



# **Buckinghamshire Council Tree Management Strategy 2026-2029**

## **Part One**

June 2026  
V. 2.0



**Buckinghamshire  
Council**

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# Foreword

Trees are among our most valuable natural assets. They shape the character of our landscapes, support biodiversity, improve air quality, reduce urban heat, manage surface water, and contribute significantly to the health and wellbeing of our communities. The Council is committed to managing its tree population in a way that supports environmental sustainability, while helping to build strong, healthy and resilient neighbourhoods where people can live, work, and visit.



The Council inherited different approaches to the protection, maintenance, and enhancement of the tree resource from the former legacy councils. This resulted in a fragmented approach to tree management across Council services. This Tree Management Strategy, the first for Buckinghamshire Council as a unitary authority, sets out a long-term approach to the protection, maintenance, and enhancement of the tree resource under our stewardship across the county. The strategy establishes a clear framework for how trees will be inspected and managed, while ensuring that decisions are proportionate, evidence-led, and aligned with current arboricultural best practice, including recognised national guidance such as that produced by the National Tree Safety Group (NTSG).

The strategy recognises the value of trees and the need to balance their wide-ranging benefits with the practical responsibilities associated with public safety, infrastructure protection, land management, and financial sustainability. Through proactive and risk-based management, supported by planned investment, we aim to maintain a diverse and resilient tree population. By directing resources to where they deliver the greatest benefit and supporting informed decision-making, we seek to safeguard both public safety and the long-term value of our tree resource.

Through the implementation of this strategy, in conjunction with delivery of the Bucks Tree Mission, we reaffirm our commitment to protecting and enhancing our tree resource, ensuring it is managed in a way that is safe, sustainable, and resilient for current and future generations.

Cllr Adekunle Osibogun PhD

Cabinet Member for Environment, Climate Change and Waste

# 1. Summary

1.1 This Tree Management Strategy sets out Buckinghamshire Council's approach to the proactive inspection and care of trees on Council-owned land, while supporting biodiversity, climate resilience, and community wellbeing.

1.2 The Council's strategic approach prioritises public safety, accountability, and compliance with its legal duties. A structured programme of inspections and proportionate remedial work will streamline processes and ensure that tree-related risks are effectively managed. Adherence to arboricultural industry standards will guide operations, reducing costs by preventing unnecessary work, lowering the need for reactive responses, and minimising accident risks and insurance claims. This approach also supports long-term tree health and longevity.

1.3 The strategy also supports biodiversity by protecting habitats and contributing to a more resilient natural environment. Tree management practices will remain adaptable to changing environmental conditions, with decision making underpinned by consistency, transparency, and accountability. Ensuring compliance with all relevant legislation continues to be a core objective.

1.4 To deliver this, Buckinghamshire Council will identify all trees under its ownership or responsibility and implement a cyclical inspection programme tailored to factors such as location, age, species, and site usage.

1.5 A comprehensive tree record will be maintained using dedicated management software to support informed, timely interventions. Staff and contractors will receive appropriate training to ensure inspections and works are carried out competently and consistently. Clear policies will guide routine inspections, emergency responses, and necessary works, all in accordance with the principles of British Standard 'BS 3998:2010 Tree work. Recommendations'.

1.6 The Tree Management Strategy is a public-facing document that sets out the Council's approach to tree-related risk and core principles of management. This will be supported by an internal operational document that provides practical guidance on delivery. Together, these documents will ensure that risk-based interventions are transparent, consistent, evidence-led and legally defensible, while allowing flexibility to respond to specific operational pressures or emerging issues such as pest and disease outbreaks.

1.7 Separately, the Council has adopted a 'retain or relocate' approach for Council-owned land and Council-led projects, on a value for money basis, and where ecological and environmental considerations allow. This approach is relevant across multiple service areas, including Major Projects, infrastructure delivery, Parks and Green Spaces, Regeneration and Planning. While work is underway to ensure greater awareness within Planning, wider organisational co-ordination is still required.

## 2. Aims

### 2.1 Vision

To ensure a resilient, and well-managed tree population that enhances public spaces while minimising risk to people, property, and infrastructure.

### 2.2 Strategic statement

We will achieve this vision through a proactive, evidence-based approach to tree risk management. This includes regular inspections, consistent data collection, clear policies, and appropriate interventions, all aligned with national guidance and service priorities.

### 2.3 Aims

- 2.3.1 To safeguard public safety by identifying and mitigating tree-related risks.
- 2.3.2 To define and communicate clear roles and responsibilities for all teams and individuals involved in tree management.
- 2.3.3 To establish clear and consistent tree management practices across the Council for all teams with tree management responsibilities.
- 2.3.4 To manage tree management costs responsibly by focusing on activities that deliver the greatest safety, sustainability, and community benefit, while ensuring the Council's compliance with relevant legislation around tree risk.
- 2.3.5 To ensure consistent and transparent decision-making in tree risk management.
- 2.3.6 To integrate tree risk management into wider environmental, infrastructure and asset management practices.
- 2.3.7 To maintain a resilient and sustainable tree stock through informed interventions.

### 2.4 Objectives

- 2.4.1 Identify all land containing trees owned by the Council.
- 2.4.2 Conduct risk-based inspections of all council-managed trees that pose a foreseeable risk, on a rolling 1–3-year cycle, based on tree location, age, species, and site usage.
- 2.4.3 Compile and maintain a digital tree record, including condition and risk assessments for inspected trees, by 2029.
- 2.4.4 Ensure all tree inspectors hold a minimum qualification of Lantra Professional Tree Inspection or its equivalent. Other staff whose roles include tree management as part of their day-to-day duties should hold either Lantra Basic Tree Inspection or another appropriate level of tree-inspection training that reflects the responsibility of their role.

- 2.4.5 Develop and implement a zoning system to prioritise inspections and resources effectively.
- 2.4.6 Develop and implement procedures for responding to severe weather events, near-misses and incidents where harm has occurred due to tree failure.
- 2.4.7 Implement a system to facilitate the reporting of potential tree problems by employees and the public to supplement the principal tree risk management regime.
- 2.4.8 To reduce long-term costs and liabilities by prioritising maintenance operations, reducing costly reactive works, minimising legal and insurance liabilities, and efficient resource allocation.
- 2.4.9 To ensure that all plans for large-scale tree planting on council-owned land include long-term provisions for risk assessment and ongoing management, safeguarding tree health, public safety, and cost efficiency.

## 3. Introduction

Trees are one of our most valuable natural assets. They provide a wide range of environmental, social, and economic benefits that contribute significantly to the quality of life, public wellbeing, and climate resilience of urban and rural areas. Trees help make our surroundings cooler during hot weather and can reduce heating and cooling costs in buildings. Trees absorb rainwater, which helps alleviate flooding, and they provide vital habitats for wildlife. Urban trees, particularly those along highways, also serve practical purposes, such as being incorporated into traffic-calming schemes

Some of the most significant benefits of trees include:

### 3.1 Environmental benefits

- Trees planted in Buckinghamshire are forecast to sequester over 2,498 tonnes of carbon over 100 years, equivalent to the annual emissions of 543 cars or the energy use of 384 homes (Buckinghamshire Council, 2024).
- Woodlands near busy roads help reduce air pollution and noise, improving the living conditions for nearby communities.
- Trees play a vital role in climate resilience by mitigating urban heat, improving air quality, managing stormwater, and supporting biodiversity

### 3.2 Biodiversity and wildlife support

- In urban areas across Buckinghamshire, trees help create essential biodiversity and wildlife corridors by linking fragmented habitats.
- Recent planting at Lower Munt's Wood incorporates grassland glades and future woodland paths, with tree species selected to reflect the semi ancient woodland of neighbouring Munt's Wood. Nearby, more than 5,000 trees have been planted at Roddimore, including nationally rare native black poplar and blackthorn, which is an important species that supports butterfly conservation.
- Buckinghamshire Council has granted planning permission for the creation of Kingsbrook Meadows, a 250-acre nature reserve east of Aylesbury. Over 168 acres of this site are designated as Suitable Alternative Natural Greenspace (SANG) designed to divert recreational pressure away from the Chiltern Beechwoods SAC (Buckinghamshire Council, 2024). Kingsbrook Meadows will open in three phases from spring 2026 to fully opening by 2028.

### 3.3 Health and wellbeing

- Access to good quality green space and woodlands supports the mental wellbeing of our communities.
- Trees filter pollutants, provide shade, and release organic compounds that boost immunity and overall health.

### 3.4 Community and cultural value

- The work of our volunteers and the council's collaboration with other outside organisations helps foster a sense of community and environmental stewardship.
- Planting heritage fruit trees in areas like Huntsmoor Park Wood celebrates Buckinghamshire's orchard history, including villages like Seer Green, known as "Cherry Pie Village", due to popularity in spring for those wanting to see the cherry blossoms.
- The numerous ancient and veteran trees in Buckinghamshire are living links to both local and national history and culture, serving as historic landmarks that reflect centuries of landscape management and heritage.

3.5 The benefits of trees far outweigh the negatives, but trees can pose risks as they grow, age and decline. As such, it is essential for Buckinghamshire Council to adopt a comprehensive tree management strategy that ensures the sustainable and proportionate management of the tree population within its ownership.

3.6 A tree management strategy is a tool for stewardship and a commitment to local communities both now and in the future. It ensures that trees continue to thrive and deliver their full range of benefits, from carbon sequestration and flood mitigation to shade provision and aesthetic value.

3.7 This strategy serves as a formal framework that aligns tree management policies and practices with Buckinghamshire Council's aspirations around climate action, biodiversity conservation, and community wellbeing. It will enable the Council to make informed decisions about tree management and proportionate intervention.

### 3.8 How the strategy works

The Tree Management Strategy is divided into two parts:

**Part one – Tree management policies** – Part one (this document) sets out how the Council sustainably and responsibly manages its own tree stock. It also provides guidance on how the council might inform the public on tree-related matters and on their rights and responsibilities. Guidance is appended.

**Part two – Action plan** - Part two sets out actions, financial implications, timescales and responsibilities regarding implementation of the Council's tree policy.

This document is Part One of the Tree Management Strategy.

## 4. How trees are currently managed across the Council area

4.1 The Council has an arboricultural team comprising qualified arboriculturists with the knowledge and experience to advise on tree-related matters. The team has a multidisciplinary skill set with some officers able to perform both regulatory and operational roles.

4.2 The arboricultural team currently manages trees growing in several Council-owned parks and open spaces on behalf of the Parks and Green Spaces team. Proactive inspections are carried out every 1-5 years by external contractors in accordance with a cyclical programme of inspections and maintenance. Ad hoc inspections are carried out by some members of the arboricultural team.

4.3 The arboricultural team also provides advice to the Development Management Team where trees may be impacted by development. The arboricultural officers also perform statutory duties relating to Tree Preservation Orders and trees growing in conservation areas.

