

# Kington Langley Parish Council

## Tree Management Policy 2025-26

Approved at 13Mar23 PC meeting

Reviewed without change at KLPC Meeting 2May23 Minute 017.23

Reviewed without change at KLPC Meeting 7May24 Minute 015.24

Reviewed at KLPC Meeting 12 May 2025 – Minute Ref 016.25 (minor changes made)

### 1. Introduction

- 1.1. This policy sets out the Parish Council's approach to the management of trees on Kington Langley Parish Council maintained land (defined in section 6). Other Councils, organisations, companies and private individuals may need to be contacted if a tree(s) is located on their land.
- 1.2. This document has been created to provide guidance for the public, Parish Councillors and Parish Council contractors to ensure a clear and consistent approach is adhered to regarding management of trees by Kington Langley Parish Council.
- 1.3. If a tree falls and causes injury or damage, the relevant landowner could be held negligent if they have failed to take sufficient care of the tree. Therefore, the Parish Council has a duty of care to ensure that all trees on Parish Council - maintained land are kept in an acceptable condition and do not put people or property at unreasonable risk.

### 2. Inspection

- 2.1. A Risk-based approach will be applied to the management of all trees on Parish Council maintained land, and this approach will determine how often trees are re-inspected by Parish Councillors or a qualified tree inspector. Any recommendations made will be considered by the Council in line with this policy.

### 3. Maintenance

- 3.1. The Parish Council has adopted a proactive approach to tree maintenance. However, only essential/minimal works will be undertaken in order to manage a tree because the Parish Council supports a policy of tree preservation. The type of works undertaken will depend on the tree's location, the species of tree and its state of health at that time.
- 3.2. Risk-based inspections will be carried out to identify issues at the earliest juncture, so that preventative action can be taken where possible. Areas close to roads, buildings and with high public usage will be prioritised. As a guide, tree works will be undertaken in the following circumstances:
  - 3.2.1. Where an inspection has identified the tree as potentially hazardous or an immediate danger
  - 3.2.2. If the works are vital to the tree's long-term survival. Dead, dying or diseased trees will only be fully removed when there is no other option.
  - 3.2.3. To abate an actionable nuisance where branches are touching buildings e.g. physical contact with walls, windows, gutters.
  - 3.2.4. When previous maintenance regimes have determined future works are of the same specification for that specimen e.g. pollarding, crown reduction.
- 3.3. Care and consideration will be given to the following when tree maintenance work is carried out:

- 3.3.1. The impact on local wildlife of all tree works, specifically felling and pruning, will always be thoroughly considered, with the impact minimised where possible.
- 3.3.2. Where appropriate, dead and fallen wood will be left on site unless there are sound conservation and safety reasons for its removal.
- 3.3.3. All tree work will be carried out by a qualified tree surgeon appointed by the Parish Council and in accordance with BS/3998/2010 Recommendations for Tree Work 2010 (and any subsequent revisions). All works must have Parish Council approval and must be carried out by the Parish Council's appointed Tree Surgeon.

## 4. Protected Trees

- 4.1. A Tree Preservation Order (TPO) prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission.
- 4.2. It is an offence to cut down, lop, top, uproot or wilfully damage or destroy a tree in a Conservation Area without giving prior written notice to Wiltshire Council.
- 4.3. Additional approval will be obtained from the Tree Officer at Wiltshire Council for trees on which there is a TPO.

## 5. Requests for Tree Work

- 5.1. Whilst the Parish Council will consider the impact of trees in each case on individual merit, the Parish Council will not fell or prune trees on Parish Council-maintained land if it is for any of the following non-arboricultural reasons:
  - 5.1.1. Solely to alleviate problems caused by natural and/or seasonal phenomena e.g. falling leaves, fruit, seeds/berries, bird droppings, pollen etc.
  - 5.1.2. Solely for reasons of increasing sunlight/views to properties and gardens.
  - 5.1.3. Solely for the reason that the tree(s) is causing interference with television or satellite reception. In most cases the problem can be resolved by relocating the aerial or satellite dish. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning to enable clear television reception would only be considered in exceptional circumstances.
- 5.2. Adjacent landowners have a common law right to prune back tree branches to their boundary, providing that would not lead to tree death and providing the tree in question is not protected by a TPO or situated within a Conservation Area.
- 5.3. Tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Tree felling and branch pruning in response to root invasion in gardens would not normally be appropriate as such works are likely to worsen the problem. The encroachment of roots into adjoining land is not considered to amount to actionable nuisance. Adjacent landowners have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a TPO or situated within a Conservation Area.
- 5.4. Landowners are reminded that if access to Parish Council-maintained land is required to carry out pruning, written permission from the Parish Council will be required before carrying out such works.
- 5.5. As the three Registered Commons are within the village Conservation Area, the Parish Council will, through the Clerk, raise applications for tree works that are on any of the Registered Commons, to the Planning Authority as required.

## 6. Parish Council Maintained Land

The Parish Council will only maintain the Registered Commons - Lower Common, Middle Common, Upper Common, and common land in front of the Greathouse (see Fig 3).

