



# **DACORUM BOROUGH COUNCIL**



## **ENVIRONMENTAL SERVICES TREES AND WOODLANDS POLICY 2020 - 25**

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# **Part 1 - Welcome**

**Trees and woodlands are fundamentally important to the environment we know and enjoy, and their significance has grown dramatically due to the urgent need to combat climate change.**

**It is therefore crucial that Dacorum Borough Council plays its part by maintaining and increasing the publically owned or controlled tree stock within the Borough.**

**The following policies will enable the Council to achieve this, and I am grateful for the efforts the Council's Officers have made into drafting them for consideration.**

**Councillor Alan Anderson  
Portfolio Holder Environmental Services  
January 2021**

## Summary of the Trees and Woodlands Policies

**Policy 1** The Council will value our heritage of trees, both those retained from past agricultural land use and those planted as part of our townscapes.

**Policy 2** The Council will, wherever possible, retain and enhance tree cover within the Dacorum Borough landscape.

**Policy 3** The Council will undertake and record routine tree inspections, to the tree stock for which it has a responsibility.

**Policy 4** The Council will undertake such works as considered necessary to maintain public safety within areas of public access.

**Policy 5** The Council will endeavour to take action in response to residents' concerns about trees, however, felling or pruning work will be determined by:

- Good practice as defined by BS 3998: 2010 – 'Tree work – Recommendations'
- Available Funding
- The Council's system of prioritising work
- Existing site management plans

**Policy 6** Where major programmed works are proposed the Council will provide information to local residents.

**Policy 7** Management of Borough woodlands will be undertaken to achieve the following objectives: public safety and access, and nature conservation.

**Policy 8** On land for which it has responsibility, the Council will, where able, plant a new tree to replace one that has been lost.

**Policy 9** In order to provide residents with excellent value, the Council will procure the highest quality of tree work services at the most competitive rates.

**Policy 10** On land for which it has responsibility, the Council will identify ancient trees and undertake any work needed to retain or restore their historic, aesthetic and conservation value.

**Policy 11** The council will seek compensation from any person or organisation responsible for significant damage to or removal of any council owned or managed tree(s) to the full value as calculated by CAVAT.



# Part 2 – Tree Management

## Climate and Ecological Emergency

Trees are a crucial element within Dacorum Borough Council's Climate and Ecological Emergency Strategy due to their ability to absorb carbon dioxide, as well as the fundamental role they play in supporting biodiversity.

The Council is fortunate to have an extensive tree stock located throughout the borough. However, in order to help us reach our environmental targets, we will be carrying out a large tree planting programme over the coming years in order to increase these numbers even further.

Whilst this is a positive step, we acknowledge that tree planting is not an instantaneous solution to climate and ecological issues, most notably because of the time taken for saplings and young trees to mature in order to reach their full potential. As such, importance must therefore be placed on the maintenance of our existing tree stock. The policies laid out in this document highlight how we intend to do this.

## Dacorum's Trees & Woodlands Management Team

Within the Council's Environmental Services Directorate, the Clean, Safe and Green (CSG) team is responsible for all aspects of green space management and street care. The Trees & Woodlands team (T&W) are part of CSG.

On behalf of Dacorum Borough Council T&Ws provide the following services:

- management of the Borough's 30,000+ publicly owned trees, mainly situated on the highway network (Hertfordshire County Council-owned), parks & open spaces and housing estates
- provision of best value for Borough residents in respect of tree management and maintenance
- management of woodlands and other areas set aside for informal recreation and nature conservation
- development of Council Housing landscape areas
- management and maintenance of the Borough's network of public rights of way
- advice to the Council's Development Management team in respect of planning applications, Tree Preservation Orders, Conservation Areas and new developments

This full policy document contains detailed information about the Council's policies, procedures and systems that are used in order to carry out tree inspection, assess works and work priorities, and perform tree valuations. Information about wider tree matters, including tree protection, planting and the law regarding trees, is also provided.

Policies and answers to common tree issues are provided in the Trees & Woodlands Policy Summary 2020 – 25.

Both the Summary and full policy document can be accessed via the Council website ([www.dacorum.gov.uk](http://www.dacorum.gov.uk)). Digital copies can be requested via the T&W team by email. Please contact [treesandwoodlands@dacorum.gov.uk](mailto:treesandwoodlands@dacorum.gov.uk).

## **Tree Records**

Dacorum Borough Council is responsible for over 30,000 trees. These trees fall into three main areas:

### Highways

Hertfordshire County Council (HCC) is the controlling authority for the Borough's road and footways network. Through an agency agreement, CSG undertakes various aspects of highway management including grass cutting and tree management. There are approximately 10,000 trees situated on roundabouts and grass verges.

