

# ENFIELD COUNCIL TREE MANAGEMENT STRATEGY



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## 1.0 PREAMBLE

Enfield Council values its remarkable heritage of trees. This strategy identifies the method by which the council will manage and increase its tree stock.

Enfield recognises the importance of trees and identifies with the benefits and contribution they play within the urban environment, wildlife, conservation, and climate change.

Trees:

- Soften and frame the built environment;
- Form part of the 'personality' of an area, helping to create a sense of pride and community;
- Benefit health and promote a feeling of well-being;
- Have a positive influence on air quality, noise, flooding and global warming;
- Provide shade and air conditioning effects;
- Provide habitat, enhancing the Council's ability to foster bio-diversity, and make the oxygen we breathe.
- Contribute to wildlife and conservation.

In December 2011, the Forestry Commission published a new best practice document "**National Tree Safety Group – Common sense management of trees**". This provides guidance on the management of trees in the UK to ensure public safety and identifies the legal duty of care owed by tree owners to visitors to their land including their neighbours, employees and even trespassers.

This strategy seeks to extend the good practices that already exist in some service areas to ensure the effective management of trees across the whole Council.

## 2.0 AIMS

- 2.1 As with all council owned land, the Local Authority has a duty of care and therefore a responsibility to maintain all of its land to a safe standard. The Corporate Tree Strategy will enable the Council to fulfil its duty to do all that is reasonably practical to minimise the risk of people being harmed or property being damaged as a result of an incident associated with trees on Council property.
- 2.2 Compliance with this strategy will ensure that robust and effective arrangements are in place to manage the Council's tree stock that will:
- ensure a reasonable standard of safety to members of the public and users of Council property;
  - enable the number, quality and diversity of trees in Enfield to be sustained, and enhanced wherever possible;
  - provide a clear and transparent set of standards by which the Council manages its tree stock leading to increased levels of customer satisfaction;
  - enable the Council to defend litigation cases and third party claims brought against it;
  - reduce the potential number and value of third party claims brought against the Council for tree-related damage and associated causes;
  - contribute to the achievement of the Council's key aims of growth and sustainability and strong communities by enhancing the 'green' credentials of the borough.
- 2.3 Adoption of this corporate strategy will enable the Council to take a risk based approach to managing trees on a Council-wide basis, thereby maximising value for money within limited resources.
- 2.4 Adoption of this strategy that will also enable the Council to demonstrate compliance with national best practice as far as is reasonably practicable taking into account current resources and financial constraints.
- 2.5 The Strategy also clarifies the Council's obligation with regard to trees on non council land, and identifies other services the Council provides relating to trees.

### **3.0 APPLICABLE LEGISLATION**

- Highways Act 1980
- Occupiers Liability Act 1957/84
- Local Government (Miscellaneous Provisions) Act 1976
- New Roads and Street Works Act 1991
- Town and Country Planning Act 1990
- Wildlife and Countryside Act 1981
- Habitat Regs 1994 (2007 amended)
- Anti Social Behaviour Act 2003
- Access to Neighbouring Lands Act 1992
- Countryside and Rights of Way Act 2000
- Anti-social Behaviour Act 2003 part 8 High Hedges Legislation – dealt with in Planning.

### **4.0 SERVICE AREAS**

#### **4.1 Areas containing trees within Enfield's ownership include:**

- Highways, and Car Parks
- Parks, Cemeteries and Allotments
- Enfield Housing
- Property Services
- Corporate Buildings
- Education including Schools
- Council run services including
  - Day Care Centres
  - Youth Services
- Libraries
- Sports Centres (Fusion)
- Public Rights of Way

#### **4.2 Areas containing trees not within Enfield's ownership:**

- Private Land
- Non Registered Land
- Public Rights of Way
- Water Courses

#### **4.3 Other services provided by Enfield Council include:**

- Tree Preservation Orders (TPOs)
- Planning issues
- Conservation issues
- Damage to property
- General advice

## 5.0 General Requirements

- 5.1 The Strategy identifies the Service areas within the Council's organisation and their respective areas of responsibility. These areas shall have defined boundaries and be recorded graphically on maps.
- 5.2 It is important that resources are applied in a rational way, based on an assessment of risk. Therefore, council owned land with trees shall be divided into risk zones based on the likelihood of people coming into contact with potentially hazardous trees as summarised in the following table.

