

## Appendix 2

### Operations, Parks and Open Spaces Team



## Operating Policies and Guidance

These operating policies have been developed over a number of years to explain the Council's position on a range of activities. These policies underpin the work of the parks and open spaces strategy.

We will do our best to help residents resolve issues where we can but our position must always bear in mind the resources we have available and certain parameters within which we must operate.

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## Animals in Circuses

Whilst we have few circuses hiring our land and have not been approached by any which use wild animals, the Council has considered concerns raised about this matter and are confident it is not a practice which our customers would support. We have therefore introduced a clause within our rules and regulations for hiring open spaces which prohibits it.

Our research shows that this is a simple and effective control mechanism employed by a number of other local authorities.

The Council imposes a ban on the use of wild animals in circuses performing on East Herts Council land described in our open space hire rules as follows:

It is a condition of the grant of the authorisation that the organiser:

- *Will not include the use of performing animals at the event, except those which are normally regarded as domesticated in the United Kingdom (i.e. horses, dogs, cats, birds used in falconry demonstrations, caged birds and rabbits) which may be used as an ancillary part of a performance.*

## **Ballgames in open spaces and play areas**

The Council manages more than 120 open spaces across the district including around 60 equipped play areas. Our play areas are located wherever possible at a reasonable distance from residential properties and in general we receive very few concerns about them. A small number of residents do have concerns about noise from children playing or kicking a ball about on an open space.

We installed play areas signs in 2011 to provide a welcome and to provide users with some sensible guidance. Those play areas which included a Multi-Use Games Area (MUGA) a goalball or basketball hoops or that are large enough to accommodate kick-about have a sign that permits ball games. All other play areas have a sign that includes "no ballgames". These signs on all our play areas include a note that "dogs are banned from this play area".

This reminds visitors that smaller play areas designed for younger children are not suitable for ballgames.

The Council does not and will not erect signs on any of our open green spaces to prohibit ball games. Our open spaces are there for all to enjoy including kicking a ball about. Our experience is that "no ball games" signs are not an effective solution to anti-social behaviour. There is no law to support this type of ban and such signs are therefore not enforceable.

We will always listen to concerns but our starting point is that young people have as much right to use our green spaces as any other resident.

If residents believe that a particular activity such a kicking a ball about is causing a nuisance they can contact customer services who will alert our Community Safety and Anti-Social Behaviour Team. They will work with us to investigate concerns.

In some instances they may not agree that kicking a ball about does constitute antisocial behaviour but where it does they will help to find a solution. That may include talking to the young people or if behaviour is exceptionally challenging, may involve support from the police. In some circumstances where the area is very small and close to property boundaries it might also include modifying the landscape with trees or shrubs to divert activity if there is a more suitable space nearby.

## **Events**

Our parks and open spaces can be used for events however requests must go through the event application process before being approved.

- **Event application Process**

If residents or businesses are planning an event and would like to hire one of our open spaces, they are required to provide us with some initial information so that we can consider the application. We may ask for more details depending on how complex the ideas are so it's best to tell us as much as you can at the first stage. We won't necessarily need a complete event management plan, but will need to understand how the event might impact upon the open space and other users and to gauge whether you are likely to be able to run it safely.

Residents and businesses are to contact customer services to log their interest, the council will send the applicant an initial application form from which we can decide whether to authorise the event and to set an appropriate fee. The Council will make a charge where appropriate to offset the costs of maintaining and developing our parks. Customers should allow sufficient time to organise the event and seek our approval.

The type of information that we will need to know about are the intended activities are where in the park the customer would like to locate, number of participants, level of resources, health and safety issues, parking, access, expertise, any equipment you intend to use and whether the applicant has Public Liability Insurance in place if it is needed.

If applicants are planning a large event they may also need to seek guidance from our Safety Advisory Group (SAG). Further information can be found here: <https://www.eastherts.gov.uk/community-wellbeing/community-events>

### **Bouncy castle / gazebo / tent / barbecue in a Council park**

We encourage residents to make the most of our parks and enjoy them in any way that does not adversely affect the park or have negative impact on other users.

Organised events must have our formal authority to proceed so that we can ensure risks have been properly considered and that the Council is able to make a charge where appropriate to offset costs of maintaining and developing our parks.

Families or groups of friends however, may gather in our parks as long as participants take sensible precautions to keep themselves and other park users safe. In some parks where space is limited, it is not appropriate for any group to spoil the enjoyment of the park for others.

We do not permit barbecues as they can present a risk to users and often result in hot coals being left that might present a fire risk. We would not allow the use of calor or butane gas in our parks unless as part of an authorised event.

Likewise, bouncy castles are not permitted unless erected and supervised by a professional supplier as part of an authorised event.

Camping is not permitted in our parks but we are happy for families to use gazebos for “one day” events. Gazebos cannot be left overnight. They should be located mindfully to avoid blocking access or enjoyment of the park for other users.

All litter and arisings from gatherings must be cleared. Litter can be left in bins but if they are full, as can happen on busy days, user must take home for disposal.

## **Cattle in parks**

We have grazed cattle in our parks for many years on and off. It is very important that visitors follow the country code and keep their dogs under control. The few incidents that have been reported to the council are where the animals have been frightened by dogs that have not been kept under control or on a lead in the park. This is of course the same across the country in areas where the public come into contact with cattle through parks or across public rights of way. If residents and visitors visit any of our parks where there are cattle with a dog we ask that this is taken into consideration.

We are aware that some residents are worried by the presence of cattle in some of our parks such as Pishiobury Park, Stortford Meadows and Hartham Common and would like to provide some reassurance.

We are aware that the cattle can be quite inquisitive, especially when they arrive at the beginning of the season (April/May). If residents are not comfortable with this, waving arms about will send the animals in the opposite direction but the more natural reaction to run away from them is not advised. The cattle are then likely, given their inquisitive nature, to follow.

Our graziers are in the park a number of times during the week and are always happy to talk to visitors about their animals.

The cattle are an important part of conservation grazing and ecological management of the park. We have been fortunate enough to have a herd of rare breed cattle in Pishiobury for over ten years and we can assure residents that there is no great risk to the public. The cattle are all aged under 30 months and are carefully selected, by the grazier, for their suitability to maintain this important permanent parkland pasture. Only steers (bullocks) are used for grazing at Pishiobury and are known for their docility and calm temperament. The animals seen at Pishiobury are all from pedigree, rare or traditional breeds.

The Longhorns come from our oldest recorded indigenous breed. The Herefords are from some of the oldest known bloodlines and British Whites have been seen on parkland pastures for centuries.

We understand that some visitors are not used to seeing large animals in parks and may be un-nerved but the benefits in terms of conservation and education are huge. We hope therefore to be able to continue to help people understand these benefits and to be able to enjoy the park alongside the cattle and of course all the wildlife that it supports.

We install signs to provide visitors with some guidance and information about the animals. For further information about why we graze our parks in this way and about the animals in general c b found on the Council website.

<https://www.eastherts.gov.uk/sports-leisure-parks/local-parks-open-spaces-0/parks-open-spaces-sawbridgeworth/pishiobury-park>

## Dogs in our Parks

- **Dog Fouling**

We aim to ensure our parks welcome visitors without unnecessary restriction by encouraging responsible behaviour. For example, we work with dog trainers to help educate visitors, have installed a dog training area in one of our parks and have introduced some legislation which we believe is fair and proportionate.

This legislation was considered through a consultation process and is contained within a Public Spaces Protection Order (PSPO). It does not ban dogs from any of our parks but does deal with a range of issues including dog fouling and control. It excludes dogs from certain areas including fenced tennis courts, bowling greens and marked football pitches when a game is in progress. It is an offence to allow a dog to foul in any East Herts owned open space.

There are 12.5 million dogs in the UK in 33% of households. The majority of dog owners behave responsibly and many share concerns about the few who do not. Our view is that residents generally prefer to comply with sensible guidelines that they understand and can relate to. This approach should help to retain the support of dog owners.

Further information on the PSPO with links to the specific rules relating to dogs can be found at:

<https://www.eastherts.gov.uk/community-wellbeing/public-spaces-protection-order-pspo>

We will along with the police take action on dog fouling if we witness anybody not picking up after their dogs. We regularly patrol our parks, if residents are concerned that a dog owner is not meeting the requirements to clear up after their dog in one of our listed parks and open spaces they can report this on our "Report Dog Fouling Form" at

<https://www.eastherts.gov.uk/environmental-health/dog-fouling-dog-control/report-dog-fouling-form>

If residents believe that an owner has allowed their dog to behave aggressively or dangerously then they may report this to the police on their non-emergency number 101 or 999 if the incident is serious and ongoing. East Herts Council is not empowered to deal with or enforce issues with dangerous dogs.

- **Dog control - fencing**

Whilst we try to make our parks great places for all residents to visit, the Council cannot prioritise expenditure on dog proof fencing. The Council has a finite budget available to maintain and develop its parks and open spaces. We believe that our parks are already good places to walk dogs but that secure fencing to contain dogs is not a justifiable expense.