There are a mixture of trees which have been planted since the 1960s when the towns were expanded including limes, maples and cherries. There is also a framework of trees which have remained since the land was being farmed, these are mainly oaks, some of which are very large and in excess of 250 years old.

### Parks and Open Spaces

Dacorum has a rich variety of formal parks, open spaces, wildlife sites and woodlands. Within the traditional parks there are a wide variety of trees, some dating back to a former land use as part of a Country House or a larger estate.

The Council also manages a number of informal open spaces, such as Bunkers Park and Shrubhill Common. These comprise of a network of access paths through areas managed for their nature conservation value.

### Public Housing Land

Residents living in tenanted properties surrounded by communal grounds will expect tree inspections and works in accordance with this policy.

The Council's Housing team is carrying out a feasibility study concerning tree inspections for gardens within its tenanted properties.

However, Council tenants are responsible for the maintenance of their garden as described in the current 'Tenants' handbook', a series of factsheets that explain what the tenant should do to maintain their property and what the Council should do. Further details are available from Housing Officers and via the Council's website - <http://www.dacorum.gov.uk/home/housing/current-tenant/about-your-tenancy>

## **Tree Inspections**

All tree inspections are recorded on the Council's tree management database. Trees are inspected on a frequency of between 1 and 3 years depending on the risk rating given to each tree.

Data recorded includes:

- Tree species
- Size
- Distance to property
- 'Life' (see below)
- Inspection record
- Tree work recommended
- Priority

Trees are inspected in accordance with a classification system called 'Life', which is explained further below.

Trees that attract a 'Life' rating of 1 – 3 are inspected every three years, whereas those rated 4 are inspected annually. Trees recorded as 'Life' 5 or 6 have serious structural defects or are causing significant property damage that require remedial attention without delay. These trees will be removed or managed through pruning as a lower 'Life' category.

There is a presumption that established trees do not require any attention however the Council recognises that trees sometimes cause inconvenience to residents, can cause property damage, become diseased, dangerous or occasionally outgrow their positions. Our first consideration will always be public safety.

Each year T&W receive many enquiries from residents about trees ranging from concerns about the safety of a tree, to concerns about root damage to property, to daylight exclusion, to wildlife associated with trees.

Officers of T&W will inspect trees when residents have expressed concerns and will try to find a solution which will help to improve the relationship between the resident, their property and the tree(s).

## **Life**

The purpose of 'Life' is to be able to indicate how far a tree is through its life in any given location with the application of a single number. The assessment cuts across species, size, location and condition.

For example – a 15 year old established tree with good form and health, in the middle of a park may attract a '2' – 'vigorous, not affecting its surroundings', 'should remain for the rest of its natural life'. However take exactly the same tree which has seeded itself next to and is damaging a wall would attract a '5' – 'having a serious effect on the built environment and most likely be removed'.

'Life 3' should make up the main body of tree cover in any given area. Young and semi mature trees at 'Life '1' and '2' are the future '3s', while 'Life '4' and '5' are towards the other end of their lives with moderate to serious issues identified.

## Life classification table

#	Description	Examples	Typical Action	Deadline
1	<p><b>Young tree</b> Under ten years old, still establishing</p>	1 – 10 years since planting	Watering, weed control, stake removal, formative pruning	As required or inspection every three years
2	<p><b>Semi mature tree</b> No visible defects or conditions  Unaffected by environmental or human-caused condition  Not affecting structures, services or surfaces  Excellent choice for the site  Long term retention</p>	<p>Structurally excellent tree, with good leaf colour and size  Tree positioned not to cause any problems to the built environment  Expectation that the tree will fully mature  Tree should remain for the duration of its natural life</p>	Generally none or occasional minor works	As required or inspection every three years
3	<p><b>Semi mature or mature tree</b> Minor structural defects or non-serious condition  Slightly affected by environmental conditions  Beginning to slightly affect minor structures or surfaces  Mature tree  Good choice for the site  Medium to long term retention</p>	<p>Twin or multi-stemmed tree with stable joints or minor leaf blight e.g. mildew  Slight sparsity of crown, minor leaf discoloration, drought stress or minor changes to surface near tree  Slight cracking to path or garden wall  Mature tree for its species, no longer showing vigour Tree will mature without further problems and may only need minor attention  Should remain for the majority of its natural life</p>	Generally none or occasional minor works	As required or inspection every three years



