



Policy: Tree Policy

Date of adoption by PC: 1st December 2025

GENERAL STATEMENT

This policy applies to all trees under Brenchley and Matfield Parish Council (BMPC) ownership/management, regardless of their location and aims to preserve its trees for future generations to enjoy.

Trees growing on land which forms part of the adopted Highway are the responsibility of the Highways Authority, Kent County Council (www.kent.gov.uk).

This policy details BMPC's methods for managing the tree stock owned and maintained by the Council. The policy has been written to:

- Ensure that the Council maintains a safe tree stock.
- Ensure consistency with regard to requests to prune and maintain trees.

The Council is responsible for trees on land that it owns or leases on its areas of open space at:

Matfield Green, including the Drying Ground and land behind Matfield Pavilion and along the parking area at the Back of the Green

Jack Verrall Memorial Gardens

Porters Wood

Cinderhill Centenary Wood (leased land only)

Brenchley Recreation Ground (not including land within the boundary of the area leased to the Scouts)

Land at Matfield Toilets (and area of land behind the toilets)

Whitethorn Allotments

The Viewpoint, Crook Road

Brenchley War Memorial

Note: there are no trees on the Council's land at Brenchley Toilets site, or Matfield War Memorial

In terms of trees that BMPC has responsibility for, it is important that their approach to management is prudent and proportional to ensure that those persons using the Parish Council grounds, who drive past the Parish Council grounds or use the Parish Council areas as a place of work, are safe when doing so.

Any queries on trees belonging to the Parish Council should be made to the Clerk:

clerk@brenchleyandmatfield-pc.gov.uk

LEGAL FRAMEWORK

In both civil and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch.



The owner of land on which a tree stands owes a duty of care in common law, to take reasonable care to avoid acts or omissions that could cause a reasonably foreseeable risk of injury to persons or property.

BENEFITS OF TREES

Trees have many benefits including:

- They are crucial to the climate effort as they capture carbon dioxide (CO₂) from the atmosphere and help to improve air quality
- Provide shelter from the sun, wind and rain
- Stabilise soil – particularly important on sites adjacent to water bodies
- Help to reduce flood risk
- Filter atmospheric pollution
- Provide a barrier to noise and screening poor views
- Provide a valuable habitat for wildlife
- Provide pleasant green settings in which to live and work
- Provide opportunities for people to re-connect with nature to improve health and wellbeing
- Soften the impact of development
- Commemorate or celebrate individuals, events and/or communities

SURVEYS

The Parish Council will undertake a survey by a suitable professional of all its specimen/mature trees approximately once every 3 years. Priority work will be attended to as soon as possible with non-urgent work carried out to the timeframes suggested in the survey.

TREE AND HEDGE MANAGEMENT – GENERAL

Trees and hedges will not be removed unless there is a demonstrable arboriculture, safety or legal reason for the removal.

All requests for any arboriculture works to trees growing on Council land will be inspected and authorised by Council Officers.

BIRDS

Under the Wildlife and Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent tree work involving tree removal/reduction and hedge cutting



operations should not normally be undertaken during the bird nesting/breeding season, which is considered to be from 1st March to 31st July.

If tree/hedge works are required in the bird nesting season, trees will be examined for evidence of nesting. Where a bird's nest is found, tree/hedge works will be delayed until the end of the nesting season. The Council will take advice from a tree surgeon in the instance that a tree or branch proved dangerous during nesting season.

No work will be undertaken on trees/hedges where there is potential to impact upon protected species (for example bats or badgers) until consultation has been undertaken with appropriate external consultants.

The Council is encouraged to consider when dealing with planning applications for privately owned land, whether there are Council owned trees on adjacent land that may be affected by the development before approving the application (e.g. for site access, dropped kerbs or storage of materials).

The Council is committed to explore and develop opportunities to utilise the arising (woodchips, logs, habitat piles and dead standing timber) generated by arboriculture operations towards greater environmental sustainability.

TREE PRESERVATION ORDERS (TPOs)

A TPO is a legal document made, administered and enforced by the local planning authority (TWBC), to protect specified trees and woodlands with public amenity value. A TPO prevents cutting down, uprooting, lopping, wilful damage or destruction of trees (including cutting roots) without permission.

There are currently no trees in BMPC's ownership that are covered by TPOs however a list will be maintained should a TPO be issued.

TREES IN CONSERVATION AREAS

It is an offence to cut down, prune, lop, top, uproot or wilfully damage or destroy a tree in a conservation area without giving prior written notice to Tunbridge Wells Borough Council.

CLAIMS FOR SUBSIDENCE AND DAMAGE

When investigating claims of subsidence and damage to properties from tree roots emanating from a tree owned and maintained by the Council, the Council requires the property owner to submit a structural engineers report. This will enable the Council to review the evidence and determine the appropriate course of action. The report must cover:

- Physical damage
- Presence of live roots of a suitable species
- Seasonal movement or variation of the damage during different seasons

All claims regarding subsidence will be referred to the Council's Insurer along with a brief report detailing the age, type, and condition of the tree and any other factors that may be of importance to the claim.



If evidence is insufficient any claim will be dismissed.

DAMAGE TO PROPERTY CAUSED BY TREES

The Council will cut back trees from properties where they touch windows, walls, roofs or gutters. This will ensure that damage to property such as tiles or gutters is avoided.

OBSTRUCTION BY OVERHANGING BRANCHES

On notification to the Clerk, tree branches from Council trees that obstruct footpaths, the carriageway, highway signage, street lighting or CCTV will be inspected and the Council will have the necessary pruning work undertaken within the timescale appropriate to the situation.

