the four primary aims.

4.0 LEGISLATION AND BEST PRACTICE

4.1 Duty of Care

4.1.1 MPMC has a legal “duty of care” to ensure that users and neighbours of its land are reasonably safe (*Occupiers Liability Acts 1957 and 1984*). MPMC will ensure that risks to its employees, contractors and visitors are reduced as far as is “reasonably practicable” (*Health and Safety at Work Act 1974*).

4.1.2 Trees are not static objects and they are constantly changing as they grow and vary with the seasons. They can also reach considerable size and can become damaged by the weather or affected by pests and diseases. When trees fail and either fall over or lose branches they have the potential to cause harm where they grow in areas of public access or within falling distance of structures or highways.

4.1.3 MPMC will balance this risk with the aesthetic, ecological, environmental and social benefits that trees bring. “Reasonableness” is a key legal concept when considering the risks of trees to the public, and tree owners’ obligations. A comprehensive summary of English Law as it relates to trees can be found in Chapter 3 of the *“National Tree Safety Group (2011) Common Sense Risk Management of Trees”* (4.2.1).

4.2 National Best Practice

4.2.1 This Tree Policy complies with the *National Tree Safety Group (NTSG) guidance “Common Sense Risk Management of Trees”*, published December 2011.

4.2.2 The NTSG was convened in August 2007 to develop a nationally recognised approach to tree safety management and to provide guidance that is proportionate to the actual risks from trees. *“Common Sense Risk Management of Trees”*, is the first national guidance on tree risk management available to tree owners, and followed extensive industry and government consultation.



4.2.3 The NTSG overall approach is that the evaluation of what is reasonable should be based on a balance between benefits and risks from trees. This position is underpinned by a set of five key principles:

- Trees provide a wide variety of benefits to society.
- Trees are living organisms that naturally lose branches or fall.
- The overall risk to human safety is extremely low.
- Tree owners have a legal duty of care.
- Tree owners should take a balanced and proportionate approach to tree safety management.

4.2.4 The NTSG guidance states that tree owners should take a balanced and proportionate approach to tree management that forms the basis of a tree safety strategy which covers three essential aspects:

- Zoning: appreciating tree stock in relation to people or property.
- Tree inspection: assessing obvious tree defects
- Managing risk at an acceptable level: identifying, prioritising and undertaking safety work according to level of risk.

4.2.5 The NTSG guidance requires that areas of land are defined according to levels of use, prioritising the most used areas. High use zones are areas used by many people every day, such as busy roads, other well-used routes, car parks and children's playgrounds, or where property may be affected. Trees in areas of high public use require a more frequent inspection regime. Trees in areas with low public use require less frequent inspection.

5.0 INSPECTION REGIMES

5.1 Systematic Inspections

5.1.1 In compliance with the NTSG guidance, MPMC inspects all the trees that it owns or has maintenance responsibility for on a cyclical and systematic basis.

5.1.2 Competent and qualified arboriculturalists undertake the systematic inspections and report their findings to MPMC, including the specification and priority of any works required.

5.2 Ad-Hoc Enquiries and Inspections

5.2.1 MPMC may also receive requests from a variety of sources to inspect individual trees outside the parameters of the systematic inspection regime.

5.2.2 If the enquiry is judged to be a general request to confirm the health of individual trees, the MPMC will advise the enquirer of the findings of the most recent systematic inspection and inform them of the date of the next scheduled systematic inspection.

5.2.3 If information is provided by the enquirer that raises significant health and safety concerns, a more urgent (i.e. ad-hoc) inspection will be carried out by competent and qualified arboriculturalists who will report their findings to MPMC, including the specification and priority of any works required.



6.0 WORKS REGIME

6.1 Works Priority – Health & Safety

- 6.1.1 As part of an inspection (be it systematic or ad-hoc), the arboriculturalist will use their expert knowledge, professional judgement, and experience to determine whether a tree contains any potentially actionable defects.
- 6.1.2 If any potentially actionable health and safety defects are identified, the arboriculturalist will consider the severity of the defect, the location of the tree and the hazard consequences of the defect. They will then ascribe a priority of response to address the matter of concern.