#	Description	Examples	Typical Action	Deadline
4	<p><b>Semi mature or mature tree</b> Moderate structural defects or moderately serious condition</p> <p>Moderately affected by environmental conditions either natural or human-caused</p> <p>Moderately or seriously affecting minor structures.</p> <p>Fair or poor choice for the site</p> <p>Reclassified from 5 to 4</p> <p>Short to medium term retention</p> <p>Tree situated in high risk location such as near a school or route to school</p>	<p>Twin or multi-stemmed tree with potentially unstable joints</p> <p>Sparsity of crown, leaf discoloration/premature defoliation</p> <p>Moderate or serious disruption to footpath, patio garden wall</p> <p>Council is advised of a nearby subsidence claim</p> <p>Relatively young tree but poorly located</p> <p>Tree will need some form of intervention prior to reaching maturity</p>	<p>Take such action as needed to ensure public safety, or to maintain a reasonable relationship between property / people / tree. Liaise with HCC or Council insurance team where required.</p>	<p>As required or annual inspection</p>
5	<p><b>Semi mature or mature tree</b> Serious structural defects or serious health condition</p> <p>Seriously affected by environmental conditions</p>	<p>Twin or multi-stemmed tree with visibly unstable joints or fungal bodies, decay or movement at ground level</p> <p>Severe sparsity of crown, leaf discoloration/premature defoliation caused by drought stress or changes to surface near tree</p>	<p>Investigate further; pruning or removal will be required</p>	<p>Without delay</p>
6	<p><b>Dead or collapse imminent</b></p>	<p>Dead or dangerous tree</p>	<p>Fell (unless retained for conservation purposes)</p>	<p>Without delay</p>

## Priorities

Whilst requests for tree work are numerous, available funding is limited. In order to address this issue a system of prioritisation exists within our tree data base. On a score of A - F, priority is given to trees which are a threat to public safety and property:

- Priority A Failure to act to a foreseeable problem which places life in danger or risk of significant injury
- Priority B Failure to act to a foreseeable problem which puts property at risk (loaded structures, building subsidence/heave)
- Priority C Failure to act to a foreseeable problem which puts property at risk (fences, roofs, other unloaded structures)
- Priority D Community concerns
- Priority E Large tree causing inconvenience
- Priority F Small tree causing inconvenience

## Enquiries

Following the submission of an enquiry from a member of the public, a tree inspection will be carried out if deemed necessary. Work recommendations will be considered as set out in 'Priorities'.

- Priority A work will be undertaken on an urgent or emergency basis, or within the next available work schedule
- Priority B work will be undertaken within the next available work schedule
- Priority C – F work will only be commissioned where budget allocation allows

Tree work will conform to the relevant current British Standard.

The Council will, from time to time, undertake project work for which external funding has been secured and is not classified by its Priority rating.

## Tree Work Types

### Pruning

Where a pruning solution has been identified to improve the relationship between a resident and tree it will take one or a combination of the following forms: crown lifting, thinning, reduction, cutting back selected branches or pollarding.

Well planned and properly executed pruning can reduce the probability of timber failure, yet is a form of damage which removes foliage and disrupts the network of living cells. The amount of pruning and size of the resultant wounds therefore needs to be kept to the minimum required for the particular objective.

Crown lifting involves the removal of lower branches in order to achieve a vertical clearance above ground level.

Crown thinning provides a well-spaced and balanced branch structure through the removal of selected branches throughout the tree crown.

Crown reduction involves the shortening of branches throughout the tree crown and can therefore reduce overall height and/or width.

Pollarding is only undertaken to those trees which previously have been managed within this cyclical regime. This involves the removal of all branches back to the historic pollard point.



## Felling

For reasons of public safety or the prevention of damage to property, a tree may need to be felled completely and, in certain circumstances, the roots removed.

Tree removal may also occur as a result of an approved Planning application, or in connection with works to maintain the transportation or communication networks.

## New Trees

*The planting of a tree, especially one of the long living hardwood trees, is a gift which you can make to posterity at almost no cost and with no trouble, and if the tree takes root it will far outlive the visible effect of any of your other actions, good or evil*  
*George Orwell, author*

In order for future generations to enjoy the rich heritage of trees which are enjoyed by the present, we will endeavour to keep pace with tree loss by planting new trees.

Where possible, a new tree will be planted in a similar position to that lost. As a general rule, however, planting will not occur in exactly the same position due to the presence of the previous tree's root system and potential decay fungi.

We will choose appropriate species for the chosen location, blending seasonal attractions such as blossom or autumn colours with practical considerations such as proximity to buildings or street lights.

Tree planting projects will also be progressed in accordance with the Council's Climate Emergency commitments and development planning targets.

### **Tree Sponsorship**

The Council allows the purchase and planting of new trees to be sponsored by private individuals within their local area. Sponsorship of a new tree within a public open space is permitted, the location being approved by an Officer of the Trees & Woodlands team.