### 4.4 Country parks

4.4.1 The Council's dedicated Country Parks team oversee the inspection and management of trees growing in Black Park, Langley Park, Denham Country Park and Thorney Park. Large-scale proactive inspections and operational activities are carried out by external contractors, supplemented by the Country Parks ranger team under the instruction of the Lead Ranger. Programmed works are undertaken in line with a 10-year Woodland Management Plan and associated felling licence from the Forestry Commission.

### 4.5 Highways

4.5.1 Buckinghamshire Council manages an estimated 28,000 trees growing in pavements and within highway verges across the county. These trees are inspected and managed by external contractors, overseen by the Highways Team. Proactive inspections are currently carried out every 3 years by external contractors in accordance with a region-based cycle of surveys and maintenance. Ad hoc inspections are carried out by the Local Area Technicians, supported by external contractors.

### 4.6 Schools

4.6.1 Council-managed schools are currently required to integrate trees and woodlands into their general health and safety risk management by recording them in risk registers, appointing a responsible employee, and ensuring basic tree safety training with an interval between inspections not exceeding one year. As part of tree risk management, schools must ensure that emergency procedures and contact details for approved contractors are readily available.

### 4.7 Common land

4.7.1 Common land refers to land that is privately owned but can be subject to legally protected rights of use by other individuals, known as *commoners*. These rights, called *rights of common*, may include activities such as grazing livestock or collecting firewood.

4.7.3 The Council does not own or manage all common land in its administrative area. However, it is responsible for public rights of way and their enforcement under access legislation, and for maintaining the

Definitive Map and Statement, which provide the legal record of public rights of way and support public access.

4.7.4 The Council's duty of care in managing trees on common land in its ownership, falls under its obligations relating to the various Occupiers' Liability Acts.

4.7.5 Trees growing on Council-owned commons are managed in several ways. Some are managed by outside organisations, such as Marlow Common, which is managed by the Chiltern Society. On other Council-owned commons, responsibility for tree management rests directly with the Council.

## 4.8 Other Council-owned Land

4.8.1 Many of the Council's woodlands, such as Keep Hill Wood and Kingswood, are managed for conservation by outside organisations such as Chiltern Rangers. These organisations currently operate under their own management plans in accordance with their agreement with the Council.

4.8.2 Other services within the council with trees growing on council-owned land include:

- Cemeteries and Crematoria
- Car Parks
- Mobile Home Parks
- Agricultural Estates
- Commercial Sites
- Vacant land/plots

## 4.9 Tree Planting

4.9.1 Several service areas contribute to tree planting, including Highways, Parks and Green Spaces, Country Parks, and the Bucks Tree Mission, with some planting also carried out under highway cultivation licences or in partnership with external organisations. All trees planted on council-managed land create future inspection and maintenance responsibilities, which may need to be resourced by the Service Area responsible for that land. Therefore, all planting schemes must include long-term management considerations, including ongoing maintenance costs and resourcing needs, as part of their planning and approval.

**Policy statement TM1: To meet its legal duties, Buckinghamshire Council will review tree management across all service areas and, where necessary, include appropriate sites in a programme of proactive inspection and management. All Council tree planting schemes will incorporate long term management considerations, including ongoing maintenance costs and resourcing requirements, as an integral part of scheme planning and approval.**

## 5. Tree risk management

5.1 This section describes the general principles and actions towards establishing a consistent standard of managing the risk from Council-owned trees.

5.2 While trees provide significant benefits, they can also pose risks if not properly managed. Things like structural weaknesses, disease, or storm damage can lead to falling branches or entire tree failures, which may cause injury or property damage.

5.3 The following policies explain how Buckinghamshire Council will manage the risks from its trees, and in doing so:

- Keep people and property as safe as possible.
- Protect and enhance the many benefits trees provide.
- Do this in a sustainable and proportionate way.

### 5.4 Why a written policy is important

5.4.1 As tree management increases in scale, from private gardens to large estates or public spaces, informal care becomes insufficient. A written policy helps by:

- Informing stakeholders about the benefits of managed trees.
- Ensuring consistency across the organisation.
- Maintaining continuity despite staff changes.
- Avoiding omissions or duplication in work.
- Clarifying accountability for actions and outcomes.
- Monitoring performance to improve safety and effectiveness.
- Providing legal protection by showing proactive care and responsibility.

### 5.5 Risk policy limitations

5.5.1 The policy statements in this section focus only on the risk of harm caused by trees falling or dropping branches.

5.5.2 They do not cover:

- Business disruption (e.g., blocking signs or access)
- Inconvenience (e.g., shade or leaf litter)
- Nuisance or structural damage from roots

5.5.3 These issues form part of the broader tree management framework but are not included in the risk policies. These issues are discussed in the general management section.

**Policy statement TM2: There are multiple, wide-ranging benefits to managing tree risk through a written policy. Buckinghamshire Council will manage tree risk through a written policy that provides a clear framework for balancing the benefits of trees with the need to reduce risk of harm in a proportionate way.**

## Legal and civil context

### 5.6 Occupiers Liability Act 1957 and 1984

5.6.1 The Occupiers' Liability Acts set out a clear principle: landowners, including those responsible for trees, must take reasonable care to protect people who may be affected by the condition of their land. The Court of Appeal has confirmed that liability arises where a defect in land or property is such that a reasonable person would foresee it causing harm of the type that actually occurred (*Mynors, Nicholls and Hall, 2022*).

5.6.2 In broad terms, the standard of duty of care for managing tree risk is to take reasonable steps to avoid acts or omissions that create a foreseeable risk of harm to people, whether employees, occupiers, visitors, or neighbours, or to property.

5.6.3 As a responsible landowner, Buckinghamshire Council is committed to meeting these legal duties. We manage our land and trees with care, carrying out regular inspections and maintenance to reduce risks while preserving the environmental and community benefits of our green spaces.

5.6.4 Contractors share this duty of care when working on Council-owned trees, and they must take reasonable steps to ensure that anyone who might be affected by their activities is kept safe, while following the Council's tree risk policies and inspection protocols.

### 5.7 Highways Act 1980

5.7.1 As a highway authority, the Council has a legal duty under sections 96 and 130 of the Highways Act 1980, to take reasonable care to ensure that trees do not become either an obstruction or danger to those making reasonable use of the highway. Under section 150 of the Highways Act 1980, once a tree or branch has fallen onto the highway so as to constitute an obstruction, the Council must remove it (*Mynors, Nicholls and Hall, 2022*). These duties may extend to trees located on land not managed by the Council. For example, intervention may be required if a privately owned tree sheds a branch onto the public highway, creating a safety hazard or obstruction.

5.7.2 Section 41 of the Highways Act 1980 imposes a legal duty on highway authorities to maintain publicly maintainable highways, ensuring they remain safe and passable. While the section does not explicitly mention trees, it covers any maintenance necessary to keep the highway safe, which may include managing overhanging branches, fallen trees, or vegetation encroaching onto the carriageway (*Mynors, Nicholls and Hall, 2022*).

5.7.3 While there is no obligation for the Council to act, Section 154 of the Highways Act 1980 grants highway authorities a discretionary power to serve notices on landowners or occupiers requiring them to cut back trees, hedges, or shrubs that overhang or obstruct the highway (see section *Risks posed by privately-owned trees*).

## 5.8 Criminal prosecutions, civil court judgments, and coroners' inquests

### 5.8.1

The Health and Safety at Work Act 1974 is the key piece of legislation that ensures workplaces are kept safe, and the Health and Safety Executive (HSE) is responsible for enforcing it. Since 2002, there have been several successful legal cases involving accidents caused by tree failures, including five cases against local councils. This shows that the HSE is taking a tougher approach to enforcement. This has further highlighted importance for organisations to have robust systems in place for managing tree risk, both to reduce the risk of legal liability and to reassure the public that safety is taken seriously.

In 2013, the HSE published guidance called 'SIM 01/2007/05: Management of the Risk from Falling Trees or Branches.' This guidance explains the basics of good tree management, such as the difference between quick visual checks and more detailed inspections, the importance of focusing attention on areas where people are most likely to be present and making sure that inspectors have the right training and qualifications.

### 5.8.2

Since 2004, there have been sixteen civil court cases involving tree failures, including two that reached the Court of Appeal. These cases help show how judges think about issues of responsibility and risk. However, they don't cover every possible situation. This means that tree owners still need to use sound judgement and make informed, balanced decisions to meet their legal duty of care.

### 5.8.3

Coroner's inquests are held to understand what happened in fatal incidents, not to assign blame. However, when coroners spot risks that could lead to future deaths, they must issue a Prevention of Future Deaths (PFD) report. These reports often contain important advice for improving safety, and they are usually made public. Research shows that most serious tree-related incidents happen near roads. Recent PFD reports from 2014 and 2019 have led to improvements in how councils inspect roadside trees, including better guidance, more training, and clearer communication within organisations.

Overall, the evidence shows how important it is for tree owners and managers to have strong, well documented tree risk management systems in place to help prevent future tragedies.

**Policy statement TM3: Buckinghamshire Council will meet its legal responsibilities by proactively managing its trees and associated risks for the benefit of its visitors, employees, the local community, and the wider population.**

## 5.9 Responsibility for tree management

5.9.1 By taking a coordinated approach, the Council will look to reduce costs, ensure timely inspections, and make well-informed decisions about tree safety and maintenance. Establishing clear roles with integrated oversight will help manage tree risks effectively, focus resources, and strengthen public confidence.

5.9.2 The National Tree Safety Group (NTSG) publication *Common Sense Risk Management of Trees* provides a trusted and well-established framework for duty-holders to manage tree risks responsibly, helping to

prevent both under-management and excessive intervention, while maintaining the ecological and social benefits of trees. It also includes practical scenarios illustrating how various tree management models can be implemented.

## 5.10 Tree inspections

5.10.1 Good tree risk management practice is not set out in any one text, but the Council will be guided in its approach to achieving the right balance between public safety and amenity by the broad principles described in ISO 31000 (*Risk management – Guidelines*) and the National Tree Safety Group (NTSG) guidance (2024) "Common sense risk management of trees" and its five principles for tree risk management:

- Trees provide a wide variety of benefits to society, including environmental, social, economic, and health benefits.
- Trees are living organisms that naturally lose branches or fall. Tree failure is a natural process and cannot be entirely prevented.
- The overall risk to human safety is extremely low. Serious injuries or fatalities from trees are rare.
- Tree owners have a common law duty of care. They must take reasonable steps to manage risks from trees on their land.
- Tree owners should take a balanced and proportionate approach to tree safety management. Risk management should reflect the low likelihood of harm and the high value of trees.

**Policy statement TM4: Proactive tree risk management provides community benefits, demonstrates responsible governance, and supports organisational values. Buckinghamshire Council will refer to the National Tree Safety Group's guidance *Common Sense Risk Management of Trees* (2024 or as amended) when reviewing its tree management approach and will apply the principles of ISO 31000 and NTSG guidance to ensure a balanced approach between public safety and amenity. This will deliver a consistent, proportionate, and risk-based system, led by qualified arboricultural professionals and aligned with industry standards.**

## 5.11 Which trees will be checked

5.11.1 The Council has a legal duty of care to take reasonable measures to prevent foreseeable harm to people or property in public areas and roads. The required standard of care will vary according to the level of occupancy, meaning the presence and proximity of people or property near trees.