Usage zone	Level of public usage	Site examples
1	High	Areas within falling distance of busy and moderately used public roads, railways, neighbouring properties, amenity areas and car-parks. Well used way-marked trails and public rights of ways (PROWs).
2	Medium	Areas within falling distance of other lightly used public roads, way-marked trails, PROWs and tracks, paths and desire lines.
3	Low	Areas away not within Zones 1 and 2 such as woodland areas.

- 5.3 In order of priority, all trees within a site will be surveyed by a competent professional, to identify tree condition and reactive works and re-inspection frequencies for each area.
- 5.4 If a tree is surveyed and shows no external signs of defect, it may be left until the next inspection is required.
- 5.5 If the tree is identified to have obvious or inconclusive defects, or any other reasons of concern, i.e. adjacent structures being adversely affected, the surveyor shall make judgement as to whether remedial works are required or if more intense investigations are carried out on the individual tree.
- 5.6 Clearly hazardous, relatively low value trees may in appropriate circumstances be felled as part of area tree management.
- 5.7 For potentially hazardous, higher value trees (eg conservation areas or high amenity value) where the trees retention is sought or the felling is likely to be controversial and may result in adverse public reaction, a more detailed inspection by a suitably qualified person shall be carried out. This person shall prescribe appropriate tree works that may enable the retention of the tree, or support justification for its felling.

- 5.8 Any tree identified during the surveying process that is considered to pose an immediate danger to surrounding structures or area users shall receive attention to make them safe. This attention shall be processed with immediate effect to ensure the tree and the area is made safe within 24 hours.
- 5.9 Any Pests or Diseases identified during the survey that require attention shall be dealt with in accordance to their priority status that will be identified by either industry guidelines or the Arboricultural Officer.
- 5.10 The frequency of re-inspection of all trees shall be based on an assessment of the future hazard the trees present to people or adjacent structures as listed below.
- Likelihood of failure.
  - Severity of failure and its consequences.
  - Deterioration.
  - Influence on adjacent structures e.g. Mechanical or Physiological (subsidence/heave)
- 5.11 The Forestry commission recommends inspection of trees in high usage areas on an annual cycle. Enfield is not resourced to achieve this time frame due to the high volume of sites and the number of trees within Enfield's ownership, against resources available. This is typical of other local Authorities, and it is deemed common working practice within the industry to undertake inspection of trees in high usage areas on a three year cycle.

Usage Zone	Frequency of Inspection
1	At least once 3 years. <sup>*#</sup>
2	At least every 5 years. <sup>*</sup>
3	No formal inspection is required

\* Unless there are good reasons for extending the period, e.g. the trees are too young to pose a threat.

# Ornamental trees on the Highway shall be inspected at least once every 4 years,

- 5.12 Following inspection a schedule of works will be prepared as required. Any prescribed works should have specified timescales in order to ensure that the works is addressed in order of priority in accordance with the list below.
- Immediately
  - Within 3 Months
  - Within 12 Months
  - Before the next scheduled inspection
  - During the trees next scheduled cyclical pruning visit.

- 5.13 Where current legislation prevents non immediate works being carried out due to wildlife issues, the required works shall be programmed to be carried out at the earliest opportunity following any prescribed timescales within the legislation.
- 5.14 The majority of works shall be carried out by the Corporate Arboriculture term Contractor or the in-house tree team. However on occasions some specialist works may be placed on the London Tenders Portal where alternative contractors may be provided with the opportunity to submit a tender for this work.
- 5.15 Tree work best practise is set out in British Standards BS3998: 2010 Tree Work – Recommendations. All tree works shall be carried out in accordance with this British Standard and any updates or revisions.
- 5.16 All trees inspected shall be electronically recorded on the councils Tree database. All asset information collected, including management records shall be kept up to date, and be used to effectively manage council owned trees, support efficient operations, and in the event of an incident assist in providing a defence against litigation.