The shrubs and vegetation around the boundaries of our parks need to be pruned back periodically in order to promote healthy growth and in some instances to afford access to our contractors to clear litter or fly tipped material. They are generally planted to attractively screen out buildings and to create an enclosed character but are not planted to provide security to residents or to create a barrier to prevent dogs from escaping.

We do understand that our parks are very popular with dog owners and we welcome such use. We are keen to promote responsible dog ownership and for dog owners to have sufficient control of their pets to be able to let them run without the need for secure fencing. It is important that dog owners are able to get their dogs to return when needed, not just for their own safety but for the benefit of other park users. Even in our parks where we have stock proof cattle fencing, there are still kissing gates through which dogs are able to escape. Stock proof fencing may not contain smaller dogs. It is far better that dog owners take responsibility for their animals than for the council to try and guarantee enclosure.

We understand that some dogs may chase rabbits or suddenly scatter if spooked but would advise that where there is a risk nearby such as a rail line, road, cattle or other potential hazard, they should then be kept on a lead. The

Council cannot commit to installing and maintaining dog proof fencing around the perimeter of all its parks.

## **Drones and model aircraft**

The Council's parks are there for all to visit and explore. We have no problem with people enjoying their hobbies in our parks as long as they are doing so legally and with respect for other visitors.

### *Byelaws*

We have introduced byelaws in some of our larger parks; Southern Country Park, Bishop's Stortford, Northern Parkland, Bishop's Stortford, Lower Park Crescent, Bishops Stortford and Pishiobury Park, Sawbridgeworth.

<https://www.eastherts.gov.uk/sports-leisure-parks/rules-regulations-parks-open-spaces>

The Northern Parkland and Pishiobury Park byelaws were designed to include the following regulation on the basis of their location and previous record of people flying model aircraft.

### PART 5

#### MODEL AIRCRAFT

16. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

(a) the combustion of petrol vapour or other combustible substances;

(b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length;

or

(c) one or more electric motors or by compressed gas.

#### General prohibition

17. No person shall cause any power-driven model aircraft to:

(a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or

(b) land in the ground without reasonable excuse.

This byelaw is still active and enforceable.

### *New legislation*

Since November 2019, anyone flying a drone or model aircraft between 250g-20kg must have it registered and be able to demonstrate that they are able to fly responsibly by passing an online theory test.

<https://dronesafe.uk/drone-code/>

If it's a "toy" drone that we are sure is under 250g then as long as the user is respecting others and not causing a nuisance and adhering to the "dronesafe" guidance, we wouldn't have any objection to them flying in our parks.

### *Reporting misuse*

The Council is not empowered to enforce the law on this but we do have an interest in ensuring our customers are behaving responsibly and safely. Our advice to residents is that they should make the police aware of any incidents of concern on the 101 non-emergency number. If we are on site and find customers flying drones over 250g in our parks, we will ask them to stop if they cannot prove that the aircraft is registered.

If a customer makes us aware of what they believe to be unsafe behaviour involving such aircraft in one of our open spaces, our Enforcement Inspectors will monitor during their routine visits. If they see a drone or anyone that looks like they are piloting one they will speak to them if possible. However, the reality is that some of these aircraft have a long range, pilots can potentially fly them remotely from other locations.

Council officers may need to call the police themselves if somebody is flying dangerously and refuses to stop.

The Civil Aviation Authority provides some further guidance about reporting misuse of unmanned aircraft and drones:

<https://www.caa.co.uk/Consumers/Unmanned-aircraft/General-guidance/Reporting-misuse-of-a-unmanned-aircraft-and-drones/>

## **E-scooters in parks**

Whilst there is interest in developing alternative modes of transport, it still remains illegal to use privately owned electric scooters on footpaths or in public spaces. They are covered by the same laws and regulations that apply to all motor vehicles.

The law is explained by the government on their website should residents wish to find out about this in more detail:

<https://www.gov.uk/government/publications/powered-transporters>

If residents witness illegal activity involving a privately owned e-scooter either on the highway or in one of our parks we would ask that they make the police aware. This should be through the non-emergency 101 number unless it is believed that the behaviour of the rider is such that immediate apprehension may be required. The Council are not empowered to enforce the laws relating to e-scooters. If the police find that there is an increasing problem identified in our parks through calls from the public and their own observations, they may, subject to available resources, be able to focus patrols on this and take appropriate action.

Our own monitoring officers will continue to observe areas for anti-social or illegal behaviour in our parks and would make the police aware in the same way.

The Council will of course revise this position should the law change to make these vehicles legal to use in a public place.

### **Graffiti in parks**

The Council is defined as a Principal Litter Authority and has a statutory duty (under the Environmental Protection Act 1990) to keep "relevant land" (that is, land in the open air that is under its control including the public highway) clear of litter and refuse. However, it does not have a duty to remove graffiti from property it does not own. Under the Anti-Social Behaviour Act (2003) the Council may issue a Graffiti Removal Notice requiring the owner of the land to remove the graffiti with a statutory 28 day period but this power can only be used against 'statutory undertakers' e.g. Highways authorities; telecoms and utility companies that have street furniture on the highway itself. It does not apply to private property adjacent to the highway.

In practice it is generally not constructive to impose such fines on private residents that we may be working with to try to resolve the problem. Our Environmental Inspectors are accredited in order to be able to take action against anyone caught defacing property. The Clean Neighbourhoods Act (2005) enables East Herts Council to issue Fixed Penalty Notices (FPNs) to those found to be committing "Environmental Crime". This legislation allows the Council and

the residents to work together in keeping the streets, parks and open spaces free from graffiti, fly-posting and other Environmental Crime.

As part of this new legislation we will issue FPN's to anyone caught carrying out acts of graffiti. Graffiti in this context is classed as unauthorised writings or drawings on a surface in a public place. If residents in the area are able to identify the culprits we will take what action we can to bring them to justice.

If we can identify culprits there is also sometimes the opportunity to take further action with Acceptable Behaviour Contracts (ABCs) or Anti-social Behaviour Orders (ASBOs).

The Council's policy is to remove racist or offensive graffiti from private structures as soon as it is identified. For non-racist/ offensive graffiti (e.g. tagging) we aim to identify and make contact with the land owner to request its removal.

We are also able to offer a service to residents to remove graffiti from their property charging them only the cost to the Council.

Where we take action to remove incidents of graffiti on behalf of residents, we need also to be aware of the liability for any damage caused to private property as a result of removing graffiti and will seek a waiver from property owners.

## **Helium Balloons and Sky Lanterns**

The Council bans the intentional release of sky lanterns and helium balloons from its land. We have taken this action to protect the environment as outlined below and to highlight to residents and event coordinators as well as Council tenants and property occupiers, the hazards in releasing lanterns and balloons.

This policy applies to all East Herts District Council holdings and land ownership.

The principles and commitments set out in this policy apply to all services and decisions of the Council and to our contractors and partners delivering council services on our behalf.

This policy does not apply to piloted hot air balloons.

### *Background*

- The release of sky lanterns and helium balloons can be a visual spectacle often used during festivals, anniversaries and as a part of large and small events.
- Sky lanterns and helium balloons have been identified as a hazard for wildlife and farm animals. Balloons, plastic parts, wire and ribbons can all be eaten by animals and wildlife causing a risk of choking or blockage leading to starvation and other internal injuries. In addition they can get mixed together with grass cut for silage which is then fed to livestock.
- Sky lanterns pose a further risk as a fire hazard with the potential to spark fires in crops, heath, moorland, forests and buildings.
- Plastics which are used in sky lanterns and balloons are a major source of aquatic and global marine pollution. They cause harm by entering the food chain as they are broken down by the sun and the action of water.
- The Marine Conservation Society (MCS) – is an internationally recognised charity for the protection of seas, shores and wildlife which has produced a detailed Pollution Policy and position statement on balloons and sky lanterns, asking UK Local Authorities to recognise balloons and sky lanterns as a form of littering and to ban all outdoor releases. This stance is actively supported by the Royal Society for the Prevention of Cruelty to Animals (RSPCA), the National Farmers Union (NFU) and many other public organisations.
- Debris from both balloons and lanterns has been found littered across the County and District Council estate and wider countryside.

### *Principles and Commitments*

- The Council will not permit the release of any sky lanterns or helium balloons from land or property which it owns and/or controls.
- It is the responsibility of all Services to comply with and implement this policy as appropriate to their Service.
- The Council will highlight to residents and event organisers as well as Council tenants and property occupiers who enquire about releasing lanterns and balloons what the hazards are in releasing them and why the Council prohibits the release.

### *Notes*

It should be noted that this policy is intended to prohibit the deliberate release of sky lanterns (including helium balloons) such as the mass release of lanterns

and balloons at events. The council recognises that there may be instances where single helium balloons will be accidentally released into the environment such as may happen at children's parties.

## **Invasive plants**

- **Giant Hogweed on private land visible from highway**

The Council will carry out an inspection if Giant Hogweed is found on our own land and will remove it if we determine that it is presenting a risk to the public.