6.2 Works Priority Criteria

- 6.2.1 MPMC does not have unlimited financial resources available to address an indefinite volume of works. Therefore *Table 1* below identifies how MPMC has determined that arboricultural works will be categorised and prioritised in accordance with the Primary Aims (item 3.0).
- 6.2.2 The implementation of MPMC priorities is detailed at items 6.3 to 6.8 below and further details are supplied in the supplementary document “*Melton Park Management Company Priority of Works - Appraisal Regime*”.

Table 1

Priority	Issue
1	Health and safety and legal obligations
2	Insurance indemnification
3	Necessary maintenance (short term urgency to protect retention of existing tree stock)
4	Non-essential maintenance, planting and ecological provision (long term and sustainable environmental enhancement)
5	Aesthetics
0	Other requests

6.3 Health and Safety and Legal Obligations (Priority 1)

- 6.3.1 Health and safety and legal obligations must always be addressed as MPMC’s highest priority. As trees progress through a lifecycle, they react to outside agencies including intentional human intervention (in the form of surgery or vandalism); unintentional human intervention – damaging trees through lack of knowledge (e.g. contamination or compaction of soil in the rooting zone); climatic conditions (e.g. storm or drought); and biotic factors (pests and diseases). This inevitably leads to a need for regular intervention.
- 6.3.2 Identified works will be allocated a priority and work completion period in accordance with item 6.1.



6.4 Insurance Indemnification (Priority 2)

6.4.1 MPMC is also obliged to manage its assets in a manner that reduces and ideally prevents any damage to neighbouring persons or property, including tree-related subsidence. Any potential incidents of tree-related subsidence or other damage to property will be assessed according to relevant arboricultural legislation and best practice. Any tree related issues that affect personal safety will be addressed as first priority (in accordance with 6.3 and Table 1 above). Other matters where an insurance obligation has been identified by MPMC or shown to be a genuine issue by a third party will be addressed as second highest priority in terms of investigation (and action – if required).

6.4.2 Identified works will be allocated a priority and work completion period in accordance with item 6.1.

6.5 Necessary Maintenance (Priority 3)

6.5.1 Necessary maintenance works are not required to abate a health and safety or legal concern but are desirable for the long-term retention of an individual tree, cluster of trees or a woodland. Example works are weed control on newly planted trees, re-staking young trees, formative pruning, thinning out of a dense plantation, pruning out diseased wood or a reversion, respacing and aeration.

6.5.2 Identified works will be allocated a priority and work completion period in accordance with item 6.1.

6.6 Non-Essential Maintenance, Planting and Ecological Provision (Priority 4)

6.6.1 These items are unlikely to be specifically identified by the systematic inspections but may occur as the result of ad-hoc enquires or be developed as standalone projects.

6.6.2 Such works are important as the lifecycle of trees determines that they have a finite longevity and in order for future generations to enjoy the full range of benefits provided by trees and the associated wildlife that they host, ongoing regeneration is essential. By definition however, such works cannot take priority over caring for the existing tree stock.

6.7 Aesthetics (Priority 5)

6.7.1 MPMC may consider undertaking works that improve the aesthetics of an existing tree or group of trees. This work would not be undertaken as the result of any health and safety or maintenance recommendations but may in certain limited circumstances be justified by the quality, location or historical association of particular specimens.

6.7.2 Such works are by definition lower priority because of their non-essential nature, and the fact that no long-term benefit is likely to be derived. However, an example might involve maintaining an historic topiary feature.



6.8 Other Requests (Priority 0)

6.8.1 MPMC has no obligation, no mandate and no resource to address other perceived issues and associated work requests. Typical individual requests often involve the following:

- Blocking light to a neighbouring structure or neighbouring land;
- Issues associated from roosting bird droppings;
- Intense shading of a neighbouring structure or neighbouring land (excluding obligations under the High Hedges legislation);
- Leaves falling within private land or affecting structures (gutters);
- Fruit falling within private land;
- Perceived negative effects of Aphid drip (honeydew);
- Interference with television reception (terrestrial, digital, satellite, etc.);
- Perception of “oppression” from large or dominant trees;
- Tree retention, maintenance or new planting schemes to provide “privacy”;
- Obscuring of private CCTV security systems.
- Allergies associated with trees, for example pollen and seed dispersal.