## 6.0 Highways and Car Parks Specific Requirements

- 6.1 The Council is considered in Law to be the owner of trees situated on Council owned land within the curtilage of the highways/street scene and therefore is responsible for them or has a recognised duty of care.
- 6.2 The Council's responsibility, as the Highway Authority, is to maintain the public highway to a condition fit for traffic and pedestrians that might ordinarily be expected to use it. Unless there is a traffic order in force restricting the size or height of vehicles that can use a particular road, a vertical clearance of 17 feet above the carriageway (5.10m) shall be maintained to allow sufficient clearance for vehicles and 6.9 feet (2.1m) shall be maintained to allow sufficient clearance above the footway for pedestrians which might ordinarily be expected to use the highway to gain access or passage.
- 6.3 Highway trees have an established inspection regime, which programmes the inspection of Lime trees, Plane trees and Silver and Sugar Maples on a three yearly cycle, and all other species on a 4 yearly cycle.
- 6.4 Highway trees also have an established maintenance, which is as follows :-

<b>Tree Type</b>	<b>Maintenance Cycle</b>
London Planes, Lime, Silver and Sugar Maple	4 years
Other Forest trees	6 years
Ornamental trees	6 years
<b>Stemming</b>	

Lime, Silver and Sugar Maple	up to 2 times per year
All other trees as required	up to once per year

This maintenance regime is typical for the majority of trees on the highway, although there are exceptions which are defined below.

6.5 A 4 yearly pruning cycle will apply to the majority of London Planes, Lime Trees and Silver and Sugar Maples. However where trees are of particular amenity/conservation value and there is adequate space, less intensive management will be carried out to ensure that the trees continue to contribute to visual amenity. Other exceptions to the four yearly pruning cycle may include those trees:

- where they have been intensively maintained in the past
- where they are in close proximity to buildings
- that are implicated or in roads regularly implicated in insurance claims against the Council, or where works will improve their safety
- Where they have an adverse affect on the highway or affect the safe passage of vehicular traffic or pedestrians.

6.6 All other large forest type species will be pruned on a 6 -year pruning cycle to keep them maintained to an acceptable condition in accordance with the surrounding requirements. It may become necessary on occasions to provide pruning attention out of cycle however this will be subject to specific concerns that will be identified and agreed by the Council's Arboricultural team. These will include.

- Trees that have been intensively maintained in the past
- Those In close proximity to buildings
- Those that are implicated, or in roads regularly implicated, in insurance claims against the Council.
- Where works will improve their safety.
- Those that have an adverse affect on the highway or affect the safe passage of vehicular traffic or pedestrians

6.7 All ornamental tree stock will be subject to a 6 -year pruning cycle to keep them maintained to an acceptable condition in accordance with the surrounding requirements.

6.8 On occasions any individual tree, irrespective of its species, location or amenity value, may be subject to pruning attention out of cycle. These will include trees:

- That are in decline where structural stability is of concern.
- Where excavation work within the root area may have compromised structural stability.

- Where Incidents have occurred resulting in physical impacts with trees that may compromise structural stability.
  - Where there is a need to arrange removal of pests and or diseases from the crown.
- 6.9 When newly established trees of appropriate species have reached a level of maturity they will be included in the pruning cycle relevant to their species requirements. Prior to this time they will only receive attention to formatively prune them if and when required.
- 6.10 Lime trees, Silver Maples and Sugar Maples, will have all water shoots or stem suckers removed throughout the peak growing period to ensure that obstruction to the footway is alleviated. This will be carried out up to a maximum of two times each year but actual time frames for this work will be subject to seasonal/climate changes within each individual year.
- 6.11 Stemming to all other trees will be carried out when identified and as necessary to ensure that obstruction to the footway is alleviated. This will occur annually.
- 6.12 All trees may be subject to root pruning where necessary, which should be carried out in accordance with current legislation. Where this requirement is part of works being undertaken by Highway Services programmed or reactive maintenance team, the works may be undertaken by the Highway works contractor in accordance with the Contract conditions, and relevant legislation. In all other instances root pruning shall not be carried out without seeking advice and approval from the Highways Redevelopment and Environment Arboriculture team. In particular, in any cases where there may be doubt that the required work may compromise the physiological condition or structural stability of the tree, then the Highways Redevelopment and Environment Arboriculture team should be contacted for their approval.
- 6.13 All suitable arisings from tree pruning and other operations will be re-used or recycled as appropriate.

