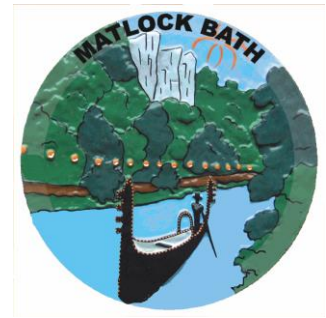


# Matlock Bath Parish Council

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## Advisory Tree Management Policy

Matlock Bath Parish Council has produced this policy to guide and influence all decisions affecting the management of trees and hedges within the village. The policy will dictate how the Parish Council manages the land within its jurisdiction and will guide landowners and residents when considering their trees and hedges. However, every landowner remains responsible for trees and hedges on their property and Matlock Bath Parish Council in enacting this policy, in no way accepts any liability for trees and hedges not on its property. If any aspect of this policy conflicts with statutory planning law or any aspect of common law or liability, the law takes precedence.

The aim is to act in partnership with everyone in our community to allow speedy, effective and appropriate management of trees without unnecessary undue bureaucracy and expense.



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## **Introduction**

### ***The Importance of Trees in the Village***

Our trees are a very significant part of the village. The wooded hillsides contribute to the attractiveness of the gorge. They are important to the history of the village (Enclosures Act) and help to make this part of the Derwent Valley unique. They contribute to the appearance of all parts of our community and provide shelter and pleasure. However, unmanaged trees can adversely affect our quality of life in many different ways.

In a well managed environment trees provide shelter and a constantly changing backdrop as well as a habitat for wildlife and flora and fauna. Trees provide privacy and can effectively conceal less attractive parts of the built environment.

Trees reduce the 'Greenhouse Effect' and improve air quality by naturally filtering the air of noxious dust and gases. Trees can provide an effective sound barrier to noise pollution especially in the busier summer months.

### ***Trees and Modern Living***

Most people see trees as beneficial but do not want the adverse effects caused by the lack of tree management. They resent the trees that shade the garden, protrude onto the paths and highway, shed leaves, destroy the view and ruin television and satellite reception. Most properties in Matlock Bath have no option but to use a satellite dish.

A common sense approach must be adopted to ensure that all the pleasure and benefits of trees are gained without allowing them to blight the lives of individuals.

## **Purposes and Aims of the Tree Policy**

### ***Trees in the Village***

There is a need to identify a long term strategy for the future of trees in the village. This would include pruning, felling, planting and encouragement of land and property owners to manage their trees for the benefit of themselves and the community.

### ***Scope of Policy***

The policy will apply to the trees in the care of Matlock Bath Parish Council but will also apply to the management of all trees in the parish. It will be used as a tool in the planning process.

### ***Aims***

- (a) To ensure that the management of trees contributes to making the environment of Matlock Bath safe, attractive and healthy.
- (b) To ensure the sustainability of those trees which are perceived as beneficial.
- (c) To enable land and property owners to remove or replace inappropriate trees, without fear of arbitrary prosecution.
- (d) To allow for swift action to protect the public from dangerous trees.
- (e) To ensure a varied tree population which is in harmony with other land users.
- (f) To promote awareness of the value and importance of trees.

- (g) To ensure that trees enhance the landscape.
- (h) To ensure efficient management and sustainability of trees.
- (i) To promote awareness of the importance and value of trees.

## **Chapter 1 Tree Resource Management**

### **(a) Tree Survey**

Matlock Bath Parish Council will carry out an initial tree survey so that it has the information to manage its own trees and provide help and advice to land and property owners to best manage the tree population in the Parish. It will obtain from the relevant authority, a list of all trees with preservation orders and this will form an annex to the plan. This annex will be updated annually.

### **(b) Tree Management Strategy**

The Parish Council will develop a long term strategy so that tree felling, pruning, planting and replacement contributes to an overall plan of which the community can have ownership.

(c) Any work carried out should be to established arboriculture standards. However, this should be flexible to allow a common sense approach to householders to prune sensibly without incurring unacceptable and unnecessary costs.