5.11.2 A proportionate approach to tree risk management involves dividing land into zones based on how frequently people access the area. For example:

- **Zone 1 – High occupancy areas** These include locations with regular public access, such as parks, schools, playgrounds, footpaths, car parks, and roads. They also include trees within falling distance of properties. Trees in these areas should be subject to routine, proactive inspections due to the higher likelihood of interaction with people or property.

- **Zone 2 – Low occupancy areas** These are areas with minimal or no public access, such as remote woodlands, steep banks, or dense undergrowth. In such locations, formal inspections are generally not required.

**Policy statement TM5: Buckinghamshire Council will identify all trees under its ownership and include those posing a reasonably foreseeable risk of harm, due to proximity to vulnerable structures or areas with regular public access, in a formal management programme.**

## 5.12 Tree inspection frequency

5.12.1 Determining how often trees should be inspected is a key part of effective tree risk management. The frequency must strike a balance between safety and resource efficiency. Over-inspection can lead to unnecessary costs, while under-inspection may miss deteriorating conditions and increased risk of harm/liability. There is currently no definitive guidance on how often trees should be checked. Instead, duty holders must assess each site individually, considering the level of public access, the species and age of trees, known risks or defects and environmental conditions. This site-specific approach ensures inspections are proportionate and targeted.

## 5.13 Inspection frequency

5.13.1 Buckinghamshire Council will adopt default inspection cycle of approximately every three years for all Council-owned trees assessed as posing a reasonably foreseeable risk of harm. This frequency aligns with NTSG guidance and current arboricultural best practice. Where appropriate, inspections may alternate between summer and winter seasons to observe both health and structural indicators.

## 5.14 Legal precedent

5.14.1 The Court of Appeal judgment in WPC v Cavanagh (2012) established that trees in high-risk locations may require inspection every 18 months to two years. While this precedent remains relevant, a three-year cycle is considered appropriate and defensible for the wider tree population, provided that higher-risk trees are identified and checked more frequently (Barrell, 2025).

## 5.15 Zoning and occupancy

5.15.1 The default tree inspection frequency will be guided by zoning based on occupancy levels. For example :

- **Zone 1 – High Occupancy Zones:** Areas with constant or heavy daily public presence
- **Zone 2 – Medium Occupancy Zones:** Areas with regular but moderate or intermittent use
- **Zone 3 – Low Occupancy Zones:** Areas with infrequent or minimal access

5.15.2 Trees identified as having elevated risk factors, those with structural defects, proximity to public infrastructure, or known susceptibility to disease, will be subject to more frequent inspections as deemed necessary by a suitably qualified tree inspector.

## 5.16 Highway tree monitoring

5.16.1 In addition to routine inspections, highway trees will receive additional drive-by checks in line with the network hierarchy principles outlined in the 2016 guidance 'Well Managed Highway Infrastructure (WMHI)'. This will be conducted by trained highway inspectors as part of their regular duties. These checks aim to identify obvious and urgent hazards, supplementing the formal inspection regime.

## 5.17 Reactive checks

5.17.1 In addition to routine inspections, reactive checks will be carried out whenever trees may have been subjected to potentially damaging conditions, such as severe weather, vehicle impacts, nearby utility works, or other extreme environmental events. Routine inspections should be supplemented by these reactive assessments whenever circumstances arise that could compromise tree stability or health.

5.17.2 Given the large number of trees on Council-owned land, it is not feasible to inspect every tree immediately after such events. Instead, the Council will encourage staff and contractors to report any visible damage encountered during their normal duties, promote public reporting of tree-related concerns, and prioritise inspection efforts in high-use areas or locations where damage is suspected.

## 5.18 Ash Dieback and Other Diseases

5.18.1 Ash trees affected by ash dieback will follow the default three-year inspection cycle. Severely infected trees may require more frequent checks. Other diseases such as Acute Oak Decline, Massaria disease, and sweet chestnut blight will be considered when determining inspection frequency. Inspection regimes will remain flexible to reflect evolving guidance and local disease progression.

## 5.19 Ancient and Veteran trees

5.19.1 Ancient and veteran trees are irreplaceable habitats that offer unique ecological value through features such as cavities, deadwood, and areas of decay. Over time, many of these trees adapt by developing thicker stems, retrenching their crowns, or exhibiting other characteristics that enhance their stability and resilience. While individual branches or sections may occasionally fail, these adaptive features often reduce the likelihood of complete tree failure. Where localised risks do occur, they can usually be managed simply and effectively, for example by redirecting or limiting access beneath canopies. Regular, proportionate monitoring helps ensure changes in condition are identified early, supporting both public safety and the long-term conservation of these important trees without unnecessary intervention.

**Policy statement TM6: Buckinghamshire Council will inspect all trees under its ownership that pose a reasonably foreseeable risk of harm on a three-year cycle, with flexibility to adjust based on site usage, seasonal conditions and specific tree health concerns. In addition to routine checks, highway trees will receive additional drive-by inspections by trained personnel. Informal reporting of tree hazards by staff and the public will be actively encouraged, particularly following severe weather or other events that may impact tree safety. The Council will also maintain records of ancient and veteran trees that pose a foreseeable risk and set tailored reinspection intervals to reflect their unique characteristics and ensure public safety.**

## 5.20 How we will inspect trees

5.20.1 Tree inspectors are expected to use professional judgement to determine how closely each tree should be assessed. For consistency, tree inspectors will use a method called Visual Tree Assessment (VTA). This is a structured, evidence-based method used by arboriculturists to evaluate tree health and structural integrity through visual indicators. It is widely recognised in arboriculture as a consistent and non-invasive approach to identifying potential tree hazards. VTA is based on the principle that trees often show external signs of internal defects. These signs can include cracks, cavities, fungal growth, deadwood, or abnormal growth patterns.

5.20.2 Basic inspections will serve as the standard level of assessment for most Council-owned trees. While not detailed, they are designed to identify significant defects and inform appropriate management actions.

5.20.3 In certain cases, trees with positive amenity value may also present potentially serious defects. Where such trees are in high-use areas or pose a significant risk, a detailed or advanced inspection will be undertaken. This allows for a more thorough assessment of the defect and risk, supporting informed and specific management recommendations.

5.20.4 Walkover or drive-by inspections will be employed in specific circumstances, such as following storm events, during resource constraints, in preparation for events, or as part of a layered approach alongside more detailed inspections. They may also be used to supplement the routine inspection of highway trees.

Details of how we will inspect trees are in Appendix 3.

## 5.21 Competency of inspectors

5.21.1 The role of a tree inspector is to provide informed advice on tree condition and risk. This requires the ability to identify both obvious and subtle hazards, and to recommend appropriate management actions.

5.21.2 The routine three-yearly inspections will be carried out by specialists in arboriculture with formal training and practical experience in tree risk assessment. They will be trained to the Lantra Professional Tree Inspection standard or equivalent.

5.21.3 Staff who work in other service areas outside arboriculture, but who have duties relating to trees as part of their day-to-day role (e.g. parks and green spaces officers, facilities managers) are not expected to have detailed tree knowledge but must be trained to recognise obvious tree hazards. Staff are expected to refer concerns to arboricultural specialists when more technical assessment is needed.

5.21.4 Highways inspectors carrying out supplementary driven tree checks and checking after storms will require an intermediate level of training such as the Lantra Highway Tree Inspection standard.

5.21.5 All qualified staff are required to attend regular refresher training.

**Policy statement TM7: Routine three yearly tree inspections will be carried out by qualified arboricultural inspectors trained to the Lantra Professional Tree Inspection standard or equivalent. Highway trees will receive additional drive by checks and post storm inspections by staff trained to an intermediate or advanced level appropriate for mobile tree risk assessment. Other staff responsible for observing trees during their normal duties, or after storms, will be trained to the Lantra Basic Tree Inspection standard or equivalent. All trained personnel will attend regular refresher courses to maintain competence.**

## 5.22 Escalation procedures

5.22.1 To ensure effective tree risk management, the Council will implement a clear and consistent process for escalating tree-related concerns across all staff levels. This approach will promote collaboration and support timely, informed decision-making.

5.22.2 Staff trained to Lantra Basic Tree Inspection level play a vital role in routine visual assessments and reporting observed defects or concerns. When non-urgent issues are identified, these observations will be documented and referred to a Professional Tree Inspector (PTI) for further evaluation and appropriate action.

5.22.3 In urgent or high-risk situations, such as when a tree poses an immediate threat to public safety or infrastructure, Lantra Basic-trained staff must promptly notify a PTI or the designated Tree Risk Management Lead. Where safe and practical, interim safety measures (e.g., cordoning off the area) should be implemented to protect people and property until further action is taken.

5.22.4 This structured process ensures that all concerns are addressed and prioritised efficiently, with the right level of expertise applied at the right time.

**Policy statement TM8: Buckinghamshire Council will review and formalise its escalation procedures to create a clear, tiered system for tree risk identification and management. This will ensure all staff understand their roles and responsibilities and that escalation pathways are consistently applied.**

## 5.23 Managing Informal Tree Safety Observations

5.23.1 Informal observations refer to reports of potential tree safety concerns made by employees or members of the public during their day-to-day activities. While these observations are not a substitute for formal inspections, they are a valuable supplement to the Council's tree risk management programme.

5.23.2 To ensure informal reports are effective, Buckinghamshire Council will establish a clear and accessible process for submitting concerns for both staff and the public, raising awareness through internal communications and external platforms, ensuring that all informal reports are reviewed and, where appropriate, incorporated into the inspection schedule.

**Policy statement TM9: Buckinghamshire Council will develop and implement a protocol to support the reporting of potential tree safety concerns by employees and the public, as a supplement to the formal tree risk management regime.**

## 5.24 Tree risk management record keeping

5.24.1 Accurate and accessible record keeping is essential for demonstrating responsible tree management and defending against potential claims. A well-maintained system will allow the Council to retrieve the history of tree inspections and management actions, provide clear evidence of compliance and due diligence,

and reduce the likelihood of issues escalating in response to complaints or incidents. Typical records will include tree data and inspection history, details of any works carried out or recommended, and any relevant correspondence or site-specific notes.

**Policy statement TM10: Buckinghamshire Council will establish and maintain an efficient system for the collection, storage, and retrieval of tree risk management data to support operational transparency and legal compliance.**

## 5.25 Managing Access Near Trees in Bad Weather

5.25.1 During severe weather, the risk of tree failures increases. Strong winds, heavy snow, or long dry spells can cause branches to break or trees to fall. These risks are well documented and should be considered as part of any tree-risk management plan, even if it decided that there is no appropriate proportionate action needed.