### **Highway Tree Removal Process**

- 6.14 A healthy highway tree that is still considered to contribute to the amenity and environmental value of its location will not be removed by individual request for any reason; any such request will be refused. However this strategy provides a formal avenue of appeal against the Council's refusal of a tree removal request.
- 6.15 On payment of an application fee that is not refundable, the applicant will be written too and notified of the details of the Tree Strategy process and how to proceed with an application and the further costs that the applicant will be required to pay for the removal of the tree should their final appeal be approved.

6.16 The Director Regeneration and Environment is authorised to agree to a request for the removal of a tree following representation from a resident. The Director can only consider the request following consultation with local residents and subject to agreement by the applicant to pay for the tree's removal and replacement with a new tree in the same area, inclusive of aftercare and all officer administration costs.

### **Removal and Replacement Programme**

6.17 A removal and replacement programme will be adopted to deal with all scenarios listed below that can not be controlled within routine management operations described elsewhere within this strategy. These will be subject to programme and budget restrictions.

- Removal and replacement of trees which have reached the end of their useful life within the street scene;
- Removal and replacement of trees which are in decline and present a danger to persons or property;
- Removal and replacement of those trees where a financial liability has been identified and can not be rectified with pruning;
- Removal and replacement of those trees where there is a conflict with legislation;
- Removal and replacement of those trees where an environmental benefit will accrue.

6.18 Subject to availability of funding where trees are removed, for whatever reason, there will be a one for one replacement programme to ensure that the current stock levels are maintained. All new plantings will be located as near to the removed tree's location as possible but not necessarily in the exact location. This will be determined by suitability of site and may on occasions result in replacement trees being positioned in adjacent roads.

6.19 All new plantings will be managed and monitored to assess progress and appropriate action will be taken to ensure that the saplings adapt and establish to their planting position.

6.20 Replacement species will be largely native to enhance environmental benefits and provide increased biodiversity and aesthetic impacts where possible.

6.21 Where space is particularly limited replacement planting will be confined to species which develop narrow, compact, upright growing crowns, for example ornamental pear (*Pyrus* "Chanticleer")

6.22 Where space is not so pressing, ultimately larger growing trees with similar characteristics to the above may be planted, for example fastigate maple (*Acer platanoides* 'Columnare'), Sweet Gum (*Liquidambar styraciflua*), fastigate hornbeam (*Carpinus betulus* "Fastigiata"), Common Hawthorn (*Crataegus monogyna* 'Stricta') and where appropriate Small Leaved Lime (*Tilia cordata*).

## **Conservation Areas**

- 6.23 Trees on the public highway within designated Conservation Areas are maintained as all other highway trees however benefit from similar protection and consideration as privately owned trees in conservation areas.
- 6.24 Any person who performs unauthorised works to, or whose actions result in damage to, a highway tree in a Conservation Area may be subject to prosecution in accordance with the Town and Country Planning Act 1990.
- 6.25 The Council Highways department is exempt from the requirement of notification of intent to manage highways trees situated within a conservation area.
- 6.26 The same legislation applies to Council owned trees protected by Tree Preservation Orders; however this situation is extremely rare as generally the council does not place TPO's on its own trees.
- 6.27 It is recognised that each Conservation area within the borough has characteristics specific to the area that make these areas unique. These strengthen the character and appearance of the area that make it desirable to preserve and enhance through management action.
- 6.28 Street trees are an important feature of these areas that the residents and the Council wish to preserve. The Council recognises the landscape value of street trees and acknowledges that they are an integral component of the character of Conservation Areas.
- 6.29 Replanting in Conservation Areas will be on a like-for-like basis or with a similar suitable species in an attempt to retain unity with the existing area character and to minimise the number of different species used.
- 6.30 The unique value of these areas warrants the need to avoid large scale removal programmes. Therefore, where appropriate, such programmes will be carried out on a phased basis.
- 6.31 Any proposed removal and replacement programmes will be subject to consultation with residents via associated area groups where all plans and proposals will be submitted for the resident's considerations. This will allow for the opportunity for resident participation in any proposed future felling or planting programmes.