### **(d) Green Waste**

All timber produced by felling or pruning should, wherever possible be re-used or recycled and any cuttings disposed of for woodchip. It can also be used in wood burning stoves. Some logs may be left to provide a habitat for insects and other species.

## Chapter 2 Trees in the Village Environment

### (a) **Damage to Property**

Trees tend to cause problems when they are close to buildings. They can damage walls, grow into drainage systems and break paths. Trees close to residential properties also affect insurance premiums and in many policies must be declared. Matlock Bath Parish Council will take into account proximity to buildings and the type of tree in place, or proposed, planting when dealing with any application.

(b) Although there is no such thing as “Right to Light” in law, or the enjoyment of views, common sense should influence decisions to allow for felling, pruning or replacement of trees causing problems for property owners. Matlock Bath Parish Council will consider carefully any application to help property owners in this respect. It will examine possible replacement planting solutions and sympathetic pruning.

### (c) **Television and Satellite Reception**

Interference with reception can be caused by trees, particularly when in leaf. Modern living means many villages and businesses rely on good broadband reception. This may, in isolated places, need guaranteed wireless broadband from their ISP.

Matlock Bath Parish Council will give careful and sympathetic consideration to applications to fell or prune trees which create problems. Replacement planting will be advised where possible.

### (d) **General Nuisances**

These include:

- Branches interfering with telephone wires.
- Bird and honey dew droppings on roads, paths and vehicles.
- Fruits and leaves dropping onto pavements making them hazardous in wet weather.
- Roots lifting pavements and walls

Matlock Bath Parish Council will give careful and sympathetic consideration to applications to prune or replace with alternative trees where possible, if there is a serious nuisance.

### (e) **Removal of Trees**

Mature trees are an important part of the village landscape. They provide habitat and are vital to conservation. The larger the tree, the greater its significance or historical value. Removal should only be considered as a last resort and every effort made to plant replacements.

Matlock Bath Parish Council will not approve applications to remove mature trees unless they are dying, dangerous or causing serious nuisance which cannot be alleviated by other means.

Matlock Bath Parish Council will recommend the removal of mature trees which can be identified as causing, or likely to cause, serious risk to the public. Suitable replacements would be suggested as a condition of approval.

(f) **Phased Felling and Replacement**

To ensure public safety, mature or veteran trees should be identified and regularly inspected to ascertain condition and necessary maintenance.

(g) **Emergency Procedures for Dangerous Trees**

The 1987 gale has highlighted the need for vigilance. Even the healthiest tree can become hazardous in bad weather. There is a need for a prompt procedure to ensure action to protect people and property.

Matlock Bath Parish Council will notify the owners of trees on private land which are considered at risk. Matlock Bath Parish Council will act to deal with any trees on land under its control to ensure public safety at all times. Matlock Bath Parish Council will warn and advise on trees which are imminently dangerous.

(h) **Self Set Trees**

Self set trees should be treated as weeds and removed. No permission is required providing that the tree is not more than 75mm in diameter, at a distance of 1.5m above ground level, when specific authority will be required from Matlock Bath Parish Council.



## **Chapter 3 Tree Planting, Establishment and Planning Design**

Actions and decisions made now will shape the landscape of the Parish for decades. Many of the current problems result from the wrong tree in the wrong place. This may be because the environment in which a tree was planted has altered so that no one would consider planting that tree in its current location. We should not ignore the changes but act to plan for the foreseeable future. Good design and selection now will ensure trees are valued and cared for in future.

Consideration should be given to planting new trees which are semi-mature so as to have an instant impact on the landscape.

Matlock Bath Parish Council will provide help and guidance on the selection and placement of trees as part of the planning process.

### **(a) Young Tree Care**

Young trees are vulnerable. They are more likely to die in the first five years than at any other time.

Matlock Bath Parish Council will monitor planting as part of the planning process and act to ensure that proper arboriculture practice is followed and that any tree which fails to thrive is replaced.