## 5.26 What the HSE Says

5.26.1 The Health and Safety Executive (HSE) advises that tree management procedures should include:

- Clear procedures for keeping the public safe during high winds.
- Restricting access to parks, gardens, or footpaths where practical.

5.26.2 It is not practical to close every public space during bad weather, especially over a large area. However, the risk tree failure is higher in bad weather, and people should be cautious about going near trees during those times.

5.26.3 Many organisations already operate established severe weather policies. For example, the National Trust communicates weather-related closures through its website and social media, while the Forestry Commission uses social media to advise the public against visiting forests during periods of high winds. Responses will vary depending on the characteristics and risks of each site, with some locations issuing online warnings, others installing temporary signage at entrances, and some closing areas entirely when conditions require it.

**Policy statement TM11: Buckinghamshire Council will develop and implement local protocols to manage the risk of falling trees and branches during severe weather. These measures will be proportionate and tailored to the specific conditions of each location.**

## 5.27 Emergencies

5.27.1 The Council has emergency procedures for dealing with dangerous highways trees. During office hours urgent reports are directed to the Highways Team, who assess and prioritise work and instruct an approved contractor where appropriate. Out of hours calls go through to a Duty Officer and will be passed direct to the Council's emergency contractor if necessary.

5.27.2 For trees on other Council-owned land, urgent reports are directed to the relevant team during office hours. Out of hours calls go through to a Duty Officer and will be passed to the relevant team to be picked up the next working day, or to the Duty Corporate Director if deemed to be an emergency and they will instruct a contractor as required.

**Policy statement TM12: Buckinghamshire Council will review its emergency procedures for dealing with dangerous trees both during office hours and out of hours.**

## 5.28 Managing Near-Misses

5.28.1 A near miss is an event that could have caused harm but didn't. It's not an accident, but it might have been if things had gone slightly differently. Near misses are important because they can show that something went wrong, that there might be a problem, and that there's a chance to improve how things are done.

5.28.2 The Health and Safety Executive (HSE) pay close attention to past incidents when deciding how to respond to safety issues. Their guidance says that previous incidents and advice given to organisations are especially important. To avoid criticism from the HSE, organisations should:

- Recognise when near misses happen.
- Investigate them properly.
- Look for ways to reduce risks.
- Make changes to procedures when needed.

## 5.29 Learning from Near Misses

5.29.1 Near-misses help us spot limitations in how things are managed. By analysing them carefully, we can make improvements. The HSE expects organisations to learn from these events, and that means having a formal process to:

- Identify near misses.
- Assess what caused them.
- Record what was found.
- Share the findings.
- Act on any recommendations.

## 5.30 What This Means for Tree Management

5.30.1 Not every small branch that falls needs to be recorded; trees naturally shed small branches. But if a large branch falls and could have hurt someone (for example, if it landed on a path), it should be recorded and investigated. Even if the investigation finds no clear cause, that information still helps us build a better understanding for future tree management

**Policy statement TM13: Buckinghamshire Council will develop and implement a near-miss protocol to identify serious tree failures that didn't cause harm, investigating their causes, recording and sharing the findings within the organisation and putting any recommendations into action.**

### **5.31 Procedure for Tree Failures That Cause Harm**

5.31.1 When a tree failure results in injury, Buckinghamshire Council must follow a standardised safety protocol including record-keeping, retention of material on site, notification, and further safety investigations (Appendix 4). This process is essential to support accurate incident analysis and prevent future occurrences by identifying underlying causes and implementing corrective measures.

**Policy statement TM14: Buckinghamshire Council will develop and implement a formal protocol for the systematic management of tree failure incidents that cause harm, including investigation, record-keeping, and safety checks.**

### **5.32 Tree risk management during filming and at events**

5.32.1 Many commercial events and film productions happen in the Council's parks and open spaces throughout the year. At the request of the event organiser, the Council will do a quick visual check of the site before the event to look for obvious tree-related hazards.

5.32.2 Event organisers are responsible for arranging their own specific tree risk assessments if required, as they are best placed to understand the usage of the site specific to their needs and expected attendance numbers. This must be carried out prior to the event and must be carried out by a suitably qualified tree specialist (arboriculturist), who must be approved in writing by the Council.

5.32.3 If any tree work is identified based on these assessments, it must also be agreed with and arranged by the Council. If the event requires extra work that the Council wouldn't normally do for everyday use of the space, the organiser will need to cover those costs.

5.32.4 Where events require vehicles or temporary structures to be placed close to trees, organisers are expected to arrange and pay for appropriate protection measures to be in place prior to the event. Protection measures should be in accordance with current BS5837 guidance and be agreed by the Council. If additional work is required because of harm arising from the event, the organiser will need to cover those costs.

**Policy statement TM15: Buckinghamshire Council requires organisers of commercial events and film productions to undertake their own tree risk assessment before the event. Any additional works beyond normal use of the space will be charged to the organisers. Event organisers are also responsible for ensuring trees are adequately protected from activities that could harm their health.**

### 5.33 Work Priorities

5.35.1 Buckinghamshire Council will prioritise tree work based on structures framework based on the severity of defects, target exposure, and potential impact. For example :

- Immediate Response: For trees presenting imminent danger, requiring urgent intervention (e.g. within 24 hours).
- Scheduled Intervention: For moderate risks where defects are significant but not immediately hazardous, with work programmed within weeks or months.
- Deferred Action: For low-risk issues where monitoring is sufficient and work is scheduled as resources allow.

**Policy statement TM16: Tree work will be prioritised using a structured framework, which will be reviewed following significant changes in legislation, operational capacity, or tree risk profile.**

### 5.34 Tree risk management on land leased by Buckinghamshire Council

5.34.1 Under the Occupiers' Liability Acts 1957 and 1984, the occupier must take reasonable care to protect the safety of visitors and others protect from dangers, including those posed by trees on the premises.

5.34.2 All external organisations operating on council-owned land under lease agreements are required to manage tree-related risks in accordance with the council's tree risk management policies. This applies to both new and existing leases, regardless of whether such requirements are explicitly stated in the original agreement. While leaseholders may have their own methodologies, alignment with council standards is essential to ensure consistency, public safety, and legal compliance.

**Policy statement TM17: Buckinghamshire Council retains an overarching duty of care and will require that all tree inspections and maintenance activities on leased land meet or exceed its established protocols. Where necessary, lease terms will be reviewed and updated to clarify responsibilities and ensure consistent risk management across all sites.**

## 6. Risks posed by privately-owned trees

### 6.1 Privately-Owned Trees Affecting Highways and Public Rights of Way

6.1.1 Buckinghamshire Council has discretion under **Section 154 of the Highways Act 1980** to serve a notice on the occupier of the land requiring that trees, hedges, and other vegetation on the land overhanging the highway do not obstruct or endanger:

- **Public highways** (roads, pavements)
- **Public rights of way** (footpaths, bridleways, byways)

6.1.2 If vegetation from private land overhangs or interferes with visibility, lighting, safe passage, or access, the Council may serve notice requiring the landowner to carry out remedial work. If the landowner does not comply, the Council may undertake the work and recover the costs.

6.1.3 This duty is separate from the Council's discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976, which may be used in emergency situations involving dangerous trees on private land not directly affecting a highway, including public rights of way.

6.1.4 Members of the public who wish to report vegetation affecting a public right of way should:

1. **Identify the location** using Fix My Street and describe how it impacts safety or access (e.g. blocking visibility, interfering with lighting, obstructing passage).
2. **Provide photographs** if possible to support the report.
3. **Submit the report** online, or in emergencies contact via:  
<https://www.buckinghamshire.gov.uk/your-council/contact-us/emergency-contacts/>
4. The report will be assessed by the appropriate team. If vegetation poses a risk or obstruction, the Council will take action in line with its legal duties.

**Policy statement TM18: If vegetation overhangs or interferes with visibility, street lighting, safe passage, or access for vehicles and pedestrians, the council may serve a formal notice requiring the landowner to carry out remedial work. The notice will specify the nature of the obstruction and the timeframe for compliance. Where a landowner fails to comply with the notice, the Council is authorised to undertake the necessary work to remove the obstruction. All reasonable costs incurred in carrying out this work will be recovered from the landowner.**

### 6.2 Dangerous third-party trees (not affecting a public highway or public right of way)

6.2.1 The Council does not have a statutory duty to assess or manage privately-owned trees. However, under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976, the Council may use discretionary powers to intervene in emergency situations where a tree poses an immediate danger to persons or property.. This applies both to situations where a privately owned tree poses an imminent danger to another private property or to Council-owned land.

**Policy statement TM19: Buckinghamshire Council will review its processes for handling complaints made under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976. The review will identify the appropriate procedures required to ensure timely, fair, and effective responses, particularly where statutory powers, such as powers of entry, may be required.**

## 6.3 Boundary trees

6.3.1 The ownership of a tree is determined by the position of its trunk at ground level. If the trunk lies entirely within one property, that landowner owns the tree. Where the trunk is bisected by the boundary line between two properties, the tree is considered a boundary tree and is jointly owned by both landowners. In such cases, rights and responsibilities apply equally to both parties, and any action affecting the tree requires mutual consent. However, mutual consent is not required when actions fall within the Council's statutory powers under an Act of Parliament.

## 6.4 Joint Ownership and Council Responsibilities

6.4.1 Where a tree is situated on a boundary and jointly owned by Buckinghamshire Council and an adjacent landowner, the Council recognises its shared responsibility for the tree's maintenance, safety, and compliance with relevant legislation. This includes ensuring that the tree is inspected at appropriate intervals and that any identified risks are managed in accordance with best practice and statutory requirements.

## 6.5 Works Affecting Boundary Trees

6.5.1 Where a boundary tree is jointly owned by Buckinghamshire Council and an adjacent landowner, and proposed works are necessary to address safety concerns or statutory obligations, the Council may carry out essential works without the landowner's consent. This includes works required to prevent obstruction or danger to the public. However, where works are not essential for safety or legal compliance, the Council will seek agreement from the co-owner before proceeding. All works will be undertaken in accordance with relevant legislation and best practice, with clear communication maintained throughout.

**Policy Statement TM20: Buckinghamshire Council will ensure that boundary trees, where the council has joint ownership, are regularly inspected and do not pose an unacceptable level of risk to public safety or property. Any necessary works will be carried out in accordance with relevant legislation, including Tree Preservation Orders and conservation area regulations. Disputes or concerns regarding boundary trees will be addressed through clear communication to promote responsible land management.**

## 6.6 Riparian Duties

6.6.1 Responsibility for riparian trees lies with the riparian landowner. This is the individual who owns the land through which, or alongside which, a watercourse flows. Unless the property deeds state otherwise, there is a presumption that ownership of the land—including the riverbed and any trees—extends to the centre line of the watercourse where it forms a boundary between two properties.

6.6.2 Owners must allow water to flow naturally, remove obstructions that increase flood risk, and avoid pollution. This includes managing fallen trees or large limbs that obstruct flow.