Residents more often notice this large weed in areas of land not owned by East Herts Council. The Council has no duty or powers to take action with regard to invasive plants on privately owned land.

There is information available on the government's web site about control measures should residents find Giant Hogweed on their own land and wish to find out more:

<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

Giant hogweed is one of the most commonly found invasive, non-native plants. The advice provided is that landowners do not have to remove these plants or control them on their land. This is with the exception of Japanese knotweed whereby if landowners allow it to grow on anyone else's property they could be prosecuted for causing a nuisance.

If residents spot Giant Hogweed near to the highway on land that they believe may be owned by the County Council or where pedestrians might easily come into contact with it the County Council may investigate and decide whether any action is necessary as part of their highway fault reporting assessments. Noxious weeds are likely to be categorised by County as a potential hazard but the risk level they attribute would depend upon the proximity of the infestation to a public area and the likelihood that pedestrians might come into close proximity with it. Noxious weeds are those covered by the Weeds Act 1959 and Wildlife and Countryside Act 1981. The prescribed weeds are: Ragwort, Broad Leaved Dock, Curled Dock, Creeping Thistle, giant hogweed, Japanese knotweed, Himalayan balsam and Spear Thistle.

Customers who have concerns about such issues on or near the highway should report them on the County's Highways Fault reporting web page:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/report-a-problem/report-a-street-light-or-pothole.aspx>

If it is on private land, they may decide not to investigate and if it is on County land they will make an assessment of risk and may decide not to take any action. If noxious weeds are found on highway verges managed as part of the agency agreement we have with County, they may commission us to action their removal but this is not required as part of our routine verge maintenance works that we carry out on their behalf.

- **Japanese Knotweed on East Herts Council land**

Japanese knotweed was brought to Britain as an ornamental garden plant in the mid-nineteenth century. Since then it has become widespread in the wild and can cause serious problems by displacing native flora and causing structural damage.

#### *The Council's Role*

The Council monitors the occurrence of Japanese Knotweed on the Council's own Parks, Open Spaces and verges and will take appropriate action when it is identified.

The Council does not have a responsibility to either monitor or control Japanese Knotweed on land that it does not own. We may record sightings on land for which the Council is not responsible to help us track its presence in the district but we will take no action relating to its control unless it is on our own land or on neighbouring land where it might potentially create a threat to Council Property.

Concerns relating to the illegal disposal or transporting of Japanese Knotweed can be reported by residents directly to the Environment Agency on their 24hr incident hotline on 0800 80 70 60. They will also provide advice about managing waste on their customer services line 08708 506 506.

Concerns relating to the illegal planting or spreading of Japanese Knotweed in the wild should be reported to the police. Local Authorities have some enforcement powers in this specific area but this has not been identified as a District Council responsibility in East Hertfordshire.

#### *Legislation*

- The Wildlife and Countryside Act 1981 provides the primary controls on the release of non-native species into the wild in Great Britain. It is an offence under section 14(2) of the Act to 'plant or otherwise cause

to grow in the wild' any plant listed in Schedule 9, Part II. This includes Japanese Knotweed.

- It is not an offence to simply have it growing in your garden or on your land and there is no legal requirement to control it if it is (unless doing so forms part of a legally binding contract or agreement with another party).
- Private landowners may be wise to consider how the weed on their own land might affect others if it were to grow outside their boundary.
- It is not listed in the Weeds Act and is not a 'notifiable' weed so there is no need to report its presence on your land (unless doing so forms part of a legally binding contract or agreement with another party).
- The Environmental Protection Act - Duty of Care - Regulations 1991 state that any material containing Japanese Knotweed taken off a site must be safely contained and disposed of at a licensed disposal site according to current guidelines.

#### *What we can do*

Where Japanese Knotweed is found on land within the Council's control the Council will take appropriate action to minimise the risk of spread and where appropriate, endeavour to eradicate it in line with current good practice.

No specific inspection of Council owned land is carried out to locate potential occurrences of Japanese Knotweed. There is no legal requirement to do so and this would be prohibitively time consuming. However, monitoring officers have been trained to identify the weed and to record any occurrence of it whilst carrying out other routine contract or open space inspections.

The Council's grounds maintenance contractor is responsible through our contract to report occurrences on council land and to ensure that all their staff are trained to do so.

A property check of land ownership may be undertaken to identify the adjacent landowner. This would only be necessary however if they are likely to be affected by any proposed control of the weed or they own the land where the weed may have originated from. If necessary, they will be notified of our intention to control the weed and of the risks to the environment if the weed is allowed to continue growing. The Council may offer assistance to apply the appropriate herbicide to control the weed on their land if it is present if they give their written permission.

If approached by a landowner wanting to control a patch that spreads onto Council owned land, the Council will co-operate with control measures provided

any other potentially affected landowners are willing to participate and providing that sufficient funds are available to do so.

If the weed is allowed to grow on adjacent land and is found to cause damage to Council property, appropriate action would be considered in relation to the offence to 'plant or otherwise cause to grow in the wild'.

#### *General Control considerations*

The control and eradication of the weed is the responsibility of the land owner, and on sites where it is present, a policy of control leading to eradication is regarded as best practice.

Studies of the weed have been undertaken by various organisations. A chemical application applied to the whole leaf growth at a height of approximately 1 metre has been found to be the most satisfactory control during active growth. Control may be applied before the plant reaches this height dependent upon the density of the canopy. If the growth has become woody, the stems should be cut and the new growths sprayed. The height of the plant early on in the season may reduce as treatment continues.

Timing of the application will depend upon vegetative growth that season. This is likely to be April to May followed by subsequent applications as determined by our specialist contractor.

Ongoing treatment will only be continued where it can be justified and will be stopped once control has effectively prevented any regrowth. Each site will be inspected periodically to check for regrowth until the Council is confident that the plant at that location has been eradicated.

#### *Grass cutting and Japanese Knotweed*

As research has shown that the plant can be spread by the smallest amount of cut stem material' extreme care should be taken to ensure that areas of Knotweed are not cut, flailed or strimmed unless the work is being undertaken as part of an agreed control operation.

## **Benches, plaques and memorial trees**

- **donating a bench or plaque**

We will consider all applications for new benches or plaques. We will only install new benches where we feel there is a real need for them. We won't fill our parks

with too many benches but find that most requests are for larger parks where it is usually possible to accommodate a new one.

If the location is one where we have already identified the need for a new bench, we may consider funding the installation. If not then residents will be asked to pay the full cost. We will meet residents on site to agree the precise location. This will take into consideration preferences (a favourite view perhaps) but must also include a sensible approach to spreading our benches out to create convenient stopping points for visitors wishing to take a rest. We will not place them where they might encourage anti-social behaviour such as unreasonable noise near residential properties.

We generally use two styles of benches to retain some design consistency across our parks and because they are tried and tested to resist vandalism. In most of our parks we use the earth anchor Evergreen recycled plastic bench which has cast Iron end frames and boards made from recycled material.



In some of our rural parks we use a bespoke chunky oak bench designed and supplied to us by a local specialist (e.g. Pishiobury Park).

These come flat packed and can be installed by volunteers if that is appropriate.

We do not allow standalone plaques in our parks to commemorate trees. With the exception of benches, our view is that the place for memorials is the local churchyard or cemetery. Previously we have allowed brass plaques which residents have arranged for themselves. We have installed these by routing out to let the plaque sit flush with the surface, glued and screwed. However, we now prefer to have words engraved directly into the seat back which is far more vandal resistant.



This can either be retro fitted to an existing bench by replacing a slat or ordered with a new bench. Residents will be asked to pay for the full cost of this but we will make the arrangement with the supplier on their behalf as part of an order for a new bench. Once we have agreed initial details, customers would email the precise text to us before we contact the

supplier who would then confirm to both parties. If retro fitted the resident would also pay the installation cost.

We've not found it necessary to set up any formal agreement to control these arrangements or to protect the authority. We would transfer an engraved slat free of charge if we need to replace a bench. We cannot fund a replacement if an engraved board is damaged or stolen.

- **Request to plant a memorial tree**

We are happy to support any initiative to plant new trees in our parks where we have space to do so and where it fits in with our wider plans. When we receive a request for a memorial tree we will consider whether the proposed location is appropriate in relation to the landscape and the environment. We will also discuss the cost. New trees planted as part of our normal programme can be the subject of vandalism but in some parks they fair better than others. Where we have sufficient funds we will sometimes install protection fencing but often we will simply plant a greater number of whips (very small tree saplings), some of which will reach maturity.

The location and the species are important. We aim to plant only native trees in our wider park landscapes. Ornamental trees are appropriate in a formal landscaping scheme or residential garden but not appropriate for our larger open spaces or reserves that are managed in the interests of biodiversity.

Some parks such as Hartham Common, whilst being a large park does not have a great need for more trees in its open areas. It is possible in some of these parks however that we can carry out some replacement planting in woodland areas, at perimeters where we may seek to soften fencing or in localised areas of formality.

If residents would like to consider planting a new tree with our guidance in a different location, we would be happy to discuss this.