6.2 The following points are to be considered when evaluating who is responsible for the maintenance of land in the village:

1. There is no known owner of the Registered Commons. The Parish Council has the responsibility to maintain the Registered Commons as per the Byelaw dated 18 February 1982.
2. Wiltshire Council have advised that they are responsible for the maintenance of any land owned by Wiltshire Council, but they have confirmed that they do NOT own any land in Kington Langley.
3. Wiltshire Council have advised that there may be some parcels of 'unregistered' land, in the absence of any owner, Wiltshire Council tend to take responsibility for the trees on that land too. This is called "maintained land" and is documented in bright green in Fig 2
4. The Parish Council are not responsible for the maintenance of hedges or walls that are adjacent to the Registered Commons as clearly these have historically been erected by the land owners themselves.

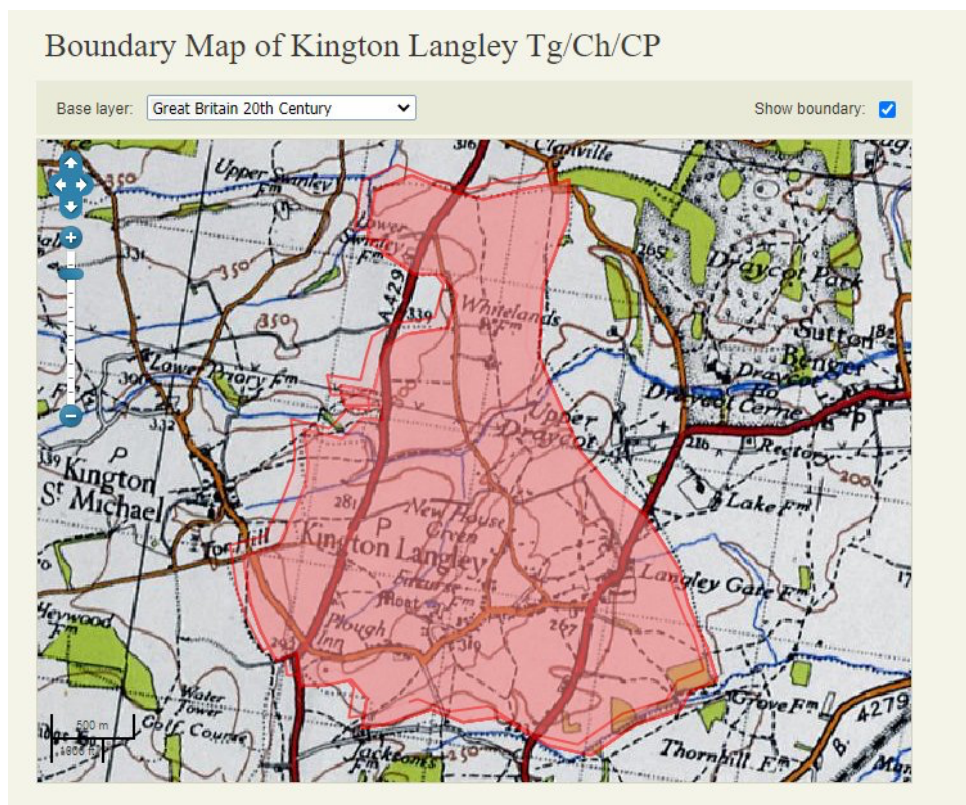


Fig 1 - Kington Langley Parish

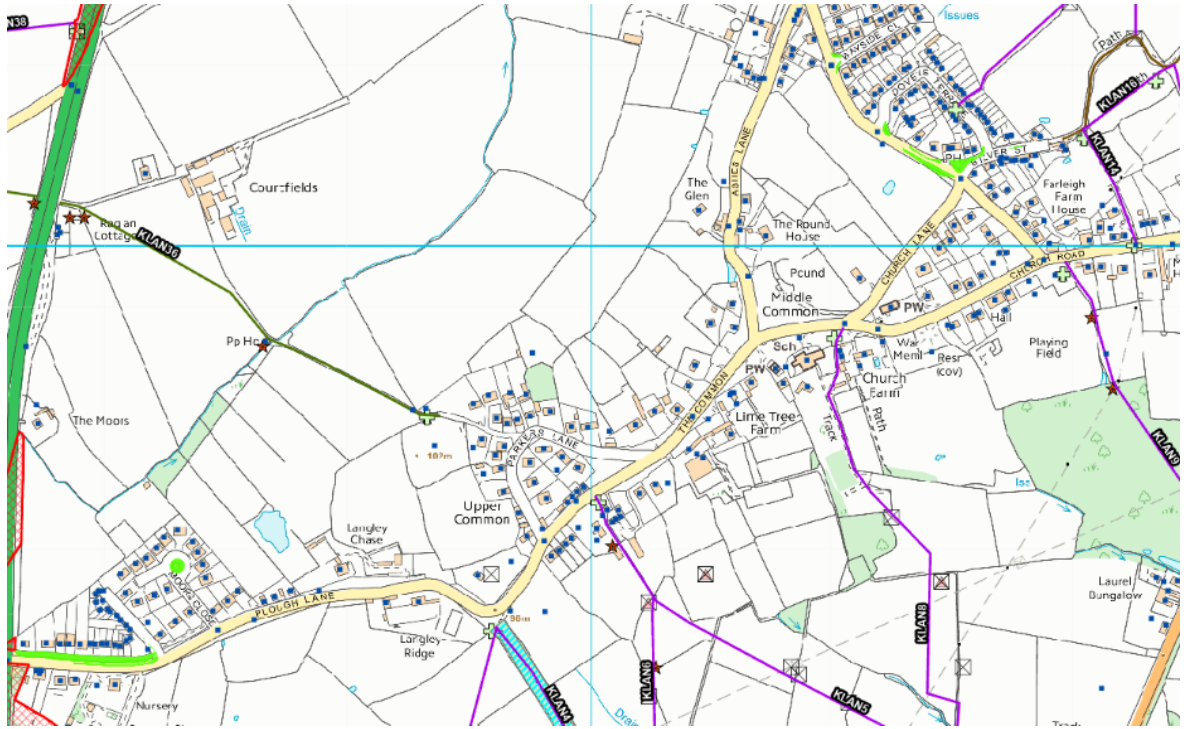


Fig 2 - Kington Langley – Land maintained by Wiltshire Council shown in bright green

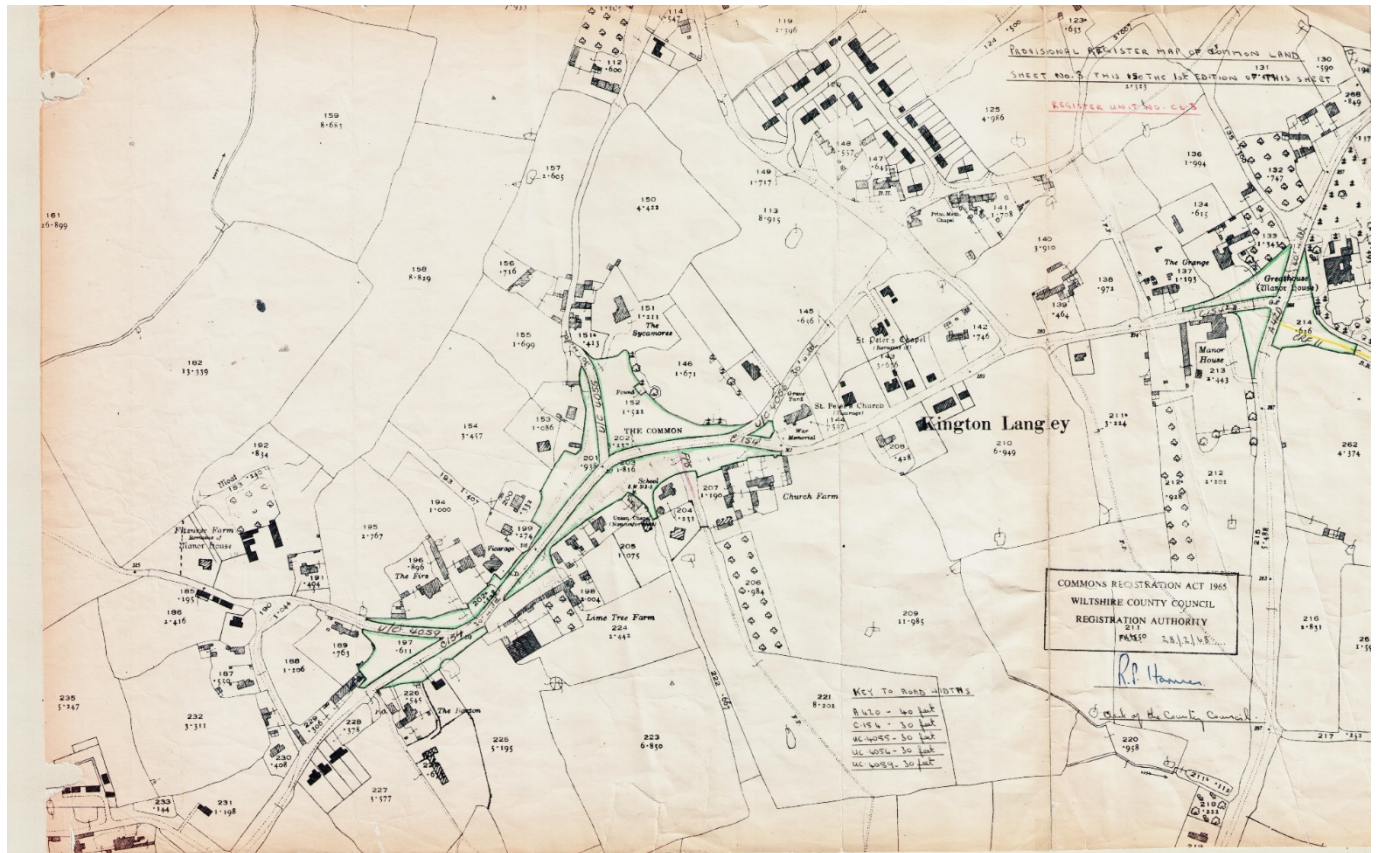


Fig 3– Registered Commons in Kington Langley