



# MELTON PARISH COUNCIL

## Melton Parish Council Tree Policy – December 2023

Melton Parish Council is committed to ensuring the preservation of the green spaces it owns to a high standard and is actively looking to improve and enhance these spaces through planting and maintenance.

The high number of trees in the parish, while immeasurably beneficial, can also create challenges. Where trees and habitation coincide, the needs of trees and people often clash. People's needs and expectations can make the management of trees intense and costly.

Sustainable management needs to be implemented today if this natural resource is to benefit, and be enjoyed by, future generations. Woodland will need regenerating through carefully selected felling and coppicing and new trees will need to be nurtured to create a diverse age structure. The trees on our land may need phased removal and replacement programmes to ensure continuity of tree cover as disease, decay and terminal decline inevitably take hold. All local authorities have legal duties to protect significant trees for their amenity value, to conserve biodiversity and to ensure that the trees they own are properly managed and maintained so that they do not cause damage and/or injury to others.

The Council is reluctant to remove or carry out works to trees on land that it owns unless it is absolutely necessary for sound management reasons and / or good arboricultural practice or for safety reasons.

*Often it is only once a tree is removed that its value becomes apparent. Even after planting with substantial and large trees, the amenity lost can rarely be adequately replaced.*

The trees are inspected every 18 months by a qualified arboriculturist, and reports can be found on the website: <https://melton-suffolk-pc.gov.uk/recreation/> Where concerns are raised outside of the inspection period the Council will ensure an inspection is carried out as soon as is practicably possible.

If trees are identified by a qualified individual as diseased, dangerous or damaged then action will be taken to minimise that risk, such as removing all or part of the tree. Work will be undertaken by a qualified tree surgeon appointed by the Parish Council.

*Any unauthorised works to council owned trees carried out by any person would be treated as criminal damage.*

### **Damage to Property**

Where a council owned tree is causing damage to private property, the council will take action to resolve the problem. This type of damage will usually be in the form of direct physical contact between any part of a council owned tree and any part of a structure. Such an example would be a branch in contact with a roofline which could dislodge tiles, gutters or fascia etc.

In such cases the council will look towards established arboricultural techniques such as pruning and crown lifting to alleviate the nuisance and there will be a presumption against felling of the tree. *Trees close to and growing over walls and fences will be dealt with on a case-by-case basis by the council, where retaining the tree would be the ideal outcome.*

### **Leaves, flowers, seeds and fruits**

The dropping of leaves, flowers, seeds and fruits is a natural function of a tree's biology, and are not considered to be a legal nuisance and cannot be controlled without damage to the tree's health and appearance.

Activities such as clearing up fallen leaves and seeds, from gutters and pathways, are part of normal household maintenance. While they are clearly a burden or tiresome to deal with for some property owners, they are a part of normal life and the disadvantages should be weighed against the benefits of trees to the area.

Once leaves, flowers or seeds have fallen from trees they belong to no-one. The Law has determined that it is reasonable to expect a householder to clear leaves if they live in an area where there are trees.

All vegetation also produces pollen as part of its life cycle. Everything from grass to trees can have an effect on those members of our community who suffer from sensitivity to pollen. Whilst over 90 per cent of hay-fever sufferers are allergic to grass pollen which is prevalent throughout the summer, only 25 per cent of sufferers are sensitive to birch which is produced for a much shorter period of time. As this is a natural and seasonal process and not one the legal system recognises as a 'legal nuisance', there is nothing the councils can do to alleviate the symptoms and effects on residents.

For these reasons the councils will not carry out tree work or fell or remove trees to control the fall of leaves, seeds and fruit or alleviate the effects of pollen.

### ***Light obstruction from trees and obstruction of views***

The council often receives requests to carry out work on trees to alleviate light or shade problems from trees. However, the obstruction of light from a tree is not a legal nuisance and there is no legal right to light for a homeowner. This also covers light obstruction to solar panels.

Similarly there is no legal right in law to a view. In addition, a view obstructed by the growth of trees cannot legally be regarded as a nuisance in the legal term of the word.

As such the council is unable to undertake any measures, including pruning or felling, to alleviate problems of light obstruction, shading or obstruction of views.

### **Ivy**

Contrary to popular belief, ivy does not generally harm trees and provides a valuable habitat for bird nesting and roosting and is an important source of nectar for insects.

Ivy is a non-parasitic epiphyte. This means that it is a species which grows on another, using it for support, but does not have a negative impact on its host. Rather than a parasitic relationship, it has a commensal relationship. In a parasitic relationship, one organism gains a positive benefit while the other organism suffers a negative impact. In a commensal relationship one organism gains a positive benefit while the other organism has a neutral impact.

However, in some circumstances ivy may cause a negative impact on a host tree. Particularly large growths of ivy within the crown of deciduous trees can sometimes have a sail effect during winter months and cause a tree to be prone to wind damage. This is not usually a problem for a healthy tree, but if a tree is in decline, removal of ivy may be beneficial to reduce risks associated with wind effect.

Competition from the roots of ivy for water and nutrients is not a problem for most healthy trees. However, some veteran trees or trees in decline may benefit from removal or control of Ivy to reduce competition for water and nutrients.

The council will encourage the retention of ivy within trees wherever practicable.

### **Raising concerns**

Should a resident have concerns about a tree on Melton Parish Council land they should complete the Tree form on the website: <https://melton-suffolk-pc.gov.uk/recreation/> and the Council will investigate.