## **Council Homes**

- 6.32 The Council is considered in Law to be the owner of trees situated on Council owned land within the curtilage of Council Homes and therefore is responsible for them or has a recognised duty of care.

- 6.33 As from 11 May 2015 management responsibility for trees situated in communal areas within Enfield Housing land will be managed by the Tree Section within Environment.
- 6.34 Trees in communal areas within Enfield Housing sites will be managed in line with this Tree Strategy.
- 6.35 The Council's responsibility is to maintain council homes land to a condition fit for traffic and pedestrians that might ordinarily be expected to use it. Unless there is a traffic order in force restricting the size or height of vehicles that can use a particular road, a vertical clearance of a minimum of 17 feet above the carriageway (5.10m) shall be maintained to allow sufficient clearance for vehicles and a minimum of 6.9 feet (2.1m) shall be maintained to allow sufficient clearance above the footway for pedestrians which might ordinarily be expected to use council homes land to gain access or passage.
- 6.36 Trees situated within the boundary of a Council Housing property are the responsibility of the tenant to maintain in accordance with their tenancy/lease Agreement. However in some instances when a tenant is considered vulnerable and tree works are necessary they will be managed by the Tree Section within Environment in accordance with this tree strategy.
- 6.37 Trees situated in communal areas will be maintained by the Corporate Arboriculture Term Contractor or the in-house tree team. However on occasions some specialist works may be placed on London Tenders where alternative contractors may be provided with the opportunity to submit a tender for this work.
- 6.38 All Enfield Housing sites will be subject to a 3 yearly inspection cycle.
- 6.39 Enfield Housing trees will have an established maintenance programme, which will be subject to resources and individual requirements. Our aim will be to maintain trees considered as high risk i.e. large Forest type trees on a 4 yearly cycle and all other trees that will mainly include ornamental varieties trees on a 6 yearly cycle. These cycles will be dependent on their species and location.
- 6.40 Exceptions to this maintenance regime are defined below.
- 6.41 Where trees are of particular amenity/conservation value and there is adequate space, less intensive management will be carried out to ensure that the trees continue to contribute to visual amenity. Other exceptions to the four – six yearly maintenance cycles may include those trees:
- where they have been intensively maintained in the past

- where they are in close proximity to buildings
- that are regularly implicated in insurance claims against the Council, or where works will improve their safety
- Where they have an adverse effect on adjacent highway or affect the safe passage of vehicular traffic or pedestrians.

6.42 All ornamental tree stock will be subject to a 6 -year pruning cycle to keep them maintained to an acceptable condition in accordance with the surrounding requirements.

6.43 On occasions any individual tree, irrespective of its species, location or amenity value, may be subject to pruning attention out of cycle. These will include trees:

- That are in decline where structural stability is of concern.
- Where excavation work within the root area may have compromised structural stability.
- Where Incidents have occurred resulting in physical impacts with trees that may compromise structural stability.
- Where there is a need to arrange removal of pests and or diseases from the crown.

6.44 When newly established trees of appropriate species have reached a level of maturity they will be included in the pruning cycle relevant to their species requirements. Prior to this time they will only receive attention to formatively prune them if and when required.

6.45 Lime trees, Silver Maples and Sugar Maples, will have all water shoots or stem suckers removed throughout the peak growing period to ensure that obstruction to the footway is alleviated. This will be carried out up to a maximum of two times each year but actual time frames for this work will be subject to seasonal/climate changes within each individual year.

6.46 Stemming to all other trees will be carried out when identified and as necessary to ensure that obstruction to the footway is alleviated. This will occur annually.

6.47 All trees may be subject to root pruning where necessary, which should be carried out in accordance with current legislation and best practise. Where this requirement is part of works being undertaken by Highway Services programmed or reactive maintenance team, the works may be undertaken by the Highway works contractor in accordance with the Contract conditions, and relevant legislation. In all other instances root pruning shall not be carried out

without seeking advice and approval from the Highways Redevelopment and Environment Arboriculture team. In particular, in any cases where there may be doubt that the required work may compromise the physiological condition or structural stability of the tree, then the Redevelopment and Environment Arboriculture team should be contacted for their approval.