Trees would be procured through an approved Council tree nursery and planted by the Council's approved tree work contractor, upon prior payment of the associated invoice.

Dependent on the suitability of the site and the availability of tree species, it may be possible for the sponsor to choose a particular variety of tree to be planted. Further details of sponsorship can be provided by contacting the Trees & Woodlands team.

*A preservationist seeks to preserve every tree and achieves nothing, a conservationist cuts down selected trees, creating light and space for people and wildlife to enjoy*

*Anonymous*

### **Management of Borough Woodlands**

The Council is responsible for a number of woodland sites across the Borough, offering an outstanding contribution to both the urban and rural landscape. They present a range of opportunities for informal recreation to the surrounding community and are an essential resource to wildlife and nature conservation.

Tree safety management is a critical element of visitor safety in our woodland settings. The Council has categorised all woodlands into a hierarchy of usage zones, forming the basis of risk mitigation woodland work programmes.

## Usage Zone table

Usage Zone	Usage category	Risk category	Inspection frequency
<b>Red – High</b>	Frequent high volume of road traffic or visitor use High likelihood of visitors Green Flag sites	A-roads and busy road junctions. Heavily used footpaths, bridleways and way-marked trails. Inspection after a severe weather event.	A visual inspection of all trees within falling distance every 2 years
<b>Amber - Medium</b>	Moderate volume of road traffic or visitor use	Local roads. Low use footpaths, bridleways, avenues or way-marked trails. Woodlands backing onto residential areas.	A visual inspection of all trees within falling distance every 3 years
<b>Green - Low</b>	Low volume road traffic or visitor use	Minor roads and quiet car parks. Very infrequently used footpaths, bridleways or way-marked trails.	A visual inspection of all trees within falling distance every 5 years

## Hazards requiring removal

- Dead standing trees within falling distance will be removed or reduced to a point where failure is unlikely.
- Trees with obvious structural defects which are likely to cause failure will be removed or reduced to a point where failure is unlikely.
- Branches hanging over a footpath or road will be removed.
- Diseased scaffold branches in excess of 150mm will be removed.
- Large sections of deadwood, in excess of approximately 150mm width, over a footpath or road will be removed.

Our woodland sites contain the oldest and often the most significant trees within Council management and yet some, such as the Commons at Kings Langley and Chipperfield, have only emerged in the last 80 – 100 years since stock grazing ceased.

Specific sites are noted as a local nature reserve (Howe Grove) or Site of Special Scientific Interest (Tring Woods).

## Woodlands table

Name	Address	Settlement	Hectares	Acres	Designation	Usage Zone
Chipperfield Common	The Common	Chipperfield	47.5	118	Green Flag Award, Wildlife Site	Red
Chambersbury Wood	Chambersbury Lane	Hemel Hempstead	10.6	26.1		Red
Dunster Copse	Dunster Road	Hemel Hempstead	0.6	1.4		Amber
Gravel Hill Spring	Warners End Road	Hemel Hempstead	1.9	4.6		Amber
High Wood	Shenley Road	Hemel Hempstead	0.75	1.8		Amber
Howe Grove	East West Link Road	Hemel Hempstead	8.3	20.5	Local Nature Reserve	Amber
Hunting Gate Wood	Marlborough Rise	Hemel Hempstead	0.9	2.2		Amber
Little Wood	Chambersbury Lane	Hemel Hempstead	0.75	1.8		Amber
Maylands Wood	Briery Way	Hemel Hempstead	4.7	11.6	Wildlife Site	Amber
Rant Meadow Wood	Acorn Road	Hemel Hempstead	2.9	7.1	Wildlife Site	Amber
Shrub Hill Common	Jocketts Road	Hemel Hempstead	2.5	6.1	Local Nature Reserve, Wildlife Site	Amber
Warners End & Home Wood	Galley Hill	Hemel Hempstead	6.1	15	Wildlife Site	Amber
Widmore Wood	High Street Green	Hemel Hempstead	2.7	6.6	Wildlife Site	Amber
Woodhall Wood	Redbourn Road	Hemel Hempstead	2.2	5.4	Wildlife Site	Amber
Yew Tree Wood	Redbourn Road	Hemel Hempstead	1.1	2.7		Amber
Woodland Close Wood	Woodland Close	Tring	0.1	0.24		Amber
Tring Woods	West Leith	Tring	24.6	60.78	Site of Special Scientific Interest, Wildlife Site	Green
Hanging Wood	Bourne End Lane	Hemel Hempstead	7.0	17.2		Green

## Ancient Trees

*'The man of science and of taste will... discover the beauties in a tree,  
which the others would condemn for its decay...'*

*Humphry Repton, landscape gardener*

Ancient or veteran trees now enjoy protection in planning legislation. Stated within the National Planning Policy Framework February 2019;

175. When determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

### Annex 2: Glossary

Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species.