We do not allow plaques near trees or any other feature in our parks to commemorate people but we can consider donations from families to plant a tree in memory of a loved one. We also encourage residents to think about engravings on our benches. *(see links to Memorabilia in parks / donating a bench or plaque)*

We can offer guidance on suitable trees and can help to find the right location. In dedicating a tree or bench to a park or open space, it is placed there for all users to enjoy and retained as public property.

- **Memorabilia in parks**

The Council understands that floral tributes and cards, while they remain, provide a visible and poignant focus of grief for families and friends. Other items such as articles of clothing, photographs and toys provide a very personal and heart felt reminder to families of their loved ones.

In the same way as many highway authorities, we are supportive of short term acts of remembrance, whether this is at the roadside or in a place that is special to family or the person grieved for. The County Council for instance allows flowers or small decorations to be placed at the roadside for one month after a collision.

<https://www.hertfordshire.gov.uk/services/births-deaths-marriages-and-citizenship/deaths/roadside-memorials.aspx>

They do not however allow permanent memorials on the roadside and remove them after a period of time, working with the police liaison officers and the families to deal with this as sensitively as possible.

East Herts District Council does not allow memorabilia such as toys, clothing and banners to remain on display in our parks. We do not allow plaques near trees or any other feature in our parks to commemorate people. We understand that some residents find comfort from these actions but our view is that the place for memorials is the churchyard or cemetery. We find that floral tributes or any other memorabilia compromise visual amenity and can hinder maintenance of our parks.

We will ask for items to be removed or will make arrangements to have them taken away. We may support residents for a period of two weeks while they consider where or how they might like to more permanently remember their relatives or friends.

We appreciate cooperation in this matter. If residents would like to consider a lasting memory in one of our parks, we can offer a service in some circumstances to donate a bench with an engraving or plant a tree (see links to donating a bench or plaque / request to plant a memorial tree)

In dedicating a bench to a park or open space, it is placed there for all visitors to enjoy and use.

## Metal detecting and magnet fishing

Whilst we endeavour to allow as many diverse activities on our open spaces as we can, we regret that we cannot permit metal detecting on our land.

We have reflected on the National Trust approach to guide us.

We know most metal detectorists have a genuine interest in history and archaeology, and take care to report their finds, but we need to guard against finds being removed without proper recording or archaeological supervision. All our land has archaeological potential and is managed for the benefit of everyone – when finds are taken out of context we lose a piece of the jigsaw, making it harder for us to care for our archaeology.

Some detectorists are covered by National Council for Metal Detecting insurance and we are encouraged that they follow their guidelines for responsible metal detecting. We do not however, have the resources to evaluate those wishing to metal detect on our land, to assess any project they may have designed or to decide which of our parks might or might not be suitable.

Where we believe that archaeological investigations are needed to explore the history of one of our parks or to support our own developments, we will employ a specialist company. On these occasions we work closely with the Hertfordshire Historic Environment Team to ensure that our consultants are coordinating effectively and operating within the relevant legislation and guidance.

We commissioned a company; Oxford East Archaeology for example, to explore history below the ground at Grange Paddocks to support our plans to develop the leisure centre.

## Pests and nuisance from wildlife

- **Pest Control**

The Council has no duty to control rats, wasps or other pests across the district and is not able to provide a service to do so. There are professional companies widely available that are able to offer such services.

We will carry out pest control on our own land (open spaces, buildings etc) where we believe there is a problem. This will not however include attempting to trap or poison rats in our parks. We see rats in our parks particularly where there is a water source and where there is food to sustain them. Unfortunately

where there is litter or where visitors feed ducks with bread, this provides them with a food source.

We try to encourage visitors not to drop litter and to feed ducks with appropriate food that is neither harmful to ducks nor left as food for rats. (see link [Feeding ducks](#))

Trying to reduce rat populations in our parks with pest control methods would be ineffective and a waste of resources. It would also risk harming wildlife present in our parks such as other small mammals and birds.

A wasps nest in one of our parks is unlikely to present an actionable risk to the public but we will investigate where residents have legitimate concerns.

### *Service for Vulnerable Residents*

We are however able to provide a pest control service for vulnerable residents, that is residents on income related benefits who own their own homes.

If residents rent their property then they should contact their landlord or housing association as they are the owner of the building and are ultimately responsible for the building's condition.

The council only provides a service, for vulnerable customers of owner occupied properties. For other customers we recommend that they use an approved company which has signed up to one of the industry bodies such as the [npta.org.uk](http://npta.org.uk) or the [bpca.org.uk](http://bpca.org.uk)

The company that council use to deliver a service to vulnerable customers is Glendale but they are not currently able to provide any external service to other residents. If residents are employing a company to provide pest control, we advise them to get a number of quotes, confirm what is actually included in the treatment cost and get recommendations from others or use a trade review site such as [checkatrade.com](http://checkatrade.com).

More information on how to prevent pests can be found on our web site:

<https://www.eastherts.gov.uk/environmental-health/pest-control>

- **Bird Droppings from trees**

We occasionally receive calls about birds roosting in the trees near to houses and creating a mess.

Trees growing on highway verges are either owned by or under the management of the County Council.

We inspect all our own trees regularly and carry out any maintenance that is needed to manage the risk of damage or injury. Any nuisance presented by birds however, is not the fault of the tree or the Council.

The Council values the trees under its care and does not accept that any nuisance experienced from bird droppings, from birds roosting or nesting in a tree is sufficient cause to fell or carry out pruning. It is indeed an offence to disturb birds while they're nesting, building a nest, in or near a nest that contains their young.

<https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences>

Pruning trees is not the solution, as the birds will simply roost on the remaining branches or other nearby trees. Even when trees are pruned, they will continue to be inhabited by wildlife. Healthy and attractive trees are an asset to the environment.

If vehicles are affected, residents are advised to consider, garaging, covering, regular cleaning or alternatively parking away from the tree.

Where residents own trees in which birds are roosting there are alternative actions that residents might want to consider:

- Installation of commercially available pigeon spikes onto the level limbs where birds are likely to land
- Use of strung wires placed along the landing areas
- Application of a non-toxic bird repelling caulk
- Installation of audio devices
- Use of 'mock' birds, targeted towards the correct species

The Council will not fund these sorts of initiatives on its own trees.

- **Bees around Ivy**

The Ivy Bee (*Colletes Hederae*), is a species of plasterer bee, and are harmless. They are a relatively new species to the UK. Many residents report these bees as nesting in large patches of Ivy, mostly during the autumnal months of September through to November. The females collect pollen from the ivy flowers, whilst the males dig burrows and prepare for winter. These bees are often found in large numbers but are harmless and best left alone. Their work is vital to their survival, and the Council advises that residents do not disturb them.

- **Feeding ducks**

It is important to know what is healthy to feed ducks as the wrong food can have serious consequences. Please don't feed bread to the ducks in our parks. We have provided some information to explain why this is at:

<https://www.eastherts.gov.uk/sports-leisure-parks/feeding-ducks>

## Play areas

- **Sand play – dog and cat faeces**

The vast majority of people we talk to about play areas with sand are fully in favour of these facilities. Not only is it a safe surface to minimise the risk of head injuries, it is also a fun play and learning element in its own right and adds an attractive character to a play area.

For instance; at Trinity Close in Bishop's Stortford the "bowl" characteristic tucked into the hillside provides a more natural and welcoming feel than it would had we just used grass matting or rubber pads. The huge sand pit in Hartham Common play area in Hertford has proved incredibly popular and provides a great platform for the water play facilities.

We find that sand is very popular wherever we install it.

We install fences and gates on most of our play areas. These are installed for a range of reasons, sometimes where busy roads or rivers may present a potential hazard. They are generally installed though to prevent dogs from entering play spaces designed for young children to minimise the risk of Toxocariasis, a rare infection caused by roundworm parasites. Humans can catch it from handling soil or sand contaminated with infected animal faeces. Roundworm parasites are most commonly found in cats, dogs and foxes, and are more likely to affect young children. This is because children are more likely to come into contact with contaminated soil when they play and put their hands in their mouths. Older children are generally less likely to do this.

We believe, along with many other authorities across the country and leading play safety experts, that the benefits of sand are considerable and outweigh the low risk of any health issues from dog or cat droppings, particularly with the control measures we put in place.

Whilst cats are able to climb fences and gain access to our play spaces, the risks of Toxocariasis are reduced by preventing access to dogs. Dogs are excluded from all our play areas through the Public Spaces Protection Orders.

<https://www.eastherts.gov.uk/environmental-health/dog-fouling-dog-control>

All our play areas with sand are inspected and maintained at least three times per week which includes raking through the sand to remove any debris or cat faeces. The wider park areas are also visited regularly to clear litter.

- **Play area noise and frequent use (Antisocial behaviour)**

We appreciate that noise from play areas can become an annoyance for some at certain times. While many of us are now working from home, we are experiencing different pressures and it is understandable that we might prefer a quiet environment during periods when we would not normally have been at home. However, we must stress that these are public open spaces.