6.6.3 Where a tree (or debris from a tree) obstructs an ordinary watercourse, the Council, acting as the Lead Local Flood Authority (LLFA), may require the riparian owner to undertake remedial works, or take proportionate action, especially if properties or infrastructure are at risk.

**Policy Statement TM21: Buckinghamshire Council will ensure that its statutory and discretionary powers are exercised appropriately to manage risks associated with riparian trees, particularly where public safety or property may be affected. Where works are undertaken under the powers set out in the Flood and Water Management Act 2010, the Council will seek to recover costs from responsible landowners, such as those who have failed to carry out required maintenance.**

## 6.7 Disputes between private landowners

6.7.1 Councils do not have the authority to intervene in civil disputes between private landowners over trees, such as disagreements about overhanging branches, encroaching roots, or nuisance caused by shading or leaf fall. These matters are considered civil issues and should be resolved directly between the parties involved.. If resolution cannot be reached, individuals should seek their own independent legal advice .

6.7.2 There are a limited number of exceptions where councils may intervene in tree-related disputes between private landowners:

- **High Hedges:** Councils can act under the Anti-social Behaviour Act 2003 if a high hedge (two or more evergreen/semi-evergreen trees over 2m tall) significantly affects a neighbour's enjoyment of their property, provided informal resolution has been attempted.
- **Tree Preservation Orders (TPOs) and Conservation Areas:** Councils regulate work on protected trees, even on private land, which may involve them in neighbour disputes.
- **Dangerous Trees:** Under the Local Government (Miscellaneous Provisions) Act 1976, councils may intervene if a tree poses an immediate danger and the owner fails to act.

**Policy statement TM22: Buckinghamshire Council will not intervene in disputes between private landowners over trees, unless specific criteria are met and resources allow. Dispute such as overhanging branches, encroaching roots, or perceived mismanagement are considered civil matters and should be resolved between the parties.**

## 6.8 Tree-Related subsidence claims

6.8.1 Tree-related subsidence is primarily caused by the interaction between tree roots and shrinkable clay soils. As trees extract moisture from the soil through their root systems—particularly during dry periods—the soil can shrink, leading to ground movement beneath building foundations. This is especially problematic when trees with high water demands, located close to structures with shallow or older foundations. The risk

is further heightened by prolonged dry weather, which intensifies soil desiccation. Effective management requires a thorough understanding of soil conditions, tree species, and foundation design.

6.8.2 The Council's Insurance Service, supported by the arboricultural team, are responsible for managing all claims involving Council-owned trees. In instances where a Council tree is alleged to have caused damage to private property, the burden of proof lies with the claimant.

6.8.3 To ensure a fair, proportionate, and cost-effective response, the Council will adopt a structured, evidence-based approach to handling tree-related subsidence claims. Investigations will be scaled according to the monetary value and significance of the tree. High-value or prominent trees will warrant more detailed assessments, while lower-value trees may require only a basic appraisal. This proportionality will help streamline the process and ensure resources are directed where they deliver the greatest benefit.

6.8.4 Where possible, mitigation measures such as pruning will be prioritized over tree removal, recognizing that retaining mature trees preserves amenity, biodiversity, and long-term environmental benefits while reducing costs associated with felling, disposal, and replanting.

6.8.5 By adopting this structured approach, the Council can focus on targeted investigations, reduce costs, avoid unnecessary tree removal, and deliver better outcomes for property owners, insurers, and the wider community.

**Policy statement TM23: Buckinghamshire Council will use a standardized, evidence-based approach to manage tree-related subsidence claims and will maintain a register of claims and outcomes for transparency and review. Investigations will be proportionate to the tree's value and significance, ensuring resources are focused where they deliver the greatest benefit. Wherever possible, mitigation measures such as pruning will be prioritized over tree removal to preserve amenity, biodiversity, and long-term environmental benefits while reducing costs.**

## 7. General tree management

7.1 Trees offer significant benefits to both the public and the wider environment. However, as living organisms, trees may exhibit traits that do not always align with the expectations of neighbouring residents. Recognising the value of trees, Buckinghamshire Council prioritises their retention for the benefit of the wider community, even where minor inconvenience may occur. In addition, responding to all minor issues would place an unsustainable demand on Council resources. The Council's approach to specific tree-related issues is detailed in Appendix 5.

7.2 Buckinghamshire Council's responsibilities for tree management includes a wide range of activities. These include the routine maintenance of its own tree stock, fulfilling statutory duties for trees in conservation areas and those protected by Tree Preservation Orders, and reviewing planning applications where trees could be affected. Additional activities include tree planting, responding to enquiries and engaging with local stakeholders.

7.3 Demand across these service areas can vary due to factors such as storm damage, pest outbreaks, and variable growing conditions, as well as changes in planning activity. The Council prioritises its legal obligations, particularly the duty of care to maintain trees in a safe condition and uphold regulatory responsibilities, above all other service areas when allocating resources.

**Policy statement TM24: Buckinghamshire Council will prioritise its legal obligations over all other aspects of the service to ensure compliance with statutory requirements, safeguard public safety, and minimise legal and financial risks to the authority.**

### 7.4 Planned works

7.4.1 Most of the Council's tree work consists of pruning to prevent or manage health and safety issues. Occasionally, there are circumstances where more significant remedial work is necessary. These include, addressing property damage, following best practice to promote tree health, and situations where the tree's negative impacts outweigh its benefits. These types of works can generally be dealt with in a planned manner.

7.4.2 Buckinghamshire Council does not invite objections or representations for planned works, except where required under its statutory duty to consult in accordance with Section 96A of the Highways Act 1980. However, explanations for planned works will be provided upon request.

**Policy statement TM25: Planned tree works will not be published on the Council website, other than in accordance with Section 96A of the Highways Act 1980. However, explanations for planned works will be provided upon request. This approach ensures necessary work can be carried out without delay and allows relevant information to be shared when requested.**

## 7.5 Reactive works

7.5.1 Reactive tree work refers to urgent, unplanned works to trees that must be carried out promptly, in response to unforeseen circumstances. These works are typically required to address immediate risks to public safety, property, or infrastructure, and cannot be scheduled through the normal planned maintenance process. Examples include storm damage, sudden structural failure, or emergency situations where delay would result in significant hazard or disruption.

7.5.2 The Council will not invite objections or representations for these types of works. However, explanations for these types of reactive tree works will be given on request.

**Policy statement TM26: Reactive tree works will not be published on the Council website. However, explanations for reactive works will be provided upon request. This approach ensures urgent, necessary work can be carried out without delay and allows relevant information to be shared when requested.**

## 7.6 Tree removal

7.6.1 While the removal of trees is always unfortunate, it is sometimes necessary. For example, when a tree is dead or poses an unacceptable risk to public safety. The Council does not generally remove healthy trees. However, there are certain situations where the removal of a healthy tree may be justified, including:

- To facilitate essential works, such as highway improvements or construction projects. These works are often subject to planning regulations or other Council consultation processes, allowing for public input before approval.
- When a tree causes significant damage to property, roads, or buildings, and pruning is not a viable solution—such as in cases of severe and ongoing subsidence.
- Where tree removal is required as part of an approved planning application or essential development.
- To support good arboricultural practice, such as removing trees that are suppressing or excessively shading others, thereby promoting the health and development of surrounding trees.
- To protect or enhance biodiversity, where removal supports ecological goals.

**Policy statement TM27: Buckinghamshire Council will not undertake tree felling without a clear and justified reason. Reasons for felling will be documented and made available upon request. This approach ensures transparency, accountability, and supports public confidence in the Council's tree management practices. It also promotes responsible stewardship by preventing unnecessary removals and preserving the environmental and community benefits that trees provide.**

## 7.7 Duty to consult before felling street trees

7.7.1 Under section 96A of the Highways Act 1980 (as amended by the Environment Act 2021) Local authorities are required to consult members of the public before felling any tree growing on or within the

boundaries of a public highway in an urban area, excluding trunk or classified roads, with the exception of those exemptions listed at 7.9. Consultation must take place at least 28 days before felling.

### **7.8 How we will consult the public:**

- A notice will be placed on the site and on the local authority's website
- All feedback will be considered before a final decision is made
- A decision notice will be published and remains valid for two years

### **7.9 Consultation is not required in the following specific circumstances**

- The tree is dead
- A tree is considered dangerous and posing an immediate or impending risk to people or property or is expected to become dangerous before the next scheduled inspection.
- If the tree has a stem diameter of 8 centimetres or less, measured 1.3 metres above ground level.
- If the tree must be removed under a statutory Plant Health Notice issued under the Plant Health Act 1967.
- If the tree causes an obstruction and must be removed to comply with:
  - Section 20: Duty to make reasonable adjustments for disabled persons.
  - Section 29: Prohibition of discrimination in service provision.

This exemption only applies if no reasonable and proportionate engineering solution (e.g. footpath realignment) can resolve the issue.

- If the tree must be removed to carry out development that has received Full or outline planning permission under the Town and Country Planning Act 1990.
- Subject to other exemptions, such as Statutory Undertaker undertaking emergency operational works that require the felling of a street tree.

**Policy statement TM28: To ensure compliance with the requirements under Section 96A of the Highways Act 1980 (as amended by the Environment Act 2021), Buckinghamshire Council will apply the following procedure for all non-exempt, planned street tree removals.**

- **A notice will be placed on the tree/site proposed for removal.**
- **A public notification will be published on the Council's website or made available at council offices.**
- **The consultation period will last at least 28 days.**
- **A formal response to the consultation will be published at least 28 days before any felling takes place.**

**This procedure ensures that statutory duties relating to tree felling and replacement are met, and that environmental considerations are fully addressed.**

## 7.10 Council-instructed works to trees subject of a Tree Preservation Order

7.10.1 Buckinghamshire Council must follow a formal internal application process when carrying out work on trees protected by Tree Preservation Orders (TPOs), even if those trees are on council-owned land.

7.10.2 There are a limited number of exceptions where work on protected trees may be undertaken without formal application. These include removing dead or dangerous trees or branches, actions necessary to prevent or abate a legal nuisance, operations essential to implement a valid planning permission or to comply with an Act of Parliament, such as the Highways Act 1980. Even in exempt cases, the planning service usually require notification and may require replacement planting if trees are felled.

**Policy statement TM29: If any service area within Buckinghamshire Council wishes to carry out works to trees protected by a Tree Preservation Order (TPO) that are not exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, they must submit a formal application to the Planning Service, even though the work is within the same authority. This will ensure transparency, compliance with statutory obligations, and proper arboricultural assessment before consent is granted.**

## 7.11 Council-instructed works to trees within a conservation area.

7.11.1 Buckinghamshire Council does not need to submit a Section 211 notice to itself when it is acting in its role as the Local Planning Authority (LPA) pursuant to the Town and Country Planning Act 1990. Instead, it directly assesses the proposed works and decides whether to allow them or issue a TPO.

7.11.2 However, if another service area within Buckinghamshire Council (e.g., parks or highways) is proposing works to a tree within a conservation area, even if those trees are on council-owned land, they must submit a Section 211 notice to the LPA, even though it's within the same authority. This ensures transparency and proper assessment.