Reflecting their importance within the landscape, ancient or veteran trees should be protected through the establishment of a buffer zone, consisting of woodland or a mix of scrub, grassland, heathland and wetland planting.

The Council manages a considerable number of such trees and will follow recommended management techniques to prolong tree retention where public safety is not compromised.



Further information about ancient or veteran trees can be gained from organisations such as the Ancient Tree Forum (<http://www.ancient-tree-forum.org.uk>)

## Trees in Private Ownership

Trees on private land are the responsibility of the property owner. Properties situated within Conservation Areas and trees which are the subject of Tree Preservation Orders are, in the event of proposed tree works, subject to a Planning Application or notice of intention (Section 211) to

undertake works. The Miscellaneous Provisions Act, Anti-social Behaviour Act (High Hedges) and other legalisation may have implications for private tree management.

Owners are strongly recommended to have mature trees regularly inspected, to be in receipt of a written report by a competent tree contractor or consultant, and to action the recommendations made within the report.

## **Finance**

Tree management in Dacorum is funded mainly from three different sources.

- Highway Trees – Hertfordshire County Council
- Parks & Woodlands – Environmental Services, Dacorum Borough Council
- Public Housing Land – Housing Services, Dacorum Borough Council

Hertfordshire County Council have principle responsibility for the adopted network of highway roads, footways and verges. Through an agency agreement with the County Council, DBC manages vegetation within agreed settlement areas. On behalf of the Council, Clean Safe & Green undertake the majority of this work through employees and contracted services.

Parks and woodland management is funded directly by Environmental Services and covers formal parks, open spaces and woodlands.

Housing Services fund vegetation control, including tree management, in public housing areas throughout the Borough. Work is undertaken by Clean Safe and Green through a Service Level Agreement.

## **Value for Money**

In keeping with DBC's current procurement policies, a tendering procedure is undertaken in respect of tree work contracts to ensure value for money. Urban and rural tree work contract specifications were created, detailing all aspects of tree pruning and felling, safety and training requirements, provision of machinery and plant, environmental standards and customer care.

Monthly meetings are held between DBC and its approved contractors to review performance, standards, safety and any customer care issues.

## **Trees and the Law**

Some laws have a direct impact on trees alone, however there are a number of both Statute and Common laws which have implications for trees. Statute law includes those passed by an Act of Parliament whereas Common Law is based on a court judgement. A review of law relevant to trees will be conducted annually.

*Woodman spare that tree! Touch not a single bough. In  
youth it sheltered me, and now I'll protect it.*

*Jean-Jacques Rousseau, philosopher*



The Town & Country Planning Act 1990 and The Town & Country Planning (Tree Preservation) (England) Regulations 2012

This legislation provides a framework of regulation whereby local Councils can protect trees by making them the subject of a Tree Preservation Order (TPO), and allows Councils to designate Conservation Areas that protect the infrastructure of buildings and trees.

Wildlife and Countryside Act 1981

The Wildlife and Countryside Act provides a high level of protection for wildlife including birds, animals and plants. Trees provide places for many species to feed, roost and breed.

It is unlawful to disturb the nest, eggs or young of a breeding bird. Prior to undertaking any form of tree or hedge work, especially between March and September, a survey should be undertaken to ensure that no breeding birds are present.

Bats can be present in trees all the year round and it is unlawful to disturb them, destroy their habitat or handle them. Again, prior to undertaking any form of tree work, particularly on older trees, a visual survey should be undertaken for evidence of the presence of bats. If it is suspected that bats are using a tree that is due to be worked on, a licensed bat worker should be engaged.

Local Government (Miscellaneous Provisions) Act 1976 Section 23

The Local Government (Miscellaneous Provisions) Act gives Local Authorities the powers to enter private land and deal with dangerous trees. Powers given to local councils are discretionary and before the Council gives consideration to acting, the enquirer must prove they have done everything reasonable to persuade the tree owner themselves to take action. The Council will give a higher priority to trees which may endanger the public at large.

Anti-Social Behaviour Act 2003: Part 8 2005 / High Hedges

An aggrieved party can make a complaint about a high hedge to the Council. The Council can only take action if the hedge comprises two or more mostly evergreen or semi-evergreen trees or shrubs that are over 2 metres tall and are affecting your enjoyment of your home or garden because of their height.