- 6.48 All suitable arisings from tree pruning and other operations will be re-used or recycled as appropriate.

## **7.0 Other Area Specific Requirements**

- 7.1 The Council has contractual agreements with organisations which provide services on council owned land, including Go Ape, and Fusion. Where trees are located within the curtilage of these sites, the responsibility of trees shall be with the organisation providing the service.
- 7.2 The organisation shall ensure that any trees within their site are surveyed, maintained, and managed in accordance with this strategy to a standard equal or better than specified.
- 7.3 All trees within schools are the responsibility of individual governing bodies, with the exception of Academy schools.
- 7.4 All schools with the exception of Academy schools shall ensure that any trees within their boundary are managed in accordance with this strategy to a standard equal or better than specified.
- 7.5 For Academy schools it is recommended that they follow the principals of this strategy to a standard equal or better than specified.

## **8.0 PRIVATE LAND:**

- 8.1 Enfield has no management obligations in relation to any tree situated on private land. Trees situated on privately owned land are the responsibility of the Land owner or tenant depending on lease agreements with the land owner.
- 8.2 Trees situated within the boundaries of private land may encroach/overhang a neighbouring property be it adjacent Council owned land or other land that is also within private ownership.
- 8.3 The Public Highway is protected by legislation from such overhang in the form of section 154 of the Highways Act 1980. This legislation provides a legal method for the Local Authority to ensure that the public Highways remain unobstructed at all times.
- 8.4 This legislation only applies to Council Highways land; all other Council owned land does not benefit from this legislation but is entitled under Common Law to

clear any overhang from trees on adjacent private land back to the line of boundary.

- 8.5 With relation to any obstructions on or over the highway that prevent the legitimate use of the highway and are a potential safety hazard for highway users, then necessary measures shall be taken by the Authority for the removal of the obstruction.
- 8.6 The Highway Authority shall serve a notice in accordance with Section 154 of the Highways Act 1980 on the owners of obstructions requiring that they are cut back to provide the necessary clearance and abate any nuisance.
- 8.7 If this notice is ignored the Authority will refer to the Council's Enforcement team for assistance who will enforce the notice. If the land owners continue to ignore the Council's request the Council will then arrange with their contractors, under instruction of the Council's Enforcement Officers, to carry out the works and make arrangements to recover costs from the land owner.
- 8.8 The Local Authority may also be called upon to assist with situations where a tree situated on Private land is considered dangerous.
- 8.9 On identification of a tree that is considered dangerous but situated within privately owned land, a Council Tree Officer may attend the site and attempt to inspect the tree.
- 8.10 If the tree is considered dangerous but contained within a private area with no threat to neighbouring persons, property or land, the Council Officer may attempt to contact the land owner and advise them of their legal obligations and responsibility inclusive of the associated legislation, i.e. Occupiers Liability Act 1957/84. The Officer will also provide a list of recommended Tree Contractors for the land owner's consideration if one is available.
- 8.11 If a tree situated on private land is considered to be in a dangerous condition and a threat to any persons or neighbouring land, be it Council or other private land, the Officer may contact the land owner and request that the land owner makes arrangements to make the tree safe providing the severity of the situation allows. If the land owner can not, or will not, make arrangements to make the tree safe within a specified time frame or the Officer can not contact the land owner or the tree is considered immediately dangerous the Officer may arrange, in accordance with current legislation i.e. Local Government (Miscellaneous Provisions) Act 1976, to make the tree safe. Arrangements can then be made to recover all associated costs to the authority from the land owner.

## **9.0 PUBLIC RIGHTS OF WAY:**

- 9.1 The Council's duties, as Highway Authority, are to ensure that a Public Right of Way is clear, unobstructed and safe for use only.

- 9.2 Public Rights of Way will be inspected by Highway Inspectors as part of their routine inspections in accordance with the Council's highway asset management arrangements.
- 9.3 Any obstructions or concerns with regard to trees on Public Rights of Way identified by the Inspectors will be referred to the adjacent land owner, or to the Highways Tree Officers, to make the Public Right of Way safe with unobstructed passage. .
- 9.4 Where such Public Rights of Way run through Council owned land, eg Parks or Enfield Homes estates, the relevant owner/department will be responsible for ensuring unobstructed and safe passage.