6.8.2 The list at item 6.8.1 is not exhaustive and should not be treated as such.

6.8.3 Works to abate the above issues will not be undertaken by MPMC unless they coincide with either the routine planned maintenance programme or any legal obligations as defined in the four primary aims. This remains valid irrespective of any willingness to pay.

6.9 Tree Removals

6.9.1 MPMC will only fell trees for sound and justifiable arboricultural reasons that comply with the primary aims detailed at item 3.0. Typical permissible reasons to permit felling would be:

- Dead, dying or dangerous trees,
- Trees causing significant structural damage,
- Specimens considered by the appointed arboriculturalist to be inappropriate species for the location.
- Specimens considered by the appointed arboriculturalist to be culturally damaging to neighbouring trees.

6.10 Standards of Work

6.10.1 MPMC will not undertake, permit or encourage the lopping and topping of trees to reduce the height or undertake any tree works deemed to be arboriculturally unacceptable and not conforming to best practice, unless there is an overriding and acceptable reason to do so.

6.10.2 Wherever possible, all tree surgery will be carried out in accordance with “*BS 3998:2010 (Recommendations for Tree Works)*” by an appropriately qualified, experienced and insured arboricultural contractor. Written permission for works must be obtained from the relevant authority before works proceed (other than for specific exemptions) if the trees are protected by legislation (6.11).

6.11 Protected Trees

6.11.1 Any tree works subject to legal constraints, i.e. Tree Preservation Orders or Felling License, will be subject to approval by East Suffolk Council or the Forestry Commission under the relevant legislation (see appendix).



7 VETERAN TREES

7.1 Veteran trees form an important part of Melton Park's natural and cultural heritage and are highly valued by the community for historical, aesthetic, cultural and ecological assets. As a result MPMC is committed to their specialist management requirements. The primary objectives of for managing veteran trees are:

- To protect the tree from foreseeable and avoidable harm
- To preserve and prolong a living veteran and dependant wildlife for as long as possible
- To retain dead veteran trees in a safe state as an enduring monument and source of biodiversity
- To retain as much of the visual amenity as possible while managing any risk within tolerable levels
- To identify causes of any deterioration in the veteran tree stock and manage accordingly
- To identify opportunities to improve the health or condition of a veteran tree
- To create a detailed record of the condition and management of the tree
- To create a naturally developing veteran tree stock into the future

Managing and working with veteran trees requires long-term vision and a great deal of expertise. Each veteran tree must be individually assessed, and a tree-specific management plan formulated thereafter, with appropriate consideration and balance given to arboricultural best practice for veteran trees, health and safety obligations, habitat preservation and biological sustainability and continuity.

8 DONATION TREES

8.1 MPMC is pleased to consider the donation of trees but will retain control over suitable species and locations. For practical reasons it will not always be possible to guarantee donors' preferences. In these instances, MPMC will, if possible, suggest alternative species and locations.

9 DAMAGE TO MELTON PARK MANAGEMENT COMPANY TREES

9.1 MPMC will seek compensation for significant damage or removal of MPMC trees, using the Capital Asset Value for Amenity Trees (CAVAT) method.

9.2 CAVAT is a nationally accepted methodology for valuing trees and has successfully been applied in insurance and court cases.



10 REFERENCES

10.1 Legislation

10.1.1 See Appendix.

10.2 Best Practice

10.2.1 National Tree Safety Group (NTSG) guidance “*Common Sense Risk Management of Trees*”, December 2011.

10.2.2 British Standards (BS) “*3998:2010 – Tree Work Recommendations*” 2010.

10.3 Scientific and Research Papers

10.3.1 CAVAT www.ltoa.org.uk/documents-1/capital-asset-value-for-amenity-trees-cavat

11 CONTACT DETAILS

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Appendix: Legislative Framework

- Town and Country Planning Act 1990
- Town and Country Planning (trees) Regulations 1999
- The Hedgerow Regulations 1997 ((SI 1997/1160)
- High Hedge Regulations under Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003
- Wildlife and Countryside Act 1981
- Countryside and Rights of Way Act 2000
- Forestry Act 1967 (as amended)
- Health and Safety at Work etc Act 1974
- Human Rights Act 1998
- Occupiers Liability Acts 1957 and 1984