Play areas are an essential part of the community, providing somewhere for young people to play and socialise. Most of our play areas have been in their current location for many years and do not present any significant problems.

Young people and parents are likely to gather at play areas on their way home from school. We would expect a certain amount of noise generated from this and do not agree on the face of it that children playing in or around a play area is unreasonable behaviour.

We do have a Community Safety and Anti-Social Behaviour team at East Herts Council who are able to investigate concerns in more detail. Residents can find out more about their work here:

<https://www.eastherts.gov.uk/community-wellbeing/anti-social-behaviour>

We advise that residents consider the information provided and, if residents would like to seek further assistance, submit concerns through the Anti-Social Behaviour Report Form with a little more information about how often residents are disturbed by noise and whether it is always at the same time. Our team can then consider this further and advise whether they feel that the behaviour residents are describing is unreasonable or not, and if so how they may be able to help.

## **Risk assessments in parks**

The Council carries out routine inspections of all its parks and open spaces including those with woodland areas.

These are predominantly undertaken through our grounds maintenance contract. Their purpose is to ensure that the areas are as safe, secure and fit for use as is possible (having regard to practicability and available resources), and to ensure that any areas or items requiring reactive maintenance identified during the course of an inspection are speedily addressed. These inspections will be undertaken in two ways; frequent routine visual checks and less frequent operational inspections to a more detailed level. Routine inspections are planned but not formally recorded, operational inspections are planned and recorded in detail.

These inspections are supplemented by audited client inspections to assess open spaces and to monitor contract performance.

We also commission detailed inspections of trees in our parks.

- **Rope swings in Woodlands**

The Council carries out risk assessments in relation to its operations which are periodically reviewed and updated. These note considerations for open space inspections including any obvious signs of play such as worn grass on slopes (running, makeshift sledges, bmx bikes etc), clearings in woodland, graffiti, ropes in trees, concentrated litter collection indicating social gathering spots. Our inspectors will decide whether these should be removed, made safer, encouraged and/or monitored.

There is of course a good argument that “natural” play is important and that young people are actually very good at assessing risks. We like where possible to encourage and facilitate young people making use of our open spaces for play. There have however been incidents across the country involving serious injury where rope swings have been erected without the benefit of professional guidance.

In practice, rope swings are generally removed as they have been installed without the Council's input or any informed risk assessment that we are aware of and may not therefore provide for safe use.

## **Scattering of Ashes on East Herts Council Open Spaces**

We aim to ensure our parks and open spaces can be used and enjoyed by as many people as possible for as many diverse activities as we can. We consider

how we can accommodate people's needs fairly and sensitively. As with any request to carry out an activity in our parks we consider how that might affect other users, the environment and our maintenance regimes.

We are aware families are increasingly choosing to scatter ashes at favourite beauty spots or in places their loved ones were fond of. The general consensus amongst professionals in this field is that there are no legal restrictions to prevent this but it is widely accepted that relatives should seek the landowner's permission.

If able to satisfy some simple criteria, we will provide our permission, offering our condolences at such a sad time. If we decide a requested location is inappropriate, we will try to suggest a more suitable site. There may be occasions when we are unable to help.

We will not agree to people scattering ashes in all our public parks and gardens, especially in urban areas. Many of our parks are relatively small and visited by high numbers of people. If relatives wish to conduct a ceremony, it is unlikely they will have the privacy or space that they need to make it a special event. Some of our parks are environmentally sensitive or need to be maintained to high ornamental standards.

Some sites however, such as The Warren in Hartham Common or the woodland areas surrounding Pishiobury Park are natural spaces with a fair degree of seclusion where residents would be able to scatter their relative's ashes without adversely affecting others' enjoyment of the park or causing any damage to the environment.

If choosing to scatter on a river on our land – we would still like to be consulted. Residents don't need special permission, but should consult the Environment Agency's guidance:

<https://www.scattering-ashes.co.uk/wp-content/uploads/2010/03/GEHO0306BKIK-e-e.pdf>

Once we have agreed a location in a suitable park, we simply ask that people let us know when they would like to proceed so we can make a note in our events database. This information will not of course be shared outside the authority but means that, should we receive any enquiries, our team will be aware of the permission.

We receive some requests for memorial plaques in our parks and do not allow these other than upon benches. We will not permit residents to use trees or

other features in the park as memorials or to leave flowers or personal items. We feel that this sort of remembering of loved ones is best confined to our local cemeteries. If residents wish to arrange a bench engraving we can provide details of the cost of benches and discuss a suitable location. We may decide in some of our parks that there are already sufficient benches.

The planting of a memorial tree may be authorised where there is sufficient space and need. Species choice is determined by the surrounding landscape.

We ask that people do not make any permanent marks or leave items at locations where they have scattered ashes or where a tree has been authorised. We are happy to provide a map of the chosen site so that relatives are able to record the location. We appreciate relatives are likely to want to remember the site and record it for future generations and feel that this is the best way to do this.

We suggest to those disposing of ashes that they might provide a courtesy note to Parish Councils as Burial Authorities. In 50 years' time there may be mystified searchers or historians and a routine search place will still be burial records. A note in them would be a help to researchers of all kinds in the future.

We have reviewed some of the information available about scattering ashes and ask that residents consider the following:

- Scatter in a secluded area, ideally away from other people and avoiding the main pathways
- Be aware of the environment - avoid areas of special conservation and try not to disturb the ground
- Try to avoid busy periods such as Bank Holidays, if choosing a popular spot then sunset or sunrise will be less busy
- Try to avoid windy days, be aware of the direction of wind and proximity of family members and other park users
- Avoid scattering on land where animals are grazing
- It is probably better to hold a discreet, informal gathering rather than an official ceremony
- Residents might find it easier to use an ashes scattering container known as a 'scatter tube' to help scatter the ashes
- Ashes should not be scattered in one solid mass on the ground and should be scattered evenly

Things to consider when making a record of the day:

- **Where** – Keep it simple but be detailed, so for example: Hazel Wood, 50m to the east of the main bridge
- **When** did the resident conduct scattering? eg. dawn, midday, sunset
- The date – Any particular reason why residents have chosen this date? A birthday or anniversary?
- **Why** – Why residents have chosen to scatter there, this might help future generations to understand the significance
- **Who** – Who was there at this special occasion
- Details/Readings – did everyone sprinkle some ashes? Did anyone say a few words?

We do not require the completion of any formal application request. Relatives can email our Customer Services Team at [customer.services@eastherts.gov.uk](mailto:customer.services@eastherts.gov.uk) or telephone us on 01279 655261 to arrange for one of our Enforcement Officers to consider their request.

Their request will be logged on our customer enquiry database. The inspector will consult with colleagues before making a decision. Once a location has been agreed we only need confirmation of the relative's full name and address and the approximate time and date they are planning to visit. We don't need to know the precise location but ask that they keep slightly away from the main footpaths and follow our general guidance.

## Shrubs / shrub beds / hedges

- **Shrub bed / hedge encroachment to boundary**

All our hedges should be pruned twice a year, some are faced off to keep them tidy and to minimise encroachment across paths. Some are also “topped” to keep them to a manageable height.

All our shrub beds are pruned once every year and then visited regularly through the year to control weeds and prune back any encroachment across paths or signs.

Most hedges are pruned back to previous year’s growth and shaped to a tidy hedge of approximately 800mm wide and 1200mm to 1800mm high.

Shrubs are pruned to various heights according to species and location.

The Council does not reduce the height of hedges to afford access to resident’s walls or fences.

The purpose of shrub beds and hedges planted by developers when houses are built, are to enhance the visual amenity for all residents and often to hide or “screen” fences from public spaces.

After having adopted any such areas for maintenance, we maintain the landscape as it was intended. Walls should have been designed by developers to withstand the presence of any trees and hedges included in their landscape schemes.

The Council advises residents who install fences adjacent to hedges in the public amenity to ensure that they are removable from the inside should they wish to access the outer side of panels.

Shrub beds may sometimes be reduced in height (to approximately 400mm) on a rotational basis (e.g. every 5 or 7 years) where it is beneficial to the species and where it is more cost effective than annual pruning, e.g. Laurel.

Our grounds maintenance contractor will remove any litter in the hedge base or shrub bed as part of each pruning operation. Any other litter picking would be carried out through any scheduled street cleansing operations under the Waste contract.

We are confident in most cases that our maintenance regime is sufficient to keep vegetation tidy and to minimise the potential for any damage. If residents believe however, that vegetation on Council owned land has caused any damage to their property (such as a garden wall, fence or residents house) through subsidence or root/branch movement, we would advise that they consult their household insurance provider to arrange an investigation. If residents wish to pursue a claim, guidance can be found at:

<https://www.eastherts.gov.uk/about-east-herts-0/insurance-claims>

- **Ivy growing over boundary from a Council open space**

Ivy is a woody stemmed, self-clinging climber that can grow relatively quickly to cover fences, walls and buildings. English Ivy supports itself by aerial roots and where these penetrate, cracks or joints they may cause structural damage – but, sound masonry is generally unaffected.

