



## **ST MARY'S CHURCH NEWICK PAROCHIAL CHURCH COUNCIL TREE POLICY**

### **Background information**

The PCC is responsible for any trees on its land and has a 'duty of care' for anyone who is on Church (including the Rectory) property and to persons and property on neighbouring land. Therefore the PCC must take reasonable care to avoid acts or omissions which any reasonable person could reasonably foresee would be likely to cause harm. If the PCC fails to take any necessary action or undertake any action which results in harm to people, animals or property and if that harm is foreseeable then they may be found to be negligent.

The Churchyard - This entire area is subject to Newick Conservation Area regulations and whilst there are no Tree Preservation Orders at present this could change at any time.

The garden of the Rectory 36a Allington Road has a TPO on this site ref: Tree Preservation Order (No.5) 2012

The PCC appoints a Tree Warden to act on its behalf.

### **Role of the Tree Warden**

- a) To appoint a qualified Tree Surgeon to inspect all the trees on the above sites including looking at neighbouring trees of adjoining properties on an annual basis providing a schedule of work.
- b) To follow the guidance and laws for the protection of trees as outlined by Lewes District Council. It should be noted that St. Mary's Church is within the Newick Conservation Area. Please see the attached information from the Tree Officer for Lewes District Council
- c) To organise an annual inspection under the following criteria;
  - I. Public health and safety in relation to target zoning and severity rating.
  - II. Balancing good arboricultural practice, the visual amenities of the area and the needs of indigenous flora and fauna where appropriate.
- d) To action any necessary work as recommended in the annual report by the Tree Surgeons for the PCC first seeking quotations from reputable companies that can carry out tree surgery work to trees with Tree Preservation Orders on them where appropriate.
- e) Ensure that the LDC Tree Officer and the Chichester Diocese gives proper authority for any work to be undertaken including planning permission if required.
- f) Carry out recommended work.
- g) To consider tree replacement as and when necessary.
- h) To react to any concerns reported to the PCC which may occur outside of the usual monitoring process.

Anyone who wishes to undertake works to protected trees must first seek permission from the Council by submitting a standard application form. The form is available from the Government's Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) or from my web pages on the Council's web site <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/trees-and-hedges/apply-for-consent-for-tree-works/>

It is important to clearly specify the works you want done and provide information to support your case (such as professional advice on the health of the tree and, in cases of alleged subsidence, professional evidence on the soil, the structure affected and the tree). Please remember that failure to fill in the form correctly or provide the required information may invalidate your application.

To be valid, an application for works to trees covered by a Tree Preservation Order must:

- be made to the authority on the standard application form published by the Secretary of State and available on the Planning Portal website or from the authority;
- include the information required by the form (the guidance notes for the standard form help applicants provide the necessary information);
- be accompanied by a plan which clearly identifies the tree or trees on which work is proposed;
- be accompanied by such information as is necessary to clearly specify the work for which consent is sought;
- state the reasons for making the application; and
- be accompanied, as applicable, by appropriate evidence describing any structural damage to property or in relation to tree health or safety.

In considering a validated tree work application the Council will assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

Further information can be found on my web pages on the Council web site (see link below)

**Biosecurity** – *The threat from introduced pests and diseases to our trees, forests and woodlands has never been greater. Reduce the risk of further contamination and the spreading of harmful insects, bacterial and fungal organisms by employing good biosecurity measures. For more information and guidance please refer to the Forestry Commission's web site: <http://www.forestry.gov.uk/>*

Before commencing any tree works it is strongly advisable to contact the local Planning Authority, which in this case is Lewes District Council, to check for any planning restrictions extant on the trees. The term 'planning restrictions' only refers to Tree Preservation Orders, Conservation Areas and planning conditions relating to planning permission for development. Other restrictions may apply such as requirements to notify or obtain consent under other legislation, for example the Wildlife & Countryside Act or private legal agreements must still be observed. The Wildlife & Countryside Act (as amended) relates to protected species such as bats and nesting birds which are protected by law. For more information on protected species please go to Natural England's website: <https://www.gov.uk/environmental-management/wildlife-habitat-conservation>, Private and legal agreements can often be found on the title deeds to a property a copy of which can be obtained (for a small fee) from Land Registry: <https://www.gov.uk/government/collections/how-to-use-the-land-registry-portal>

**Daniel Wynn**  
**Specialist Advisor (Arboriculture)**

**Lewes District Council & Eastbourne Borough Council**

Quality Environment, Southover House, Southover Road, Lewes. E Sussex. BN7 1AB

DDI Telephone: +44 (0)1273 085035

Email: [daniel.wynn@lewes-eastbourne.gov.uk](mailto:daniel.wynn@lewes-eastbourne.gov.uk)

Web Service (Trees); <http://www.lewes-eastbourne.gov.uk/planning-and-building-control/trees-and-hedges/>