### **(b) The Right Tree in the Right Place**

Careful selection of tree species can help reduce future problems. Particular consideration should be given to the probable height the tree will reach and developers should be asked to provide this information as part of planning. The shade they will cast should be carefully considered. There are only 33 trees native to the UK. These provide the best wildlife value. Where conservation is an issue, these should be preferred. Of course, other species can be planted but the long term appearance should be carefully considered.

It is important that trees which are sited near paths and highways are carefully selected to avoid leaf fall and require frequent pruning. Ill chosen trees have an adverse effect on the landscape and will cause future complaints and incur unnecessary future costs.

Matlock Bath Parish Council will comment on any planning application which involves tree provision to ensure that suitable trees have been proposed.

## **Chapter 4 Amenity Trees**

### **(a) Trees in Residential Areas**

Trees around housing give a sense of place and character. Mature trees should be retained if in the long term they are the right tree in the right place. Such careful consideration can enhance the appearance of housing and impact on value.

Encouragement of landowners to care for and select suitable trees is essential.

Matlock Bath Parish Council will act to guide and encourage tree provision and care by distributing relevant literature produced by the arboriculture association.

### **(b) Tree Bordering the Highway**

Trees are an important part of the streetscape. Most highway trees are the responsibility of the County Council. Matlock Bath Parish Council will lobby Derbyshire County Council (DCC) to ensure such trees are maintained to the highest standard. Consideration should be given to the placement of these trees in relation to overhead telephone wires but also to underground utilities. The roots of trees can cause problems with footpath surfaces, adjacent walls and structures. Species selection is very important.

Digging trenches for cable and other services can adversely affect trees, cutting roots, rendering trees unstable. The National Joint Utilities Group (NJUG) which represents all the statutory undertakings, has guidelines for the planning, installation and maintenance of utility services close to trees.

Matlock Bath Parish Council will encourage Derbyshire County Council to regularly inspect highway trees. Matlock Bath Parish Council will demand that NJUG guidelines are followed for all works within the village.

Legislation should be sought to ensure that no street lighting, road signs or street furniture are impeded by tree growth on any authority or privately owned land.

### **(c) Trees in Open Spaces**

There are many open spaces in the village. The woodland will be considerably enhanced by careful management. Removal of some trees of poor quality will allow other trees to flourish. Trees adjacent to paths should be monitored to ensure they do not cause problems. Felling, pruning and replacement should be considered. Leylandii should be treated as weeds. No permission should be required.

Matlock Bath Parish Council will look sympathetically at applications from owners of woodland to take out trees as part of a management strategy to assist good trees to flourish.

Matlock Bath Parish Council will adopt the policy of allowing the felling of any Leylandii without any permission being required.

### **(d) Nature Reserve**

Matlock Bath Parish Council will manage trees in the Reserve to ensure public safety. Selective removal of trees which inhibit the growth of healthy specimens will improve the appearance and amenity of the reserve. New planting will take place in line with best practice.

## Chapter 5 Tree Preservation and Conservation Areas

- (a) Matlock Bath Parish Council has no control over Tree Preservation Orders. An owner of a protected tree must have written permission from the Local Planning Authority prior to doing any work. They must give 6 weeks notice.
- (b) Matlock Bath Parish Council will support Derbyshire County Council/Derbyshire Dales District Council (DCC/DDDC) in the use of Tree Preservation Orders (TPO) but will take careful note of an application to vary the terms of a TPO where such terms are thought unreasonable or inappropriate. It will report any vandalism or unauthorised works to the relevant authorities.

- (c) **Positive Tree Management**

A tree covered by a TPO can be pruned or even felled if the relevant permission is given. Replacement will usually be required.

Matlock Bath Parish Council will encourage the highest standard of work on any tree covered by a TPO but will try to ensure that any TPO is appropriate and justified. It will try to raise awareness of the significance of trees protected by TPOs.