The Council may make an administration charge to the complainant. For more information see, <https://www.gov.uk/how-to-resolve-neighbour-disputes/high-hedges-trees-and-boundaries>

## **Overhanging Trees**

Property owners have a Common Law right to remove those parts of the tree which overhang their boundary from a neighbour's tree.

In law, the branches may only be cut back to the boundary and this must be done without crossing or placing equipment into the neighbour's land or air space.

If the tree is the subject of a Tree Preservation Order (TPO) or situated within a Conservation Area then the Common Law right is removed and an application or notice (section 211) to remove overhanging branches must be made to the Local Planning Authority.

Permission to remove overhang is not required from the tree owner, however it is advisable to inform your neighbour of your intentions and to ask them whether they want the cut material returned. If they do not want it, then it is your responsibility to dispose of it.

The removal of overhanging tree branches cannot be re-charged to the tree owner.

Financial gain by converting the cut material into a saleable product, for example logs, could result in action being taken against you.

## **Right to Light**

Householders generally enjoy sun and light to their property but this is not an absolute right. Under the Prescriptions Act 1832, a right to light can be acquired provided the light has been uninterrupted for 20 or more years. This is known as an easement.

This right applies most commonly to a window through which light enters. For the right to be infringed, the loss has to be substantial.

The right to light has not been established in respect of trees blocking out light, nor to the right to a view.



## **Television and Satellite Signals**

Trees can interrupt television and satellite signals particularly in summertime when leaves are present or when conditions are wet and windy. The Council recognises that television services are a valued form of entertainment for most households.

However, the TV Licence is a permit to operate a television receiver; it does not guarantee any reception and it therefore follows that there is no legal right to reception.

Tree owners are under no obligation to prune or remove trees in order to provide a signal to nearby properties.

In parts of the Borough where trees or land form prevent the use of conventional receiving equipment, signal boosters or specialist aerials may be required.

## **Telephone Cables**

Should your telephone service, operating through above ground cables, be affected by the growth of trees owned by the Council, you would need to report this to your service provider. They can choose to manage growth themselves to clear their cables or they can serve a notice on the Council, requesting that we clear growth within 28 days.

Due to the difficulty of working around cables and the high chance of breakage, we would serve a counter-notice stating that we had no objection to the service provider carrying out pruning works. They could then carry out permitted works to trees within our ownership.

Where trees are within the ownership of Hertfordshire County Council (HCC), a notice would be served against them. Should HCC wish to delegate matters to the Borough Council, we would again serve a counter-notice.

## **Solar Panels and Wind Turbines**

The installation of solar panels and, to a lesser extent, wind turbines has increased significantly in recent years. Trees adjacent to a solar array or located where wind loading is affected will reduce the efficiency of these technologies. Should you consider the installation of panels or turbines, a surveyor should point out any existing or potential problems with trees.

There is no legal requirement to prevent or negate the shading of solar arrays or wind loading to turbines by trees and this is not at present a legal 'nuisance' as defined in law. Thus the Council will not prune trees for this reason, the wider benefit of tree retention to the environment and public health outweighing the benefit of tree pruning or removal to private individuals.

## **CAVAT – Capital Asset Value for Amenity Trees**

CAVAT is a tree valuation system that reflects the replacement cost of a tree.

It enables trees to be managed as assets rather than liabilities and can be a strategic decision making tool where the value of a tree is expressed in simple monetary terms.

CAVAT can be used where a tree or group of trees has been damaged or destroyed by developers, companies or individuals, calculating the loss of value in order to prosecute where applicable and seek compensation for the public loss.

The Council will use CAVAT where Council-owned or -managed trees are damaged or destroyed, to seek compensation or prosecution to their full value.

## Contacts Details

For Dacorum Borough Council-owned trees and woodlands, and Highway tree management, please contact: [treesandwoodlands@dacorum.gov.uk](mailto:treesandwoodlands@dacorum.gov.uk) / 01442 228844

To discuss Highways tree policies, please contact: <https://www.hertfordshire.gov.uk/about-the-council/contact-us/contact-highways.aspx#> / 0300 123 4047

To find a local approved tree consultant or tree contractor, please contact the Arboricultural Association: <http://www.trees.org.uk/> / 01242 522152

## Part 3 – Common Tree Issues / Enquiries



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## **1 – Tree Inspections**

All tree inspections are recorded on the Council's tree management database. Trees are inspected on a frequency of between 1 and 3 years depending on the risk rating given to each tree.

### Private trees

The Council will not inspect trees within private management.

### Housing trees

The Council will inspect trees in communal Housing areas in accordance with its policies.

The Council has commissioned a feasibility study for the potential inclusion of a separate tree survey for DBC tenants living in properties with their own gardens.