In our wider parks, where wildlife conservation is of consideration, ivy is not removed.

Ivy uses trees and walls for support, allowing it to reach upwards to better levels of sunlight. It is not a parasitic plant and has a separate root system in the soil, absorbing its own nutrients and water. It forms an beneficial and naturally occurring part of woodland habitats.

We will not remove ivy that is growing across a boundary but residents are at liberty to prune it at the boundary line. If it is growing in an ornamental shrub bed and encroaching other plants, we may remove it during the winter remedial works.

If residents feel that ivy is encroaching from property owned by the Council and causing potential damage, then residents should report concerns to our Customer Services Team. One of our inspectors will investigate.

- **Hedge or shrubs close to residential fence, concerns about encroachment and height**

The Council does not reduce the height of hedges to afford access to resident's walls or fences. Hedges would have been planted by developers to "screen" such infrastructure for the benefit of the public amenity. Once the Council adopts any such areas for maintenance we will maintain the landscape as it was intended. Walls should have been designed by developers to withstand the presence of any trees and hedges included in their landscape schemes.

The Council advises residents who install fences adjacent to hedges in the public amenity to ensure that they are removable from the inside should they wish to access the outer side of panels.

Shrub beds may sometimes be reduced in height on a rotational basis (e.g. every 5 or 7 years) where it is beneficial to the species and where it is more cost effective than annual pruning, e.g. Laurel.

If residents are concerned that vegetation may have caused any damage to their property such as the brick supporting wall through subsidence or root/branch movement, we would advise that residents consult their household insurance provider to arrange an investigation. If residents do wish to pursue a claim, guidance can be found at:

<https://www.eastherts.gov.uk/about-east-herts-0/insurance-claims>

- **High Hedge complaints**

Some residents may be unhappy with the height of their neighbour's hedge where it is affecting reasonable enjoyment of their property. The Council is empowered under the Anti-social Behaviour Act 2003 (High Hedges) to consider disputes. Our planning enforcement team may be able to help.

Information about high hedges can be found on the [Planning Portal website](#) and in [High Hedges Complaints: Prevention and Cure \[768KB\]](#).

To complain about a high hedge, this is a chargeable service of £515 (at 2021 fees and charges). If residents are receiving benefits they may be eligible for a discount. Please complete our [High Hedges Complaint Form \[199KB\]](#)

## **Trees owned by the Council**

- **Tree safety**

The Council operates an independent tree risk management inspection programme to inspect our trees regularly and diligently. Our inspection methods are reviewed regularly and updated wherever necessary to keep up with nationally recognised good practice.

Where our inspections reveal there is any cause for concern regarding the safety of trees, we endeavour to take appropriate action. We investigate

each request we receive and refer to the findings of the latest inspection as well as considering the position of the trees in relation to customer's properties.

The Council invests considerably in this robust inspection process to fulfil our duty of care to residents and to minimise the risk of injury or damage to property. Whilst we do all can to achieve this however, trees are naturally growing in the environment and not always predictable.

We prioritise the budgets available to manage our entire tree stock to prune or remove those trees which do present a risk, ensuring that the most urgent cases are dealt with first.

We can reassure residents that we employ a specialist arboricultural consultancy practice. They are involved in a wide range of relevant work including planning consultancy, large scale computerised tree surveys, legal expert work, subsidence, insurance consultancy, state of the art tree management software and general consultancy advice relating to both trees and the landscape.

All their arboricultural surveyors delivering the service have a minimum level 3 qualification in Arboriculture and are LANTRA accredited to ensure a high level of assessment for all trees. Quality management systems, key performance indicators and quality checks are carried out by a senior consultant regularly on site and all survey data is signed off by a senior member of staff before being issued.

The Council recognises that regular tree inspections are crucial to minimise risk to the public and to present a strong case against potential allegations of negligence. It is committed to maintaining a defensible and responsible system of tree risk management.

All trees and tree groups are individually assessed to determine their "risk category" based on their proximity to high value targets in relation to their height and size. Trees or tree groups capable of falling on a very high or high value target are inspected annually (Category 1). All other trees and tree groups are inspected every three years or more frequently if specifically recommended by the surveyor (Category 2).

Our consultant uses the Quantified Tree Risk Assessment (QTRA) method for assessing the risk from trees. All arboricultural staff engaged in our inspections are trained, registered users. Tree safety management under

this system is a matter of limiting the risk of harm from tree failure while maintaining the benefits conferred by trees. Although it may seem counterintuitive, the condition of trees should not be the first consideration. Instead, tree managers should consider first the usage of the land on which the trees stand, and in turn this will inform the process of assessing the trees.

The system moves the management of tree safety away from labelling trees as either 'safe' or 'unsafe' and thereby away from requiring definitive judgements from either tree assessors or tree managers. QTRA quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with tree values and operate to pre-determined limits of tolerable or acceptable risk.

By quantifying the risk from tree failure as a probability, QTRA enables a tree owner or manager to manage the risk in accordance with widely applied and internationally recognised levels of risk tolerance.

While defects in trees are relatively common, only a small minority of trees with observable defects require works. However, the possibility of structural failure is assumed to increase with time, therefore where trees are not to be re-inspected for three years the surveyor is justified in taking a more cautious approach to making recommendations than where 12-15 month inspections are scheduled.

QTRA is based on data calculated over a 1-year period. A detailed assessment of the Risk of Harm (RoH) informs the prioritisation of resources to deal with all "urgent" and "necessary" works as soon as is practically possible within one year. Other "appropriate" works are dealt with on a priority basis through the year with any remaining resource capacity. The Council sets aside a reasonable budget to meet these demands but in years where "urgent" and "necessary" works increase, the level of "appropriate" works may decrease.

"Appropriate" works might include landscape improvement, good arboricultural practice, established maintenance, specialised pruning of ancient or veteran trees, managing nuisance or clearing basal vegetation for access.

This process of realising "tolerable" or "acceptable" risk enables us to demonstrate that risks are managed reasonably and proportionately (As Low As Reasonably Practicable ; ALARP) in relation to our duty of care whilst making the best use of our finite resources and maximising the many benefits our trees provide.

Our inspection contractor works closely with our maintenance contractor to ensure our budgets are prioritised effectively and recommended works are carried out efficiently.

The Council is committed to providing a responsible regime of tree risk management that reduces risk from injury and property damage. However trees are living organisms and may fail despite our best efforts. We aim to ensure that trees do not present an unacceptable risk to residents and that our policy and decisions are defensible in the event of claims.

If residents would like further information, for the methodology of the QTRA system currently used, the link below provides further information.

<https://www.qtra.co.uk/cms/index.php?section=4>

The Council will only commission works based on current survey results. **We will not carry out works to trees that have not been recommended as part of our rigorous inspection process** other than in the unusual circumstances where the condition or status of a tree has suddenly changed. High winds may for instance have fractured a branch that requires pruning.

Trees will naturally move in the wind and make noises as they sway which can sometimes create concern for residents. The guidance we receive from our expert consultant does not conclude however that all large trees near to buildings must be removed or reduced in size. We reassure our customers that carrying out unnecessary heavy pruning to trees is not recognised arboriculturally as necessary to prevent a tree from falling.

Some pruning may be required for example where a tree has been unexpectedly exposed to the prevailing wind or where it has developed a weakness or disease. In some instances heavy pruning can in fact cause structural weaknesses in the tree that can create problems in the future.

Where a tree is healthy it is far better to monitor it and carry out work in response to regular inspections. (see link How does the Council keep its trees safe?)

- **Tree dropping fruit/seeds/leaves onto resident property**

The Council values its trees across the district including those on its own land.

We recognise that actions taken need to be proportionate to the actual risks involved and the importance of trees in our environment. Our inspection

regime is thorough and carried out by specialist arboriculturalists qualified to undertake risk assessments. Management decisions are taken in light of the wider benefits of trees; aesthetic, ecological, environmental and sociological. Trees offer many benefits; they reduce carbon dioxide levels, filter and absorb pollution, absorb noise, produce oxygen, reduce the stress of modern lifestyles, encourage wildlife, have an aesthetic value and offer shade and shelter.

Trees are naturally growing, shedding organisms. Leaves, twigs, fruit litter, pollen and dead branches are a normal consequence of living with trees and are not sufficient justification for felling or pruning.

**We will not fell or prune any trees without sound evidence that the tree is likely to cause damage or injury** or where for conservation reasons, its removal will benefit the wider environment.

If a tree presents a real risk of damage or injury we will take appropriate action to deal with it. A build-up of leaves in a gutter or covering a patio may be seen as a nuisance to some people but fallen leaves are a natural phenomenon and there is no obligation or duty for a landowner to collect or dispose of leaves that fall onto neighbouring land. We would advise that residents don't locate structures or features beneath the canopy of a tree that might naturally shed debris.

We don't pick leaves up from our own trees falling in our parks, other than on hard surfaces or in shrub beds when they are pruned. We recognise that leaves are a crucial part of the natural cycle of plants growing in the environment.