- (d) **Replacement Trees**

A tree protected by a TPO may, with approval, be felled. In such cases at least one replacement of agreed size and species should be planted.

Matlock Bath Parish Council will monitor the planting of any replacement trees for at least 12 months after planting.

- (e) **Management of Trees in Conservation Areas**

Matlock Bath Parish Council will act to ensure the care and management of trees in parts of the village covered by conservation area regulations. It will encourage planting to enhance the appearance of the village.

Besides consideration of trees it is important to recognise that the views of Matlock Bath be equally preserved and in many cases restored to their former glory. This requires regular pruning to ensure views already lost will be restored.

## Chapter 6 Trees and Development

In new developments, the planting of semi-mature trees can enhance the development and protect immature trees.

Matlock Bath Parish Council will encourage the use of semi-mature trees of suitable species where possible in any development. However, trees should not be considered sacrosanct and a long term view should be taken of the possible acceptability of replacement planting, particularly using semi-mature trees. Matlock Bath Parish Council will monitor mature trees to ensure they are protected during any works.

### (a) **Retention of Trees**

Matlock Bath Parish Council will ensure that, where it is considered necessary, a tree survey is required for development sites, where it is considered necessary.

### (b) **Protection of Trees to be Retained**

(i) Matlock Bath Parish Council will ensure that any failure of developers to protect trees which as part of the planning permission, are to be retained will be rigorously reported and contested.

#### (ii) **Protection of Trees to be Retained**

Matlock Bath Parish Council will examine each planning application to see which trees are to be retained. The developer will be encouraged to see the advantage to them of keeping the trees.

#### (iii) **Tree Planting on Development Sites**

Matlock Bath Parish Council will encourage the additional planting of suitable trees on development sites where this would benefit the owner and their neighbours.

## Chapter 7 Hedgerows

The Hedgerow Regulations 1997 apply to protect important hedgerows by controlling their removal through a notification system.

Hedgerows are an important feature in the village. Many sections have been removed in recent years. They may have marked important historical boundaries and their loss is to be discouraged. Hedgerows provide habitat for a wide range of wildlife.

- (a) Matlock Bath Parish Council will seek to protect all hedgerows in the village and will encourage new planting.
- (b) Removing a hedgerow in contravention of the regulations is a criminal offence, punishable by a maximum fine of £5,000 in the magistrate's court or an unlimited fine in the Crown Court.
- (c) Matlock Bath Parish Council will try to raise awareness of the value of hedgerows in the community.

## **Chapter 8 High Hedges**

A high hedge is defined by the anti social behaviour Act 2003 as a barrier to light or access which is formed wholly, or predominantly by, a line of two or more evergreen or semi-evergreen trees to shrubs and rises to a height of more than two metres above ground level. The Act only covers hedges that affect homes which are defined as a dwelling or any associated garden or yard.

Matlock Bath Parish Council will offer advice to property owners where a complaint is received to see if an accommodation can be reached. There are a number of Government leaflets which cover "The Right Hedge for You", "Over the Garden Hedge", "Hedge Height and Light Loss".

## **Chapter 9 Trees and the Community**

### **(a) Trees in the School**

The trees in the grounds of Matlock Bath Primary School are maintained by Derbyshire County Council. There have been complaints of excessive tree cover and lack of natural light to the school and surrounding properties.

Matlock Bath Parish Council will try to ensure effective long term benefit to the school and the community. Given the proximity of the Nature Reserve there is scope for some selective pruning without loss to the sylvan landscape.

### **(b) Tree Awareness**

Matlock Bath Parish Council will seek to raise the awareness of the importance of trees to our community but stresses the need for effective and sustained arboriculture management.

### **(c) Empowering Our Community**

Communication empowers the community. Matlock Bath Parish Council will use its Newsletter/Website and other forms of communication to inform on issues affecting trees. Matlock Bath Parish Council will encourage the selective planting of trees which are appropriate in each location. Matlock Bath Parish Council will plant specific trees which enhance the Nature Reserve.