**Grounds Maintenance Service**

**Tree Management Strategy**

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**Tree Management Strategy**

**Contents**

1. Introduction

2. Aims of the Tree Management Strategy

3. Legal Obligations

4. Land Ownership

5. Common Law Right

5.1 Householders

5.2 Trees and subsidence

5.3 Privately owned trees

6. Tree Management

6.1 General Approach to tree management

6.2 Prioritisation of tree works

6.3 About the work we do to trees and in woodlands

6.4 Dangerous Trees – Privately Owned

7. 5 Year Action Plan

**1. Introduction**

The residents, visitors and businesses of Fife benefit from the many economic, social and environmental functions and values that the region’s trees and woodlands provide. It is therefore in the interests of all that trees and woodlands are managed to the highest standard to maximise their benefits, and minimise the risks and difficulties that they may present to the public.

This policy document is intended to cover the majority of tree-related concerns, and to provide guidance on how the Council will deal with these in relation to its own land holding.

The Council has limited resources to respond to tree problems and work requests and therefore has to prioritise which works are most important. The Tree Management Strategy is intended to make the decision-making process around tree work more transparent.

**2. Aims of the Tree Management Strategy**

• To set out how the Council will manage, protect and enhance its tree stock

• To fulfil the Council’s public liability responsibilities

• To highlight tree protection legislation

• To support Fife’s Biodiversity Action Plan where appropriate.

**3. Legal Obligations**

The Council has a duty of care to maintain its trees in a safe condition where that is "reasonably practicable”. Fife Council must:-

• Survey its trees

• Have this done by a competent person

• Take reasonable action to ensure trees are safe

• Create individual tree reports, recording potentially serious structural faults posing a potentially serious risk to public safety, and show where a tree is to be retained.

**4. Land Ownership**

**Trees on Council Land**

Trees or woodlands in parks, streets, gardens, woodlands, schools, community centres, cemeteries, walkways and cycle ways are the responsibility of the Grounds Maintenance Service.

**Trees on Private land**

Trees and woodlands on private land are the responsibility of the landowner unless Fife Council are contracted to deliver the tree maintenance works.

**5. Common Law Right**

5.1 Householders

Householders have a Common Law right to remove (abate) the nuisance associated with trees encroaching onto their property. The following advice is given in relation to the exercise of Common Law rights with respect to encroaching trees:

• Householders can only remove tree branches that cross the boundary of their property, they have no legal right to cut or remove any part of a tree that does not overhang or is beneath their property (i.e. the roots).

• Householders must not carry out any tree works on branches or roots that foreseeably may result in the tree becoming unsafe, declining or dying. Appropriate and competent advice should be sought before any tree works are undertaken.

• Householders do not have the right to enter on to land they do not own in order to carry out the removal of branches etc.

• Before undertaking tree works householders should find out if the tree/trees are protected by a Tree Preservation Order or are located within a Conservation Area. If the trees are protected, consent will need to be sought from the Council.

5.2 Trees & Subsidence

The subsidence of buildings due to the presence of tree roots is very uncommon. Concerns of this nature should be referred to a competent consultant.

5.3 Privately Owned Trees

The main powers of the Council in relation to privately owned trees are:

• Power to create Tree Preservation Orders

• Power to enforce necessary works to trees in relation to roads and footpaths.

• Power to control the spread of Dutch elm disease

The Council does not have the power to compel a private owner to remove a dangerous tree unless it threatens a public road or footpath, nor does it have powers to compel owners to carry out tree work on the basis of light deprivation, encroachment or damage to property. These are matters that need to resolved through negotiation or, failing that, by resort to civil legal action.

**6. Tree Management**

6.1 General Approach to Tree Management

The approach to managing the Council's tree stock is based on good management practice.

Trees will be inspected periodically to check their condition and identify any works to make them reasonably safe, which may include pruning or, if required, removal of the whole tree. Tree inspections will be carried out on a 5 year cycle, or sooner if required.

Tree inspections will be carried out by appropriately qualified and experienced staff.

The process of gathering the necessary data on each tree to allow informed management decisions to be made is resource intensive and is therefore a gradual one, in which the trees presenting the probable greatest hazard are inspected first. The Council's database was only set up in 2017 and therefore a complete record of the whole tree population may take up to 2 years to complete. Political consultation will be required to establish a fair and equitable geographic inspection and maintenance regime.

6.2 Prioritisation of Tree Works

As referenced above, the Council has a legal and moral duty to ensure that the public can go about their daily business with a reasonable expectation of safety in relation to trees. The Council has a limited amount of resources to carry out tree works, so they have to be prioritised in a rational and defensible way. This means that trees that present a known safety risk will always take priority. The tree inspection plan will generate cyclical programmes and priority based schedules of maintenance works across areas.

6.3 About the Works to Trees and Woodlands

The Council aims to carry out works to trees to the appropriate industry standards. In most cases the relevant standard is British Standard 3998: 2010 ‘Tree work - Recommendations’. Generally the Council's approach is only to carry out works where necessary, either for safety reasons, disease control, for the health of the tree/woodland or for amenity reasons. Occasionally trees may have to be removed to allow certain works to be carried out, such as road re-alignment or construction projects. Often these types of work are subject to Planning legislation, and there is an opportunity for public debate about proposals before they are approved.

Trees in parks and greenspace are managed to reflect the circumstances of the individual site and the type, age and condition of the trees. Trees in parks generally have more room to grow compared to street trees and typically achieve their full height and spread. Ongoing maintenance includes the removal of health and safety tree works and the removal of low branches from pathways only where they pose a risk to public safety.

Trees in streets need to be regularly monitored to keep them in a safe condition for residents and the public. Only trees that are deemed unsafe are removed/felled.

Woodlands require a slightly different approach to management, and are generally managed as a whole rather than as individual trees. In most woodlands the risk presented by defective trees is far less than if the tree was located next to a busy road, so the type of work done will reflect this. Thinning of young woodlands is often required to reduce density and to allow maturing trees room to grow.

Tree removal is regrettable, but under a number of circumstances necessary. The decision to remove a tree is not taken lightly.

Tree pruning is necessary to remove damaged, poorly formed or crossing branches, to reduce the likelihood of failure by taking 'weight' out of the tree and generally to keep a tree in a healthy safe condition.

6.4 Dangerous Trees – Privately Owned

If a tree in private ownership is shown to be a danger to the public it will be identified for work to make it reasonably safe. The landowner will be contacted and instructed to make the tree safe under the Roads (Scotland) Act. If it is necessary that the Council undertakes this work then the owner will be charged in full for the Council’s costs.

**7.** **5 Year Action Plan**

* Create a priority based area inspection plan.
* Undertake a planned inspection regime and populate the asset management system.
* Create cyclical area programmes and maintenance work schedules.
* Deliver all programmed and scheduled maintenance works.