**Policy statement TM30: If any service area within Buckinghamshire Council, other than the Planning Department, proposes works to trees within a conservation area that are not exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, they must submit a Section 211 Notice to the Arboricultural Team within the Planning Service, even though the work is within the same authority. This is a legal requirement under the Town and Country Planning Act 1990. It ensures transparency, compliance with statutory obligations, and proper arboricultural assessment prior to works commencing.**

## 7.12 Works requiring a felling license

7.12.1 Buckinghamshire Council must comply with the Forestry Act 1967, which applies equally to private landowners. A felling licence from the Forestry Commission is required if more than five cubic metres of timber are felled in any calendar quarter and more than two cubic metres are sold, unless exemptions apply. Exemptions include trees in gardens, orchards, churchyards, or public open spaces, as well as fruit trees and small-diameter trees (up to 8 cm, or 10 cm if thinning, or 15 cm for coppice). Works such as pruning,

pollarding, or coppicing are exempt, as is felling required to implement planning permission. Trees that are dangerous, windblown, or subject to a Statutory Plant Health Notice may also be felled without a licence. Other exemptions cover felling required by or under another Act of Parliament, by statutory undertakers for utilities and infrastructure, or under an approved Forestry Commission management plan.

**Policy Statement TM31: All Council departments undertaking tree works requiring a felling licence must ensure compliance with these legal requirements. Prior to any significant non-exempt tree felling, teams must consult with the Forestry Commission to confirm compliance.**

## 7.13 Ancient and Veteran Trees

7.13.1 Buckinghamshire Council recognises the importance of ancient and veteran trees as irreplaceable habitats of significant ecological, cultural, and historical value. These trees of special importance pose unique challenges that differ from conventional arboriculture. Therefore, management must be sensitive and informed by national and local planning policy as well as best practice guidance.

7.13.2 The default management position will be to do nothing, unless there is clear evidence that intervention is necessary to prevent foreseeable risk to people or property or to avoid catastrophic failure of the tree. When active management is required, it will be based on a thorough assessment of risks and desired outcomes. Considerations may include managing the surrounding land, such as controlling grazing, restricting public access, reducing soil compaction, and implementing halo clearance to reduce shading, while avoiding unnecessary cutting or interventions that may compromise the tree's integrity.

7.13.3 The Council will also ensure that statutory undertakers are aware of the importance of these trees and will promote practices that prevent damage during infrastructure or utility operations, so as not to compromise their safety and longevity given their sensitivity to change

**Policy statement TM32: Management of Council-owned ancient and veteran trees will, so far as is practicable, prioritise minimal intervention, guided by best practice from organisations such as the Ancient Tree Forum and Woodland Trust. Actions will aim to preserve tree longevity, biodiversity, and landscape context, with a default approach of non-intervention unless justified by risk or ecological need.**

## 7.14 Arboricultural operations and surveys

7.14.1 The Council is committed to ensuring consistency, transparency, and value for money in the procurement and management of arboricultural services. Currently, multiple contracting arrangements exist across departments, including a framework agreement with four Arboricultural Association-accredited contractors and separate contracts managed independently by teams such as Highways.

**Policy statement TM33: Buckinghamshire Council will implement an arboricultural contracting policy that promotes consistent procurement practices across all departments, ensures contractors are appropriately qualified and selected through transparent processes, and maximizes value for money through strategic use of framework agreements and standardized pricing. To maintain impartiality and professional standards, contractors should not undertake both surveying and operational roles on the same project,**

**except in cases of genuine urgency where immediate action is required to protect public safety or prevent significant damage. In such exceptional circumstances, the dual role must be clearly documented, justified, and reported to the appropriate oversight authority. This policy supports sustainable urban tree management, operational efficiency, transparency, and public accountability.**

## 8. Opportunities

8.1 There are a number of opportunities arising through the adoption of a Tree Management Strategy. These will be further set out in Part 2 (Action Plan), but include:

- Consolidation of IT through use of GIS mapping, mobile apps and AI to determine Inspection Zones, predict tree failure based on historical data and respond to subsidence claims.
- Better community engagement and understanding of tree management.
- Aligning tree risk management with climate resilience strategies by adopting management practices that reduce risk under changing climate conditions.
- Cross-department collaboration: Integrating tree risk policy with highways, planning, and other service priorities. Shared data platforms to improve response and planning.

## 9. Acknowledgements

9.1 This strategy has been drafted by the Arboricultural Team in partnership with colleagues across the council, in particular the Highways and Country Parks teams. The work has been led by Sally Clark, Arboricultural Team Leader.

9.2 We would like to extend our sincere thanks to Barrell Consultancy, whose draft tree risk management policy has significantly informed the development of the general principles and actions outlined herein. Their work has been instrumental in guiding our approach to establishing a consistent and robust standard for managing the risk associated with council-owned tree.

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## Appendix 1: How trees will be inspected

Tree inspectors will use Visual Tree Assessment (VTA), a widely recognised, non-invasive method for evaluating tree health and structural integrity through visual indicators. This approach ensures consistency and evidence-based identification of potential hazards.

The default position is that tree inspectors will conduct a full 360° degree visual inspection of the tree, examining:

- **Crown:** Including crown vitality, dead branches, dieback
- **Trunk:** Cracks, bulges, decay, fungal bodies
- **Rooting area:** Soil movement, exposed roots, signs of instability

However, the level of detail applied during a visual check depends on the tree's size, location, and potential to cause harm. Trees in high-occupancy areas or with known vulnerabilities may require closer scrutiny.

For example:

- Small trees posing little likelihood of risk may only need a brief visual inspection.
- Large trees near roads or footpaths may require closer examination.
- In dense plantations with mutual tree support and no visible issues, not every tree base needs checking.
- In mature woodlands with known disease risks (e.g. ash dieback), trees may need closer attention.

Inspectors are expected to use professional judgement to determine how closely each tree should be assessed.

Basic inspections will serve as the standard level of assessment for most council-owned trees. While not detailed, they are designed to identify significant defects and inform appropriate management actions.

In certain cases, trees with positive amenity value may present potentially serious defects. Where such trees are in high-use areas or pose a significant risk, a detailed or advanced inspection will be undertaken. This allows for a more thorough assessment of the defect and risk, supporting informed and specific management recommendations.

Basic inspection records will be retained on tree management software and will include:

- Date of inspection
- Inspector's name
- Site or trees inspected
- Significant defects observed
- Any limitations to the inspection
- Tree species, age class and dimensions (height, spread, DBH)
- Recommended actions (if applicable)

*Note: During proactive inspections involving large numbers of trees, individual trees without significant defects or risk to identified targets may not be recorded separately. In such cases, the inspection date and site name will imply that all trees present were assessed.*

Detailed and advanced inspections will be recorded and full reports stored on a shared location. These inspections will record:

- Date of inspection
- Inspector's name
- Tree inspected
- Tree species, age class and dimensions (height, spread, DBH)
- Defects assessed as significant risks
- Inspection limitations
- Recommended actions

Walkover or drive-by inspections will be used in specific circumstances (e.g. post-storm events, resource constraints, or event preparation) or to supplement the routine inspection of highways trees. These will record:

- Date of inspection
- Inspector's name
- Site inspected
- Significant defects observed
- Recommended actions

## Appendix 2: Procedure for Tree Failures That Cause Harm

Buckinghamshire Council follows a standardised safety protocol covering to ensure accurate analysis and reduce the risk of future occurrences.

### 1. Follow Emergency Services' Instructions

On site, the following actions must be carried out in accordance with the advice and directions given by the emergency services.

### 2. Take Photographs

As soon as it's safe and practical, the Council team responsible for the area must arrange for photos to be taken of:

- The scene of the incident.
- Any broken or fallen parts of the tree.

This should happen before anything is moved, except to help people or clear roads.

### 3. Photograph Everything Thoroughly

Take both close-up and wide-angle photos:

- Show the failed parts of the tree.
- Show the whole tree and its surroundings.
- Use as many angles as possible.

### 4. Keep the Broken Tree Parts

Always try to keep all failed parts of the tree with minimal cutting, unless it's not safe or practical.

- If possible, leave the trunk standing.
- Keep any broken branches or parts must be retained either in situ or in a secure location.

### 5. Safety Check by an Arboricultural Professional

A qualified tree specialist must inspect the site as soon as possible after the incident to assess if further works are needed to make the area safe.

- They will check for any remaining hazards that weren't dealt with during the emergency clean-up.

### 6. Notify Insurance Advisors and Duty Corporate Director

The Council's insurance team and Duty Corporate Director must be told about the incident as soon as possible and further instructions taken from them.

### 7. Investigate and Learn

All serious incidents must be:

- Investigated.
- Reviewed to see what lessons can be learned.
- A record of the investigation must be retained.

## Appendix 3: General management of tree-related issues

The following guidance sets out how the Council will approach general tree management and address other tree-related issues, ensuring a consistent and informed approach across its land and services.

### *Works to highways trees*

Buckinghamshire Council has legal responsibilities under the Highways Act 1980 relating to trees located within or adjacent to the public highway. These responsibilities apply to both council-owned trees and those on private land that may affect highway safety.

Section 154 of the Highways Act 1980 gives highway authorities the discretionary power to require landowners (including themselves) to cut back trees, hedges, or shrubs that obstruct the highway, pose a danger to highway users, or interfere with visibility or street furniture.

Council-owned trees that are growing within the highway boundary (including verges, footways, and carriageways) are considered part of the highway infrastructure. Under the Highways Act 1980 these trees must be maintained to ensure public safety and prevent obstruction or damage to infrastructure.

Authorities must monitor tree growth, root expansion, and structural integrity to avoid interference with kerbs, pavements, signage, and visibility.

Visibility standards vary depending on the road classification and speed limits. To maintain safe sightlines, council-owned trees are proactively managed on a three-year cyclical basis, during which visibility issues, particularly at junctions and access points, are addressed.

If a tree under council ownership is found to be causing a significant obstruction to visibility at a road junction outside of this scheduled cycle, remedial action will be taken promptly to remove the obstruction.

### *Traffic signal/street sign – obstruction by tree*

Council-owned highways trees will be inspected every three years as part of the proactive inspection programme. During these inspections, any tree growth that obstructs traffic signals or street signage will be addressed. If a tree causes a significant obstruction to highway visibility outside of this scheduled cycle, the Council will take action to remove the obstruction and ensure public safety.

### *Trees obstructing an adopted road*

Council-owned trees will be routinely inspected on a three-year cycle, during which any obstructions caused by low-hanging branches are addressed. If the Council becomes aware of a tree causing a significant obstruction to an adopted road junction outside of this scheduled cycle, action will be taken to remove the obstruction and maintain road safety. Where reasonably practicable, remedial works will maintain a minimum 5.2 metres clearance over carriageways.