TELEVISION OR SATELLITE SIGNALS

There is no legal right to good television or satellite signals and no legal requirements to rectify a loss of television, satellite or radio service in respect of trees. Interference is not at present a legal nuisance, and in many cases it is possible to resolve issues of poor reception involving trees by finding an engineering solution.

SHADE OR BLOCKING OF LIGHT

There is no legal right to light under the law and therefore the Council has no legal obligation to abate this perceived nuisance. The Council will consider applications to prune trees on an individual basis and consideration that the work can be executed within financial resources available.

LEAF/FRUIT FALL AND SECRETIONS

Tree work will not be carried out solely to alleviate problems caused by natural and or seasonal phenomena as follows:

- Falling leaves
- Sap exudation (e.g. honeydew)
- Falling fruits and nuts
- Bird droppings
- Blossom
- Reduction or increase moisture to gardens
- Blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves, presence of algae and moss build up.



HIGHWAY TREE MANAGEMENT

Street trees are defined as trees planted or growing in road verges along the parish's highway network. The Parish Council is not responsible for road verges.

GREENSPACE TREE MANAGEMENT

The Council aims to create a varied and sustainable tree population in open spaces for reasons of aesthetics and for the benefit of the biological diversity of the parish.

The Council will maintain the overall number of trees in open spaces through replacement planting programmes where possible.

Trees on open spaces, which are not blocking the highway or sightline, will be left with a more natural shape where the branches may extend down to the ground.

WOODLAND TREE MANAGEMENT

The Parish Council is responsible for woodlands situated at Cinderhill Centenary Woods (part leased) and Porters Wood (owned).

REPLACEMENT PLANTING

The Council will select indigenous trees that are appropriate for their location and the anticipated maintenance needs throughout the life of the tree.

TREE PRUNING TECHNIQUES AND WHO CARRIES OUT THE WORK

BMPC will seek to ensure that tree works are carried out to the highest standards. In carrying out tree works, it and other third parties working on trees over which BMPC has a responsibility, will ensure that pruning conserves the overall amenity value, form and shape of the tree and all tree works must be carried out in accordance with British Standard 3993 – Recommendations for Tree Works.

Particular pruning specifications may or may not be appropriate for trees of different ages, species, health and condition, or even between trees of the same species depending on their condition, age and environment. Clear and acceptable pruning objectives are necessary in advance of approval of a pruning specification.

TREE PLANTING

The principle aim of new planting will be to maintain and increase tree cover within the parish and to achieve a robust and diverse tree population, well suited to the planting location and able to meet the challenges of a changing climate and pests and disease, whilst maximising amenity, biodiversity and other tree related benefits.



All new tree planting will utilise high-quality, disease-free planting stock and will follow the principles set out in British Standard 8545 (2014) Trees: From Nursery to Independence in the Landscape – Recommendations.

BMPC is committed to planting trees following a tree removal. Wherever possible at least one replacement tree will be planted for each tree removed. Where, due to location or other issue this is not appropriate, BMPC will seek to plant at least one tree on land it manages in the vicinity so that the tree cover in the local area is not diminished.

PUBLIC REQUESTS FOR MAINTENANCE

BMPC will give consideration to any complaints or requests for maintenance from the public regarding trees on Parish Council owned land, taking into account its tree management policy and/or advice from a qualified tree surgeon. If a parish council owned tree is inspected and found to be in such a condition that it poses a high risk to people or property and is considered to be an emergency situation, instruction will be given to the tree contractor to make the tree safe as soon as practicably possible. If a tree is identified as requiring action, but the risk to the public is not immediate, then the tree will be made safe depending on the degree of risk identified at the time of inspection.

In cases where it is necessary to remove a tree, or substantial lop or prune a tree at a resident's request, and where the request is found to be valid subject to the conditions set out within this Policy, the Parish Council may seek a contribution to be made to a replacement, or supplementary, tree within the immediate vicinity of the tree subject to the works. The cost of the new tree will be capped at £150.

CARRYING OUT TREE WORKS BY A RESIDENT

Residents have a legal right to deal with the nuisance associated with trees encroaching onto a property. The following advice is given where there is a risk to exercise the right to Common Law with respect to encroaching trees.

- Remove only those parts of the tree from the point where they cross the boundary of the property;
- There is no legal right to cut or remove any part of a tree that does not overhang the property;
- It is expected that a professional tree surgeon is consulted for guidance on how best to prune back encroaching trees, unless the works are trivial meaning that works could be carried out with hand secateurs or similar;
- It is expected that BMPC is informed of any plan to carry out work on Parish Council owned trees;
- Before carrying out works to trees, it is expected that checks are made as to whether the trees are protected by a Tree Preservation Order or if they are in a Conservation Area. If either of the above applies, consent is required by making an application / giving notice to the Planning Department at Tunbridge Wells Borough Council;
- If agreement is received for the work the resident must obtain quotes from qualified tree surgeons and arrange for the work to be carried out at their own expense;



BRECHLEY AND MATFIELD PARISH COUNCIL
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- BMPC reserves the right to recover costs in the event the tree is damaged, and requires corrective action by the Parish Council, as a result of works carried out on a Parish Council owned tree by a member of the public.

Although BMPC believes this policy to be as comprehensive as possible, they acknowledge it does not cover every situation. The Parish Council reserves the right to exercise discretion in application of this policy when to do so would be in the best interests of the Council and its residents.