## **10.0 NON REGISTERED LAND:**

- 10.1 Enfield has no management obligations with regard to any tree situated on Non Registered Land.
- 10.2 If a tree is considered dangerous the Local Authority may take action to make the site safe but only if trees are within the fall zone of any corporate owned land and are considered to pose an immediate threat to any users of the corporate land. The minimum of works will be carried out to ensure the area is left safe.
- 10.3 If a tree is not considered dangerous, enquires will be forwarded to Land Registry in an attempt to identify any registered owner.
- 10.4 Where a registered owner cannot be found, the Council may consider taking on responsibility of maintaining the land to ensure the trees remain in a safe condition.

## **11.0 PLANNING:**

- 11.1 The Local Planning Authority (LPA) manages all trees issues that relate to :
- Planning Applications that affect both privately owned trees as well as Council owned trees.
  - Tree Preservation Orders (TPO's)
  - Conservation areas.
  - High hedges disputes.
- 11.2 All privately owned trees that fall into any of the criteria listed above should be referred to the Council's Planning department; who manage these in accordance with the Council's Development Management Document (DMD).
- 11.3 In the event that a Highway tree is affected by a proposed development, then approval for the removal of the tree will not be granted or deemed to be granted, even if the planning application is approved. This decision may be

appealed against in writing by following the Highway tree removal process as detailed in 6.15.

11.4 See Appendix 1 Contact Information.

## **12.0 ADVICE:**

12.1 Local Authority Tree Officers may be available to provide free verbal advice on private tree related issues to the public. This will be by telephone and will not be inclusive of any site meetings or visits unless the enquiry relates to a Council owned tree.

12.2 Information on legal issues will be based on the Tree Officers understanding of current legislation at the time of the enquiry and so would not be admissible in a court of law as evidence.

12.3 Tree Officers will not become involved in, or mediate between, neighbours during any disputes.

12.4 Where an enquiry requires a service other than advice, the Local Authority Tree Officers will provide contact details of the Arboricultural Association recognised consultants or a list of recommended Contractors.

## **13.0 WATER COURSES:**

13.1 Watercourse issues are dealt with in accordance with riparian ownership guidelines "Living on the Edge a guide to the rights and responsibilities of river side occupation". A copy of these can be acquired from the Environment Agency direct, see contact details that are available in Appendix 1 Contact Information

13.2 The adjacent land owner should be identified whenever there is a query relating to trees adjacent to watercourses.

13.3 If the Local Authority is the adjacent land owner, the matter will be referred to the relevant Council service provider, eg Parks, Housing etc.

13.4 If the adjacent land is privately owned, then the matter will be referred to the adjacent land owner. If ownership details are unknown, then enquiries should be made to the Land Registry to establish adjacent landowner details.

13.5 In the event that the adjacent land is not registered, the matter will be referred to the Environment Agency, see contact details listed in Appendix 1 Contact Information.

## **14.0 DAMAGE TO PROPERTY:**

- 14.1 In the event that a tree situated on Council owned land is associated with structural damage to a property, the potential claimant/caller will be advised to contact their household insurers to investigate their claim.
- 14.2 In the event that a tree situated on Council owned land is associated with damage to an adjacent property's hard landscaping frontage or boundary wall/fence line, the claimant will be referred to the councils Insurance Manager. Contact details are listed in Appendix 1 Contact Information.
- 14.3 In the event that a tree situated on Council owned land is associated with any damage to any adjacent property and the claimant has no household insurance, the claimant will be referred to the Council's Insurance Manager for advice. Contact details are listed in Appendix 1 Contact Information.

## **15.0 TRANSPORT FOR LONDON:**

- 15.1 Enfield has no management obligations in relation to any tree situated on land that is owned or managed by Transport for London.
- 15.2 Enquiries should be referred to Transport for London. Contact details are listed in Appendix 1 Contact Information.

## **16.0 REVIEW**

- 16.1 This Strategy will be the subject to ongoing monitoring, and should be subject to review annually to guarantee the future of one of Enfield's most valuable assets.