### *Trees obstructing a footpath or cycle path*

Council trees will be routinely inspected on a three-year cycle, during which obstructions by low hanging branches are resolved. If a Council becomes aware a tree is causing a significant obstruction to a footpath or cycle path outside of the cycle, the obstruction will be removed. Where reasonably practicable, remedial works will maintain a minimum 2.5 metres clearance over footpaths and 3.5m over cycle paths.

#### *Trees obstructing a streetlight*

Council trees will be routinely inspected on a three-year cycle, during which obstructions to streetlights are resolved. If a Council becomes aware a tree is causing a significant obstruction to a streetlight outside of the cycle, the obstruction will be removed.

#### *Trip hazard caused by trees to a public highway, footway or other public right of way*

When a tree-related trip hazard is reported on a public highway, including public footways and other public right of way, the matter will first be referred to the team responsible for maintenance. The Council has several methods for repairing pavement damage caused by tree roots, including raising and resurfacing the affected area. An arboricultural specialist will provide input if the repair work may impact the tree. Where appropriate, isolated roots may be pruned, provided this does not compromise the tree's stability and where it is in line with NJUG10 *Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees*. Tree removal is considered a last resort but may be considered in cases involving lower-quality trees or where replacement is feasible.

#### *Tree touching building*

In common law, a nuisance caused by trees usually refers to situations where a tree or its roots/branches cause physical damage, rather than simply branches overhanging a boundary.

In situations where branches are in contact with a building in a way that is likely to cause damage, the Council will undertake works to stop the problem re-occurring before the next scheduled inspection.

For claims relating to tree-related subsidence, please refer to *Tree-related subsidence claims*

#### *Tree overhanging boundary*

The Council is not legally obliged to cut back overhanging branches or encroaching roots onto neighbouring properties. However, private landowners have the common law right to remove branches or roots that cross into their property so long as the following criteria are observed:

- You must not trespass onto the land on which the trees are growing.
- For reasons of public safety, the council does not permit the use of chainsaws, pruning saws or similar tools on its land other than for work being carried out at the council's request and/or by an approved contractor subject to agreement. Prior to carrying out work on council-owned land, individuals must seek permission from the relevant department and provide the details of your contractor (including evidence of insurance).
- Branches must not be cut back beyond the boundary.
- Any branches that are removed must be disposed of responsibly at your expense. Leaving the branches on council-owned land is considered fly-tipping under section 33 of the Environmental

Protection Act 1990 (as amended), a criminal offence which is punishable by fines on a fixed penalty notice of up to £1,000, or on summary conviction a fine of up to £50,000 and/or imprisonment in the most serious cases.

- All work must be carried out carefully. You must avoid damaging property or carrying out work that would leave the tree unsafe or dangerous.
- You cannot alter the height of trees or hedges on council-owned land.
- You must also check that the trees are not in a conservation area or subject to a Tree Preservation Order prior to works being carried out as there are considerable fines for unauthorized works.

The council will not generally undertake works to abate encroachment where damage has not occurred or is unlikely to occur.

### *Installation of a drop kerb*

Buckinghamshire Council is not legally obligated to approve the felling or root pruning of a Council-owned tree to facilitate the installation of a dropped kerb.

Requests for off-road parking that require the installation of a dropped kerb from the highway must be approved by the Highways Department. If the proposed installation is likely to impact a Council-owned tree, an assessment will be carried out by an Arboricultural specialist before any decision is made. In certain cases, tree removal may be permitted—particularly where the tree is of low value or can be suitably replaced. If removal is approved, the Council will undertake the work and arrange for a replacement tree to be planted in an appropriate location, with all associated costs to be covered by the applicant

### *Trees next to a building site*

The Council is not legally required to prune or remove Council-owned trees to enable building works, regardless of whether planning permission has been granted or the works fall under permitted development. Any tree works necessary to facilitate construction should be identified during the design stage of the project. This allows for early consideration of potential constraints and ensures that any proposals involving Council-owned trees are properly assessed and managed in line with legal responsibilities and environmental priorities.

### *Protection of trees during construction/trenching on council land*

Trees in parks, streets, and other public spaces are often located close to areas where construction or development may take place. These activities can pose risks to trees, including physical damage to branches and trunks, root disturbance, and soil compaction, which can reduce access to air and water. It is essential that trees are properly protected during such works. Buckinghamshire Council will ensure its trees receive the same level of protection expected of private landowners, in line with best practice standards for development near trees, such as current BS 5837 recommendations and the latest *National Joint Utilities Group (NJUG) Guidelines* for working near trees.

### *Crime and anti-social behaviour*

The Council may remove trees considered to be exacerbating crime and/or anti-social behaviour but generally will remove only lower branches to allow sightlines through the trees so people cannot use them for cover. Where a tree is associated with criminal activity and/or anti-social behaviour, steps to reduce the problem will typically involve consultation with the police.

### *Leaf, Blossom, Fruit, Nuts, and Other Natural Debris*

Blossom and fruit from trees provide significant ecological and community benefits. Spring blossom supports pollinators and enhances local biodiversity, while autumn fruit supports wildlife and provide a source of free food. These natural processes contribute to a healthier environment and cannot be entirely controlled without harming these benefits.

Maintenance of gardens, gutters, and other private areas remains the responsibility of the property owner. Where gutters are frequently blocked, residents may choose to install gutter guards at their own expense.

For public areas such as roads, parks, and footpaths, Buckinghamshire Council conducts seasonal maintenance. This includes leaf collection and routine street cleansing in higher footfall areas. Hard surfaces are cleared frequently to manage public safety risks, while leaves, blossom, or fruit on grass or shrub beds may be left unless removal is necessary to prevent damage or address health and safety concerns.

### *Bird droppings*

It is acknowledged that birds do foul surfaces, and the cleaning of surfaces can be an inconvenience, however this is usually considered to be routine property maintenance to be expected when living near trees.

### *Sap/honeydew*

Sap, also known as 'honey dew', is secreted by sap sucking aphids feeding on the foliage of certain trees. Whilst inconvenient, it is a naturally occurring phenomenon, which can be alleviated through additional routine property and vehicle maintenance. Where honeydew affects cars, warm soapy water will remove the substance, particularly if you wash the car as soon as possible.

Where new trees are planted, we will try to choose trees that are less likely to cause this problem.

### *Pollen and medical conditions*

While certain types of tree pollen can trigger symptoms in susceptible individuals, this is not considered sufficient justification for the pruning or removal of council-owned trees. Similarly, the council will generally not prune or remove a council-owned tree solely in response to a personal medical condition, unless there is clear evidence that the tree is directly and significantly affecting the health of a resident.

Additional consideration may be given in exceptional circumstances where there is compelling evidence that a tree is directly and significantly affecting an individual's health. This may include cases involving elderly or disabled residents who spend substantial time at home and are impacted by nearby trees. In such cases, the Council will assess the situation on a case-by-case basis, taking into account the health and wellbeing of the resident, the quality and value of the tree, and the broader environmental and community benefits the tree provides. Pruning or removal will only be considered in exceptional circumstances.

### *Wild animal/insect pests*

In most cases, pruning trees does not effectively reduce the incidence of perceived pests and may, in some cases, disturb important habitats. Many species are safeguarded under UK legislation, including the *Wildlife and Countryside Act 1981*, which prohibits the intentional harm or disturbance of protected species and their habitats.

### *Ivy*

Ivy offers numerous ecological benefits when growing on or near trees. It provides valuable habitat and food for wildlife, including birds, bees, and other pollinators.

While it does not typically harm healthy trees, excessive ivy growth can obscure structural defects, add weight to branches, and compete for light. On declining trees, this may increase the risk of branch failure or instability.

Buckinghamshire Council does not routinely remove ivy from trees unless there is a clear arboricultural or safety reason. Ivy management may be considered where it contributes to tree decline, obstructs inspections, or poses a risk to public safety. In such cases, selective removal or control may be carried out following professional assessment.

### *Tree too big/leaning*

The Council will not prune or remove Council-owned trees solely because they are tall or appear to lean, unless there is clear evidence of a safety risk or structural instability. Tree height alone is not considered a hazard, and many trees naturally grow tall or at an angle without posing danger. All concerns about tall or leaning trees will be assessed by qualified specialists, and action will only be taken where there is a demonstrable arboricultural or safety reason.

### *Light, Solar Panels, and Views*

There is no general legal right to light in gardens, and Buckinghamshire Council will not normally prune or remove council-owned trees to improve light levels in private properties. Similarly, the council will not prune or fell its trees to improve natural light for solar panels. While the council recognises the importance of renewable energy solutions, including solar panels, it also has a duty to protect and manage trees that contribute to local amenity, biodiversity, and climate resilience. Trees play a vital role in improving air quality, reducing urban heat, and supporting national and local climate change targets. Therefore, the presence of existing trees must be carefully considered when selecting suitable locations for solar panel installations.

There is also no automatic legal right to a view, even if that view is blocked by trees. However, if Council-owned trees form a high hedge—defined as two or more evergreen or semi-evergreen trees over two metres tall—affected residents may be able to complain under the Anti-Social Behaviour Act 2003. In these cases, residents should contact the Council’s Customer Services team to discuss their concerns.

Buckinghamshire Council will not prune or remove its trees to improve natural light entering a private property, to increase light to solar panels, or to enhance a view from a private property, except in exceptional circumstances.

## *Utilities and Telephone Wires*

Buckinghamshire Council is not automatically obliged to prune trees unless they pose a clear safety risk or interfere with essential utility infrastructure. If a utility company identifies a problem, such as branches too close to overhead power lines, they may request the council to take action or carry out the work themselves under powers granted by the Electricity Act 1989 and the Electronic Communications Code. Routine pruning is not a legal requirement unless there is a risk to public safety or disruption to essential services. Any necessary work near utility infrastructure will follow best practice guidelines, including those set out in the National Joint Utilities Group (NJUG) Guidelines.

For telephone wires, it is the responsibility of the service provider to maintain and manage their infrastructure, including resolving issues caused by interference from trees. The council is not automatically required to prune or remove council-owned trees near telephone lines unless there is a clear safety risk or disruption to service. Under the Telecommunications Act 1984 and the Electronic Communications Code, telecom providers have rights to access land and carry out necessary works to maintain their network, including managing vegetation. Providers may request the Council to take action or, where appropriate, carry out the work themselves.

## *TV/satellite reception*

Trees can obstruct satellite signals by blocking the line of sight between the dish and the satellite, particularly when leaves are wet or branches are dense. However, there is no legal obligation for the Council to prune or remove trees solely to improve satellite or television reception. The responsibility for maintaining a clear signal lies with the service provider or property owner, who may need to relocate the satellite dish or aerial to avoid interference. If the tree is protected by a Tree Preservation Order or located in a conservation area, any pruning or removal would require formal consent.

## *Drains and invasive roots*

Tree roots rarely cause direct damage to drains; instead, they typically exploit existing faults such as cracks or leaks. Therefore, the presence of roots within a drain does not, on its own, prove liability. Where a claim is made against the Council, we will advise the claimant on the type of evidence required to allow a thorough investigation of the issue.

