



# Tree Policy

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Due for Review: April 2029

## 1. Policy Statement

Fleet Town Council (FTC) is committed to the sustainable management, protection and enhancement of trees on land for which it is responsible.

Trees are a valuable community asset, contributing to biodiversity, climate resilience, visual amenity, and public wellbeing. The Council seeks to balance these benefits with its duty to manage risk and ensure public safety through a proportionate and evidence-based approach.

The Council will manage its tree stock in accordance with relevant legislation, recognised industry standards, and current best practice guidance, including that of the National Tree Safety Group.

## 2. Legal Duties and Risk Management

The Council acknowledges its duty of care under:

- Occupiers' Liability Act 1957
- Occupiers' Liability Act 1984

This requires the Council to take reasonable and proportionate steps to minimise foreseeable risks arising from trees on its land.

The Council's approach to tree safety is based on:

- Risk-based inspection and management
- Proportionate response to identified hazards
- Maintaining appropriate records to demonstrate compliance

The Council recognises that trees are living organisms and that risk cannot be entirely eliminated. Management will therefore focus on reasonable practicability rather than absolute safety.

## 3. Tree Inspection and Management Programme

FTC operates a structured tree inspection programme based on risk zoning.

### **Inspection Categories**

**High risk:** Those which are adjacent to highways, play areas, schools, and frequently used paths, will be inspected at intervals not exceeding 18 months.

**Medium risk:** Those which are located close to informal paths and moderately used spaces will be inspected at intervals not exceeding two years.

**Low risk:** Infrequently accessed land will be Subject to informal and reactive inspections, including observations made during routine grounds maintenance.

### **Work Prioritisation**

Following inspection, works are prioritised as follows:

- **Priority 1** – Urgent works required; to be addressed as soon as reasonably practicable (target within 30 days or sooner where necessary).
- **Priority 2** – Works to be completed within 3 months.
- **Priority 3** – Works to be completed within 12 months.
- **Priority 4** – Works to be completed within 18 months.

The Council will take interim risk mitigation measures where appropriate.

### **Reactive Inspections**

In addition to programmed inspections, the Council will respond to:

- Reports from residents
- Severe weather events
- Contractor observations

### **Record Keeping**

The Council will maintain appropriate records of:

- Tree inspections
- Identified defects
- Recommended and completed works
- Relevant complaints or notifications

These records form part of the Council's demonstration of compliance with its duty of care.

## **4. Tree Maintenance**

Public safety is the primary consideration in determining tree works.

All inspections and works will be undertaken or specified by suitably qualified and competent persons and carried out in accordance with:

- BS3998:2010 – Tree Work Recommendations

### **Works the Council Will Undertake**

FTC will normally undertake works where necessary to:

- Remove dead, dying, or dangerous trees
- Remove dangerous or defective limbs
- Address hazards affecting highways, signage, lighting, or public access
- Manage risks identified through inspection or notification

### **Works the Council Will Not Normally Undertake**

The Council will not normally carry out works solely to:

- Reduce or remove overhang into neighbouring properties
- Improve light levels or reduce shading
- Improve views or television reception
- Address seasonal issues such as leaf fall, sap, or bird droppings
- Prevent wildlife access
- Remove roots or branches affecting structures such as fences, patios or garden features

However, each case will be assessed on its merits. Where there is evidence of actionable nuisance or a substantiated risk, the Council will investigate and take appropriate action.

## **5. Tree Replacement and Planting**

The Council recognises the importance of maintaining and enhancing tree cover.

Where trees are removed, the Council will seek to provide replacement planting where reasonably practicable, taking into account:

- Site suitability
- Species selection
- Climate resilience
- Biodiversity value

## **6. Property Owner Rights and Responsibilities**

Under common law, property owners may prune branches or roots encroaching onto their land, up to the boundary line, subject to the following:

- No access is taken onto Council land without prior permission
- Works do not damage the health or stability of the tree
- Works are carried out to an appropriate standard (BS3998:2010)
- The tree is not protected by a Tree Preservation Order or located within a Conservation Area
- Arisings remain the property of the tree owner unless otherwise agreed

The Council encourages residents to seek professional arboricultural advice before undertaking works.

## **7. Subsidence and Root-Related Claims**

Where trees are alleged to be causing damage (e.g. subsidence), the Council will require appropriate supporting evidence, which may include:

- Structural or engineering reports
- Arboricultural assessment
- Soil analysis

Where a tree is demonstrated to be causing actionable damage or nuisance, the Council will investigate and take proportionate action.

## **8. Structures Near Council Trees**

Property owners are responsible for ensuring that structures such as fences, patios, and outbuildings are appropriately located in relation to nearby trees.

The Council will not accept liability for damage to structures that have been inappropriately sited.

Where Council trees are demonstrably responsible for damage, each case will be assessed on its merits.

## **9. Wildlife and Environmental Considerations**

Tree works will take account of protected species and habitats in accordance with:

- Wildlife and Countryside Act 1981
- Countryside and Rights of Way Act 2000
- Conservation of Habitats and Species Regulations 2017

Works will be planned to avoid harm to nesting birds, bats, and other protected species wherever possible.

## **10. Tree Protection**

Some trees may be protected by Tree Preservation Orders (TPOs) or located within Conservation Areas under the Town and Country Planning Act 1990.

Where applicable, the Council will comply with statutory requirements before undertaking works.