### Woodlands

Woodland tree safety management is a critical element of visitor safety. The Council has categorised all woodlands into a hierarchy of usage zones, forming the basis of risk mitigation woodland work programmes. High risk zones are inspected every 2 years, medium risk zones every 3 years and low risk zones every 5 years.

## **2 – Tree enquiries**

The Council will inspect a publically-managed tree with regard to the issues raised. However, if the demand for tree work is greater than available funding, the Council will only commit to undertaking pruning or felling that addresses a significant public safety concern or a property damage claim.

The Council commissions tree work in accordance with its commissioning and procurement strategy in obtaining value for money.

## **3 – Tree work priorities**

Tree work will be prioritised as follows;

- A - Failure to act to a foreseeable problem which places life in danger or risk of significant injury
- B - Failure to act to a foreseeable problem which puts property at risk (loaded structures, building subsidence/heave)
- C - Failure to act to a foreseeable problem which puts property at risk (fences, roofs, other unloaded structures)
- D - Community concern
- E - Large tree causing inconvenience
- F - Small tree causing inconvenience

## **4 – Property damage**

If you believe that your property has been damaged by a tree belonging to the Council and you wish to make a claim, please contact the Insurance & Risk Manager, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN / [insurance@dacorum.gov.uk](mailto:insurance@dacorum.gov.uk).

You or your appointed agent must obtain quotations for repair to the damage you feel has been incurred. You / your agent must demonstrate that the Council has been negligent in order for liability to be accepted.

Where subsidence damage to private property is proven, the Council will consider the cost of necessary repairs against the public amenity value of the relevant tree(s), represented by their replacement value as calculated by CAVAT, a tree valuation system. Where CAVAT value is high in relation to property repair costs, tree retention solutions will be explored.

## **5 – Tree damage and CAVAT**

The Council has adopted CAVAT (Capital Asset Value for Amenity Trees) which expresses tree replacement value in monetary terms. Where Council-owned or managed trees are damaged or destroyed by individuals or organisations, the Council will seek compensation from them to the full value as calculated by CAVAT.

## **6 – Dangerous trees**

In the event of a tree being in a dangerous condition, whereby it could cause death or serious injury to somebody in a nearby garden, park or road, contact the Council for advice.

While the Council is unlikely to have any lawful interest in a privately-owned tree, it may wish to investigate the matter in the interests of public safety.

Trees on private land at all times are the responsibility of the property owner. Owners have a duty of care to others and are strongly recommended to have mature trees regularly inspected and to be in receipt of a written report by a competent tree consultant or contractor.

## **7 – Pruning privately-owned trees**

To check whether Council permission is required prior to pruning a tree, please enquire via telephone (01442 228000) or web form ([www.dacorum.gov.uk/home/do-it-online](http://www.dacorum.gov.uk/home/do-it-online)). Please contact the Arboricultural Association for further advice about approved tree consultants and contractors: [www.trees.org.uk](http://www.trees.org.uk) / 01242 522152.

If you are intending to engage the services of a private contractor which is likely to result in waste being produced, please contact the Department for Environment Food & Rural Affairs prior to any works commencing for information about registered waste carriers in your area. Waste material from works to trees must be disposed of in accordance with UK legislation and you can be fined if your contractor illegally transports and dumps your waste. Registered Waste Carriers can be found at: <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers>

## **8 – Engaging a tree work contractor**

Before engaging a tree work contractor, ensure that they are fully insured and competent. Consider obtaining more than one estimate or quotation, and in writing.

Please contact the Arboricultural Association for further advice about approved tree consultants and contractors: [www.trees.org.uk](http://www.trees.org.uk) / 01242 522152.

## **9 – Large trees in neighbouring property**

There is no law that governs the type of tree that can be grown in a garden, nor its size.

However, under the Anti-Social Behaviour Act, an aggrieved party can make a complaint about a high evergreen hedge to the Council. A successful complaint will result in action, however the complainant may be charged an administration fee. For more information, please contact: Environmental Health, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN / [environmental.health@dacorum.gov.uk](mailto:environmental.health@dacorum.gov.uk).

## **10 – Overhanging branches**

The right to remove overhanging vegetation has been established in Common Law. Occupiers may remove those parts of a tree that overhang their property. Residents are advised to communicate your intentions to the tree owner, and provide them the opportunity to take back the wood you propose to cut off. However, they are not bound to take back this debris nor are they bound to meet any associated costs.

The Common Law right to remove overhang from trees does not apply when the tree in question is protected by a Tree Preservation Order, is an ancient or veteran tree or is located within a Conservation Area.