The Council does not own or manage trees on highway verges. These are the responsibility of the County Council. If residents have concerns about a County owned tree they can make them aware through their fault reporting process at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/report-a-problem/report-a-street-light-or-pothole.aspx>

Honeydew deposits during the summer months are produced by aphids which feed on the leaves of trees. This is common with tree species such as Lime and Sycamore. Heavy infestations of these insects can create significant deposits of honeydew which will fall on anything under the tree and drift in the wind. This feeding activity is a natural process and there is no practical treatment which will control insect numbers or prevent honeydew secretion.

The Council manages thousands of trees across the district, many of which are adjacent to gardens, footpaths, roads and parking areas. We receive complaints about some of these trees in relation to fruit dropping onto patios, leaves blocking gutters, sap from aphids falling onto cars and droppings from bats and birds falling onto cars and garden sheds. It would be incongruous with our commitment to protect trees to accept their loss for such reasons.

The Council is not legally obliged to clean honeydew deposits from an adjoining property, vehicle or structure. **We will not fell or disfigure trees to deal with this issue.**

If vehicles are affected, residents are advised to consider, garaging, covering, regularly cleaning or alternatively parking away from the tree. One approach residents may consider is to install the type of plastic spikes on branches above their property used to prevent birds from roosting. A tree surgeon may be able to advise on this alternative.

- **Tree/shrubs: allergies and pollen**

Whilst the Council sympathises with allergy sufferers, it would not be practical nor beneficial to our environment to stop planting all the trees and shrubs which create pollen. Many of these trees are native to the UK and are an important part of our landscape. Oak for example is one of the main allergenic pollen and affects about 20% of sufferers. As one of the countries most loved and splendid trees and one which creates habitat for a huge variety of other species it would not be acceptable to stop planting it. If we were to adopt such a strategy we would also of course need to consider the future of the grass areas in our parks as grass pollen is the most common trigger of hay fever in the UK.

The reality is that pollen from a wide number of species travels freely in the wind and does not remain in the close vicinity of each plant. We understand that it may be possible to reduce symptoms by choosing plants carefully for resident's own contained gardens but this is neither practical nor would it be effective for the wider landscape.

We are mindful of what we plant and how our schemes impact the wider environment. We are conscious of how plants can have an adverse effect on people but we cannot remove certain plants or modify our planting programmes in relation to allergies.

- **A Council tree overhanging resident's property.**

Residents are only permitted to cut back growth to the boundary line of their property and no further.

Our general advice regarding vegetation overhanging property boundaries is that householders are legally within their rights to remove any branches that are overhanging the boundary up to and no further than the line of the boundary and preferably no higher than 3 metres.

This does not allow residents to reduce the height of a Council owned tree in any way. It is important to note that any such pruning may damage the visual appearance of a tree and could seriously destabilise it. For that reason the Council would only agree to any major pruning to one side of trees near boundaries if it can be achieved sympathetically to the tree and the landscape.

We manage the trees and woodlands in our parks and open spaces carefully and in line with good practice. We commit to a programme of responsible management which will often include thinning woodlands (removing a number of trees) where they have been purposely planted too close together. Woodlands are often planted at a high density in the knowledge that some trees fail and to provide the opportunity to choose the best trees to reach maturity.

- **A Council tree blocking light from resident garden**

The Council will not prune trees to afford light to residents.

We operate an independent tree risk management inspection programme to inspect our trees regularly and diligently. Where our inspections reveal there is any cause for concern regarding the safety of trees, we endeavour to take appropriate action. We investigate each request we receive and refer to the findings of the latest inspection as well as considering the position of the trees in relation to customer's properties. Any change to the condition of trees is assessed as part of the ongoing inspection regime. We prioritise the budgets available to manage our entire tree stock to prune or remove those trees which do present a risk, ensuring that the most urgent cases are dealt with first.

Many residents have concerns about the amount of light they feel is obscured from their property by vegetation. The only practical solution to this would be to either fell a huge proportion of specimen trees and trees in

our woodlands or to commit to a long term exercise of reducing the height of thousands of trees at the cost of many thousands of pounds every year. This would be to the detriment of our trees and woodlands.

We advise all customers there is no legal entitlement to light in this respect. There are common law rights relating to developments which might affect an uninterrupted use for a number of years such as the building of a new extension. This does not however relate to trees present in the landscape.

We can only consider the effects of trees or shrubs with regard to any physical effects that they may have to properties. Our view is that it would not be fair to all residents for the Council to spend a high proportion of funds on ongoing pruning or felling that is not necessary for the health and safety of the tree but only to afford light.

Our general advice regarding vegetation overhanging property boundaries is that householders are legally within their rights to remove any branches that are overhanging the boundary up to and no further than the line of the boundary and preferably no higher than 3 metres. This does not allow residents to reduce the height of a Council owned tree in any way. It is important to note that any such pruning may damage the visual appearance of a tree and could seriously destabilise it. For that reason the Council would only agree to any major pruning to one side of trees near boundaries if it can be achieved sympathetically to the tree and the landscape.

We manage the trees and woodlands in our parks and open spaces carefully and in line with good practice. We commit to a programme of responsible management which will often include thinning woodlands (removing a number of trees) where they have been purposely planted too close together. Woodlands are often planted at a high density in the knowledge that some trees fail and to provide the opportunity to choose the best trees to reach maturity.

We understand resident's natural concerns with regard to the safety of the woodland trees adjacent to their property. The Council will not however, prune trees to afford light to residents. We can explain in more detail why this is and what positive work we are able to carry out in our woodlands.

We operate an independent tree risk management inspection programme to inspect our trees regularly and diligently. Where our inspections reveal there is any cause for concern regarding the safety of trees, we endeavour to take appropriate action. We investigate each request we receive and refer to the

findings of the latest inspection as well as considering the position of the trees in relation to customer's properties. If we find that a tree is in a condition that might cause injury or damage, we carry out the necessary work to keep it safe.

Any change to the condition of trees in the future will be assessed as part of the ongoing inspection regime. We prioritise the budgets available to manage our entire tree stock to prune or remove those trees which do present a risk, ensuring that the most urgent cases are dealt with first.

Trees will naturally move in the wind and make noises as they sway which can sometimes create concern for residents. The guidance we receive from our expert consultant does not conclude however that all large trees near to buildings must be removed or reduced in size. We reassure our customers that carrying out unnecessary heavy pruning to trees is not recognised arboriculturally as necessary to prevent a tree from falling. Some pruning may be required for example where a tree has been unexpectedly exposed to the prevailing wind or where it has developed a weakness or disease. In some instances heavy pruning can in fact cause structural weaknesses in the tree that can create problems in the future. Where a tree is healthy it is far better to monitor it and carry out work in response to regular inspections.

The Council values its trees across the district including those on its own land. We recognise that actions taken need to be proportionate to the actual risks involved and the importance of trees in our environment. Our inspection regime is thorough and carried out by specialist arboriculturalists qualified to undertake risk assessments. Management decisions are taken in light of the wider benefits of trees; aesthetic, ecological, environmental and sociological. Trees play an important role to reduce carbon dioxide levels, filter and absorb pollution, absorb noise and produce oxygen. They can reduce the stress of modern lifestyles, encourage wildlife, have an aesthetic value and offer shade and shelter. They are naturally growing, shedding organisms.

Leaves, twigs, fruit litter, pollen and dead branches are a normal consequence of living with trees and are not sufficient justification for felling or pruning. We will not fell any trees without sound evidence that the tree is likely to cause damage or injury or where for conservation reasons, its removal will benefit the wider environment. Whilst we understand that some residents see trees near their properties as a nuisance, we cannot fell any tree because it is dropping seeds or leaves. This would set a precedent which could result in the loss of thousands of trees growing in our urban areas.

Some residents have concerns about the amount of light they feel is obscured from their property by vegetation. The only practical solution to this would be to either fell a huge proportion of trees in our woodlands or to commit to a long term exercise of reducing the height of thousands of trees at the cost of many thousands of pounds every year. This would be to the detriment of the trees and the woodland. We advise all customers there is no legal entitlement to light in this respect. There are common law rights relating to developments which might affect uninterrupted use for a number of years such as the building of a new extension. This does not however relate to trees present in the landscape.

We can only consider the effects of trees or shrubs with regard to any physical effects that they may have to properties. Our view is that it would not be fair to all residents for the Council to spend a high proportion of funds on ongoing pruning or felling that is not necessary for the health and safety of the tree but only to afford light.

Our general advice regarding vegetation overhanging property boundaries is that householders are legally within their rights to remove any branches that are overhanging the boundary up to and no further than the line of the boundary and preferably no higher than 3 metres. This does not allow residents to reduce the height of a Council owned tree in any way. It is important to note that any such pruning may damage the visual appearance of a tree and could seriously destabilise it. For that reason the Council would only agree to any major pruning to one side of trees near boundaries if it can be achieved sympathetically to the tree and the landscape.

The felling of trees in woodlands without good reason is the sort of work that we would seek to prosecute against if carried out without permission in a Conservation Area. If the Council were to carry out such work on its own land it would set a very poor example to local contractors and residents who have trees in their own gardens to manage and care for. We provide a consistent response to all requests for what we believe to be unnecessary pruning or felling. Our advice supports the Council's corporate objectives to protect the environment.

