



Tree and log policy

Policy governance Some of the legislation that contributes this policy includes, but is not limited to;

- High hedge Legislation
- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- Section 192 of the Planning Act 2008
- Part 6 of the Localism Act 2011 amended section 210 of the Town and Country Planning Act 1990

Policy terms

Trees: All trees that are cited on lands belonging to, are the direct statutory responsibility of or on the leasehold of where no sublease exists or where specifically stated within a sublease that the trees on this property will be maintained by Holbeach Parish Council.

Neighbouring trees: All trees cited on lands that are not the freehold of responsibility of or leasehold to Holbeach Parish Council.

Land: All titles within Holbeach Parish Where Holbeach Parish Council are freeholders of, leaseholders of or are directly responsible for either statutory or officially adopted. Where a lease or sub-lease exists, unless otherwise stated within that paperwork, all tree responsibility on those lands will pass to the sub/lease holder.

Logs: Any wood and cuttings that are generated from works carried out on trees, large shrubs or neighbouring trees encroaching across the boundaries of Holbeach Parish Council land.

General policy statement

Holbeach Parish Council takes both its health and safety responsibilities seriously as well as the sympathetic management of its open spaces to work with conservation and bio diversity principles & requirements to honour the relevant legislation that this affects. As such this Council manages the trees within its responsibility carefully and will respect wherever possible all laws as laid out in order by HM Government and the policies it adopts. As there is a range of legislation out there the Parish Council will take them as set out by statutory requirements.

Tree management

1. Holbeach Parish Council recognise such legislation as Highways Act 1980, Wildlife and Countryside Act 1981, The Forestry (Felling of Trees) (England and Wales) Regulations 2002, Anti-Social Behaviour Act 2003 (namely Part 8), Town and County Planning (Trees) Regulations 2008 and other Acts passed by parliament with respect to the maintenance, provision, protection and removal of trees in and around Council land
2. Holbeach Parish Council will ensure that the health and safety needs of the Parish are met above all other respects to the trees on the lands that they are responsible directly for. The safety of Parishioners and visitors alike is of paramount importance.
3. Holbeach Parish Council expects its staff to undertake the maintenance and care of trees, shrubs and other flora and fauna in a timely manner wherever possible in the normal day to day workings of their roles to ensure that complaints from residents are minimised. It is also recognised that these works are governed in timings by biodiversity and conservation laws and works will not be carried out at times where these will be impacted unless there has been a risk event to require it.
4. Holbeach Parish Council will seek to undertake a tree safety report not less than annually in line with their Health and Safety Policy and to complete a programme of works based on the findings within. This

programme of works is final and is only superseded by any act outside of the Councils control, e.g., a health and safety risk posed following particularly bad weather.

5. Holbeach Parish Council recognises its duty to ensure that its funds are not spent for the benefit of one individual. Holbeach Parish Council will not complete works for any Parishioner within their private boundaries or titles unless the Parish Council has requested access in writing or obtained a court order to do so under Access to Neighbouring Lands Act 1992 to deal with a dangerous tree that it has responsibility to manage.
6. Holbeach Parish Council recognises Tree Preservation Orders and their importance in local biodiversity and aesthetic management. As such, any intended works by its staff on trees will require a check before works are carried out to ensure that they these trees do not have an Order against them. In such instance, permission will be sought in the first instance through the relevant channel before works are carried out. The Working Parks and Cemeteries manager will be responsible for ensuring the relevant health and safety checks are carried out as well as relevant permissions gained before works commence.

Sale of logs

It is the policy of the Holbeach Parish Council that any logs which are produced as a result of tree work undertaken on premises which are owned or maintained by the Parish Council transfer to the ownership of the Holbeach Parish Council with immediate effect. In order for this to be governed, it is expected that any intended works or maintenance programme where logs may be produced is to be reported in good time and at least one week before intended works are carried out to the Clerk to be able to plan this in.

The only exception to this ownership of logs is any logs which are produced as a result of said work in the grounds of the Closed Churchyard, All Saints, Holbeach which immediately become the property of the Diocese under the ownership of the Vicar or the Parochial Church Council for All Saints. The Clerk would then notify those persons of the production of logs for them to determine how they wish to deal with their disposal or take direction as to how to proceed. Should the Parochial Church Council not wish to retain ownership then we the Parish Council will dispose of them as it sees fit.

With regard to logs which are in the ownership of the Parish Council, the Parish Council defer to the Clerk to be able to determine how the logs are disposed of and if they are saleable and if so, to achieve the best price. Should they have any value, they will be sold on a first come, first served basis at the discretion of the Clerk taking direction from the relevant Chairman of Open Spaces Committee. There will be no preferential treatment to any one individual in line with Best Value principles and rules regarding making payments to one individual and consideration will be given if any one person has bought logs before should there be more than one individual who has offered interest.

No member of staff of the Parish Council or contractor (unless specified in any tender) shall be permitted to dispose of any logs under their own direction and must notify the Clerk of any intended works in advance whether already known to the Clerk or any Members beforehand. Complaint policy Holbeach Parish Council is committed to resolving disputes in a fair and legal manner. The Parish Council would urge in any instance of dispute that the individual contact the offices and outline their expression to the staff who will follow the

Complaint's policy

The Council decision will be governed by this policy, other relevant policies, and the legislation in force at the time the expression was made.

Resources

<https://www.gov.uk/how-to-resolve-neighbour-disputes/high-hedges-trees-and-boundaries>

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

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