## **11 – Fallen leaves / fruit / nuts / honeydew**

The fall of leaves, seeds and nuts is an unavoidable seasonal occurrence. Currently tree owners may not be held liable for leaves that fall from their trees or for any consequences of those falling leaves. Debris can be recycled or composted.

The fall of honeydew, often incorrectly called 'sap', onto vehicles and hard surfaces is caused by insects feeding on tree leaves. This is also an unavoidable seasonal occurrence.

## **12 – Trees blocking light or views**

There is no right in law to natural light or a view in respect of trees or tree growth. Solutions to these issues are sometimes possible, but are governed by the same criteria as all other tree enquiries.

## **13 – Trees interfering with television / satellite reception**

There is no right in law to television or satellite reception. Solutions to these issues are sometimes possible, but are governed by the same criteria as all other tree enquiries.



## **14 – Trees and telephone lines**

Should your telephone line service be affected by the growth of trees owned by the Council, you would need to report this to your service operator. They can choose to prune relevant growth themselves or can serve a notice on the Council, requesting that growth is cleared within 28 days.

Due to the difficulty of working around telephone cables, we would serve a counter-notice stating that we had no objection to proposed works. The operator could then carry out permitted works themselves to trees within our ownership.

Where trees are within the ownership of Hertfordshire County Council, the operator would be required to serve notice on them.

## **15 – Solar panels / wind turbines**

The Council will not prune trees regularly or remove them for the purposes of increasing or maintaining light levels to privately-owned solar panels or similarly to maintain wind loads for turbines. The wider benefit of tree retention to the environment and public health outweighs the benefit of tree pruning or removal to private individuals.

## **16 – Tree pests and diseases**

The presence of pests and diseases on Council-managed trees will be monitored and managed by Council Officers in accordance with national and local guidelines.

However, the Council will not address the presence of bee or wasp nests in or near trees within their management unless a wider public health issue is presented.

The presence of pests and diseases on privately-owned trees should be monitored and managed by consultants or contractors acting on behalf of their owner. Tree owners are advised to contact national agencies or bodies involved in the management of tree pests and diseases for further information, such as the Forestry Commission or the Arboricultural Association.

## **17 – Tree planting**

In order for future generations to enjoy the rich heritage of trees which are enjoyed by the present, we will endeavour to keep pace with tree loss by planting new trees.

The Council will endeavour to replace trees. However, not every site that currently has trees is suited to their presence so replacements may be planted somewhere else nearby.

Tree planting projects will also be progressed in accordance with the Council's Climate Emergency commitments and development planning targets.

## **18 – Tree planting requests**

A tree planting request will be recorded to await assessment. Species selection will take account of climate change, available space, impact on wildlife and will endeavour to provide some seasonal amenity interest, such as flowers or autumn colour.

Tree planting sponsorship is permitted within public open space. Further details are available from the Trees & Woodlands team.

## **19 – Trees protected by Tree Preservation Order (TPO)**

A TPO is used by the Council to provide statutory protection for important trees in the landscape. The owner of a protected tree must gain prior approval from the Borough Council before undertaking most types of tree work. Please view the Planning Application forms section of the Council website for further information.

Ancient woodland and ancient or veteran trees, as defined in National Planning Policy Framework, are protected from the threat of development in a similar way to a TPO tree. An ancient or veteran tree is “a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value.”

Advice about the management of TPO, ancient or veteran trees should be sought from a private tree consultant or contractor. Please contact the Arboricultural Association for further advice about approved consultants and contractors: [www.trees.org.uk](http://www.trees.org.uk) / 01242 522152.

## **20 – Trees protected by Conservation Area status**

A Conservation Area is designated by the Borough Council to protect the landscapes of both the built and natural form. Prior to undertaking most forms of tree work, owners must notify the Borough Council of their intentions. Please view the Planning Application forms section of the Council website for further information.

Advice about the management of trees in Conservation Areas should be sought from a private tree consultant or contractor. Please contact the Arboricultural Association for further advice about approved consultants and contractors: [www.trees.org.uk](http://www.trees.org.uk) / 01242 522152.

## **21 – Protecting trees using a TPO**

In principle any tree can be given the legal protection of a TPO if it is visible from a public place and it makes a significant impact to the landscape. It must be expedient to serve a TPO in the interests of public amenity. To report a tree that you feel needs protecting, please contact 01442 228000.

## **22 – Ivy in trees**

English Ivy is Britain’s only native evergreen climbing plant, providing habitat and shelter for birds and mammals, and late season nectar for insects. However, Ivy can hide tree defects, make inspection difficult, and competes for light and resources with host trees.

Where possible, Ivy should be retained on trees for its positive impact on wildlife. Where it prevents thorough inspection in locations used frequently by people or near built structures, it should be removed or regularly severed at ground level.