The Council will only consider undertaking tree works where sufficient evidence is provided to demonstrate that the roots of a Council-owned tree have caused damage to drainage systems. Claims submitted without expert evidence, such as a report from a drainage engineer or surveyor, will not be accepted.

## *Minor damage to surfaces*

Minor damage to surfaces such as driveways and lawns is generally considered superficial and not grounds for tree removal. In most cases, this can be addressed through surface repair or redesign using root-friendly methods. Under common law, property owners have the right to cut back encroaching roots up to their boundary, provided the work is carried out safely and does not harm the tree. However, any action must comply with tree protection regulations, such as Tree Preservation Orders or conservation area restrictions.

Buckinghamshire Council will not undertake tree removal or root pruning in response to minor damage caused by tree roots to private driveways, lawns, or other non-structural surfaces, other than in exceptional circumstances. Tree works will only be considered where there is clear evidence of significant impact, and any proposed action must comply with relevant tree protection regulations.

For tree-related subsidence, please refer to *Tree-related subsidence claims*

## Appendix 4 – Full list of Policy statements

**Policy statement TM1:** To meet its legal duties, the Buckinghamshire Council will review tree management across all service areas and, where necessary, include appropriate sites in a programme of proactive inspection and management. All Council tree planting schemes will incorporate long term management considerations, including ongoing maintenance costs and resourcing requirements, as an integral part of scheme planning and approval.

**Policy statement TM2:** There are multiple, wide-ranging benefits to managing tree risk through a written policy. Buckinghamshire Council will manage tree risk through a written policy that provides a clear framework for balancing the benefits of trees with the need to reduce risk of harm in a proportionate way.

**Policy statement TM3:** Buckinghamshire Council will meet its legal responsibilities by proactively managing its trees and associated risks for the benefit of its visitors, employees, the local community, and the wider population.

**Policy statement TM4:** Proactive tree risk management provides community benefits, demonstrates responsible governance, and supports organisational values. Buckinghamshire Council will refer to the National Tree Safety Group's guidance *Common Sense Risk Management of Trees* (2024 or as amended) when reviewing its tree management approach and will apply the principles of ISO 31000 and NTSG guidance to ensure a balanced approach between public safety and amenity. This will deliver a consistent, proportionate, and risk-based system, led by qualified arboricultural professionals and aligned with industry standards.

**Policy statement TM5:** Buckinghamshire Council will identify all trees under its ownership and include those posing a reasonably foreseeable risk of harm, due to proximity to vulnerable structures or areas with regular public access, in a formal management programme.

**Policy statement TM6:** Buckinghamshire Council will inspect all trees under its ownership that pose a reasonably foreseeable risk of harm on a three-year cycle, with flexibility to adjust based on site usage seasonal conditions and specific tree health concerns. In addition to routine checks, highway trees will receive additional drive-by inspections by trained personnel. Informal reporting of tree hazards by staff and the public will be actively encouraged, particularly following severe weather or other events that may impact tree safety. The Council will also maintain records of ancient and veteran trees that pose a foreseeable risk and set tailored reinspection intervals to reflect their unique characteristics and ensure public safety.

**Policy statement TM7:** Routine three-yearly tree inspections will be carried out by qualified arboricultural inspectors trained to the Lantra Professional Tree Inspection standard or equivalent  
. Highway trees will receive additional drive-by checks and post-storm inspections by staff trained to an intermediate or advanced level appropriate for mobile tree-risk assessment.

Other staff responsible for observing trees during their normal duties, or after storms, will be trained to the Lantra Basic Tree Inspection standard or equivalent

. All trained personnel will attend regular refresher courses to maintain competence.

**Policy statement TM8:** Buckinghamshire Council will review and formalise its escalation procedures to create a clear, tiered system for tree risk identification and management. This will ensure all staff understand their roles and responsibilities and that escalation pathways are consistently applied.

**Policy statement TM9:** Buckinghamshire Council will develop and implement a protocol to support the reporting of potential tree safety concerns by employees and the public, as a supplement to the formal tree risk management regime.

**Policy statement TM10:** Buckinghamshire Council will establish and maintain an efficient system for the collection, storage, and retrieval of tree risk management data to support operational transparency and legal compliance.

**Policy statement TM11:** Buckinghamshire Council will develop and implement local protocols to manage the risk of falling trees and branches during severe weather. These measures will be proportionate and tailored to the specific conditions of each location.

**Policy statement TM12:** Buckinghamshire Council will review its emergency procedures for dealing with dangerous trees both during office hours and out of hours.

**Policy statement TM13:** Buckinghamshire Council will develop and implement a near-miss protocol to identify serious tree failures that didn't cause harm, investigating their causes, recording and sharing the findings within the organisation and putting any recommendations into action.

**Policy statement TM14:** Buckinghamshire Council will develop and implement a formal protocol for the systematic management of tree failure incidents that cause harm, including investigation, record-keeping, and safety checks.

**Policy statement TM15:** Buckinghamshire Council requires organisers of commercial events and film productions to undertake their own tree risk assessment before the event. Any additional works beyond normal use of the space will be charged to the organisers. Event organisers are also responsible for ensuring trees are adequately protected from activities that could harm their health.

**Policy statement TM16:** Tree work will be prioritised using a structured framework, which will be reviewed following significant changes in legislation, operational capacity, or tree risk profile.

**Policy statement TM17:** Buckinghamshire Council retains an overarching duty of care and will require that all tree inspections and maintenance activities on leased land meet or

exceed its established protocols. Where necessary, lease terms will be reviewed and updated to clarify responsibilities and ensure consistent risk management across all sites.

**Policy statement TM18:** If vegetation overhangs or interferes with visibility, street lighting, safe passage, or access for vehicles and pedestrians, the council may serve a formal notice requiring the landowner to carry out remedial work. The notice will specify the nature of the obstruction and the timeframe for compliance. Where a landowner fails to comply with the notice, the Council is authorised to undertake the necessary work to remove the obstruction. All reasonable costs incurred in carrying out this work will be recovered from the landowner.

**Policy statement TM19:** Buckinghamshire Council will review its processes for handling complaints made under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976. The review will identify the appropriate procedures required to ensure timely, fair, and effective responses, particularly where statutory powers, such as powers of entry, may be required.

**Policy Statement TM20:** Buckinghamshire Council will ensure that boundary trees, where the council has joint ownership, are regularly inspected and do not pose an unacceptable level of risk to public safety or property. Any necessary works will be carried out in accordance with relevant legislation, including Tree Preservation Orders and conservation area regulations. Disputes or concerns regarding boundary trees will be addressed through clear communication to promote responsible land management.

**Policy Statement TM21:** Buckinghamshire Council will ensure that its statutory and discretionary powers are exercised appropriately to manage risks associated with riparian trees, particularly where public safety or property may be affected. Where works are undertaken under the powers set out in the Flood and Water Management Act 2010, the Council will seek to recover costs from responsible landowners, such as those who have failed to carry out required maintenance.

**Policy statement TM22:** Buckinghamshire Council will not intervene in disputes between private landowners over trees, unless specific criteria are met and resources allow. Dispute such as overhanging branches, encroaching roots, or perceived mismanagement are considered civil matters and should be resolved between the parties.

**Policy statement TM23:** Buckinghamshire Council will use a standardized, evidence-based approach to manage tree-related subsidence claims and will maintain a register of claims and outcomes for transparency and review. Investigations will be proportionate to the tree's value and significance, ensuring resources are focused where they deliver the greatest benefit. Wherever possible, mitigation measures such as pruning will be prioritized over tree removal to preserve amenity, biodiversity, and long-term environmental benefits while reducing costs.

**Policy statement TM24:** Buckinghamshire Council will prioritise its legal obligations over all other aspects of the service to ensure compliance with statutory requirements, safeguard public safety, and minimise legal and financial risks to the authority.

**Policy statement TM25:** Planned tree works will not be published on the Council website, other than in accordance with Section 96A of the Highways Act 1980. However, explanations for planned works will be provided upon request. This approach ensures necessary work can be carried out without delay and allows relevant information to be shared when requested.

**Policy statement TM26:** Reactive tree works will not be published on the Council website. However, explanations for reactive works will be provided upon request. This approach ensures urgent, necessary work can be carried out without delay and allows relevant information to be shared when requested.

**Policy statement TM27:** Buckinghamshire Council will not undertake tree felling without a clear and justified reason. Reasons for felling will be documented and made available upon request. This approach ensures transparency, accountability, and supports public confidence in the Council's tree management practices. It also promotes responsible stewardship by preventing unnecessary removals and preserving the environmental and community benefits that trees provide.

**Policy statement TM28:** To ensure compliance with the requirements under Section 96A of the Highways Act 1980 (as amended by the Environment Act 2021), Buckinghamshire Council will apply the following procedure for all non-exempt, planned street tree removals.

A notice will be placed on the tree/site proposed for removal.

A public notification will be published on the Council's website or made available at council offices.

The consultation period will last at least 28 days.

A formal response to the consultation will be published at least 28 days before any felling takes place.

This procedure ensures that statutory duties relating to tree felling and replacement are met, and that environmental considerations are fully addressed.

**Policy statement TM29:** If any service area within Buckinghamshire Council wishes to carry out works to trees protected by a Tree Preservation Order (TPO) that are not exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, they must submit a formal application to the Planning Service, even though the work is within the same authority. This will ensure transparency, compliance with statutory obligations, and proper arboricultural assessment before consent is granted.

**Policy statement TM30:** If any service area within Buckinghamshire Council, other than the Planning Department, proposes works to trees within a conservation area that are not exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, they must submit a Section 211 Notice to the Arboricultural Team within the Planning Service, even though the work is within the same authority. This is a legal requirement under the Town and Country Planning Act 1990. It ensures transparency, compliance with statutory obligations, and proper arboricultural assessment prior to works commencing.

**Policy Statement TM31:** All Council departments undertaking tree works requiring a felling licence must ensure compliance with these legal requirements. Prior to any significant non-exempt tree felling, teams must consult with the Forestry Commission to confirm compliance.

**Policy statement TM32:** Management of Council-owned ancient and veteran trees will, so far as is practicable, prioritise minimal intervention, guided by best practice from organisations such as the Ancient Tree Forum and Woodland Trust. Actions will aim to preserve tree longevity, biodiversity, and landscape context, with a default approach of non-intervention unless justified by risk or ecological need.

**Policy statement TM33:** Buckinghamshire Council will implement an arboricultural contracting policy that promotes consistent procurement practices across all departments, ensures contractors are appropriately qualified and selected through transparent processes, and maximizes value for money through strategic use of framework agreements and standardized pricing. To maintain impartiality and professional standards, contractors should not undertake both surveying and operational roles on the same project, except in cases of genuine urgency where immediate action is required to protect public safety or prevent significant damage. In such exceptional circumstances, the dual role must be clearly documented, justified, and reported to the appropriate oversight authority. This policy supports sustainable urban tree management, operational efficiency, transparency, and public accountability.