Our woodlands provide an important wildlife habitat and an attractive natural backdrop for local people to enjoy. It would be incongruous with our commitment to manage our parks responsibly for both wildlife and people, to consider removing woodland trees unnecessarily. We manage our trees and woodlands carefully and in line with good practice. We commit to a

programme of woodland management which will often include thinning (removing a number of trees) where they have been purposely planted too close together. Woodlands are often planted at a high density in the knowledge that some trees fail and to provide the opportunity to choose the best trees to reach maturity. They are often planted by developers to screen new properties from view in order to protect the visual amenity or to compensate for a loss of biodiversity.

In some instances where developers have planted near to properties, we may decide to remove trees that we believe are too close and to create a clear buffer zone between property and woodland, usually around 3.0m in width. This is not always popular as some residents see the vegetation behind their property as a natural security measure to prevent others from reaching their boundaries. We have carried out such work where we believe it has an overall benefit to the woodland and neighbouring residents. In some instances we have also thinned (removed some trees) or coppiced trees further into the woodland if it is appropriate for the type of woodland and species. Our prime objective is good woodland management which may sometimes help to lessen any undesired impact of trees on our neighbours.

- **Branches from a Council tree are touching resident building**

If a tree is touching private property (dwelling, house, garage etc) and is owned or managed by the Council, we may take action to avert the nuisance by the most appropriate means.

In many cases, the solution will be for the Council to prune the tree, but in rare circumstances, where a tree is found to have health conditions or has been planted too close by the developers from whom the Council has adopted land, it may need to be removed.

- **Trees blocking light to solar panels**

The Council supports sustainable alternatives to producing energy. However, it is not reasonable to ask us to commit to pruning or removing hundreds of trees where they might block light.

Residents should ensure that panels are orientated to maximise their potential but must take into consideration the location of nearby trees when doing so. If residents have too much tree cover near their property, they may not be able to benefit from solar panels.

- **Trees affecting TV/Satellite reception, or hanging wires**

We receive some requests from residents to carry out work to our trees in relation to light, television reception and other concerns. Our view is that it would not be fair to all residents for the Council to spend a high proportion of funds on ongoing pruning or felling that is not necessary for the health and safety of the tree.

We advise all customers that there is no legal entitlement to light and we are not aware of any legal obligation for landowners to remove trees or branches that may be affecting a television signal.

The Council can only consider trees or shrubs with regard to their physical effects on the structure of properties. It would be poor arboricultural practice to reduce the height of any tree on a regular basis unless the health of the tree was in question or there was a significant risk of damage or injury to the public.

We appreciate concerns about the poor television reception in some areas but would advise that there might be various reasons for this. The signal for instance may be weak or resident's antennae or dish may require lifting higher or boosting.

Trees are a crucial part of our landscape and play an important ecological role. A commitment to remove or reduce the height of trees across the district where they may perhaps be affecting television signals is unacceptable for the Council in terms of both cost and the protection of our environment.

Statutory undertakers such as telecommunications companies will carry out pruning to trees on the highway to protect the integrity of their system and have exception to do so on protected trees. These statutory undertakers, or contractors working at their request, are advised to liaise with local authorities prior to carrying out work to trees protected by a Tree Preservation Order. It is expected that all vegetation control is carried out in accordance with best arboricultural practice. They should also take care to not contravene the provisions of legislation protecting plants and wildlife.

- **CCTV and Security Cameras are blocked by Council owned tree branches**

If residents have security cameras protecting their property, there is no reason for these to be directed into a public space.

Residents may prune branches hanging across their boundary.

- **Tree roots lifting my patio, pathway or drive.**

We do not routinely inspect or repair root damage made to private property, even if residents feel the tree is located on land owned by East Herts Council.

Cutting the roots of any tree is generally ill-advised as it may affect the tree's health and stability. If a tree is covered by a Tree Preservation Order (TPO), or if it stands within a Conservation Area, an application will be required before root pruning can take place.

We are confident in most cases that our maintenance regime is sufficient to keep our trees safe and to minimise the potential for any damage. If residents believe however, that a tree on Council owned land has caused any damage to their property (such as a garden wall, fence or house) through subsidence or root/branch movement, we would advise that residents consult their household insurance provider to arrange an investigation. If residents wish to pursue a claim, guidance can be found at <https://www.eastherts.gov.uk/about-east-herts-0/insurance-claims>

- **Trees damaging drains**

It is rare for trees to block up or cause damage to drains. In order for the roots to gain access into a drainage system, the drain must already be damaged. Instances of underground pipes being broken by the growth of tree roots are rare.

The Council will not undertake the topping, thinning or felling of trees to prevent roots entering damaged pipes. The necessary repairs of the defect in the pipe are the only certain remedy that will prevent future problems.

Modern materials and joints will significantly reduce pipe damage and subsequent root encroachment in the future.

- **Council tree with fungus growing on it**

There are many types of fungi that live happily on trees. However, if the fungal growth is close to the base of the tree, or from the stem or branches, this may suggest wood decay.

Removing fungal fruiting bodies from trees will not get rid of the fungus since, by the fruiting stage, it will already be well established. They are an

invaluable habitat for insects and beetles and should not be removed from the tree.

We inspect all our trees on a regular basis and our inspectors are expert in the identification of fungi and the effect if varying types on trees. Our inspectors are likely therefore to have noticed anything that might present a risk in one of our trees. Their recommendation for work, if they decide it necessary, is added to our system and work will be prioritised according to the level of risk.

If residents believe that a tree on Council owned land is diseased and unsafe, then please report this to us. We can check the most recent inspection. If the tree is on a resident's own property and they are unsure if its condition, then residents are advised to contact an experienced arborist for a professional opinion.

- **Council owned trees that are covered in ivy**

Ivy is a climbing, scrambling plant abundant as a groundcover shrub in many types of woodland. It has a variety of conservation benefits and forms an integral part of a woodland's habitat.

It supports many species of wildlife which use ivy for nesting and hibernation for insects, birds, bats and other small mammals. Nectar, pollen and berries of ivy are a nutritious food resource for insects and birds during autumn and winter when there is little else about. It also provides food for some butterfly and moth larvae.

In a public open space, there is a need to balance certain considerations for its retention: tree safety, conservation and aesthetics. Ivy causes no direct damage to trees. However, in some situations, it may be considered unsightly and more importantly, can create problems for efficient management by obscuring structural defects and fungal fruiting bodies. It can in some cases increase the weight of a tree's crown and the 'sail' effect during the wet, windier, winter months, when deciduous trees have shed their leaves.

The Council only undertakes the removal of ivy from trees where considered necessary to aid the health of an ailing tree or to support the inspection of tree.

- **Cracks/splits in a Council tree.**

Cracks and splits in a trunk can be an indicator of an unstable tree.

Residents should report any such concerns issues to us through our Customer Services Team. Our inspection staff can make an initial assessment and call in our specialist arborist consultant if necessary.

The Council cannot offer a service to inspect trees that it does not own.

## Trees on the highway

- **The street lights obscured by trees**

Trees on the highway are owned or managed by the County Council. We carry out grass cutting, hedge and shrub pruning on their behalf as part of an agency agreement but we do not manage their trees.

If residents would like to report an issue of concern as a fault to the County Council they can do so through their web site at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/report-a-problem/report-a-highway-fault/what-type-of-fault-are-residents-reporting.aspx>

East Herts Council will undertake work to trees owned or managed by the Council, to ensure that the presence of trees does not substantially stop the light omitted by lighting columns in our parks or open spaces.

Residents should contact Customer Services or report this through our web site and we will investigate and carry out pruning if it is necessary.

- **Tree, bush or hedgerow encroaching on a public footpath from a private garden**

East Herts Council are not empowered to intervene where a resident has allowed plants in their garden to obstruct a footpath.

Residents may report this to the County Council via their online fault reporting page, on their website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/report-a-problem/report-a-highway-fault/what-type-of-fault-are-residents-reporting.aspx>

The County Council manage the safety of the highway and may, if they feel there is a problem, contact the householder under the powers granted to them through the Highways Act.

They may ask the householder to carry out the work necessary to remedy the problem or they may arrange for the work to be carried out and re-charge the householder. In that instance they may ask us to arrange for our contractor to carry out work under the agency agreement we have with them.

This is entirely at the discretion of the County Council according to their resources and assessment of the issue.

## General Tree Health

- **Inspection of an unsafe tree on privately owned or common land**

Generally the Council cannot take responsibility for somebody else's tree.

It would not be appropriate for the Council to offer a service to inspect trees on land for which it is not responsible. Apart from the complexities of using council funds to maintain land for which it is not responsible, there would be liability issues with us identifying works that might need to be carried out without having the means to do so.

It is very unusual for common land not to be owned by somebody. If residents are concerned about a tree on neighbouring land should try to identify a responsible party. They should then aim to impress upon the owners that they have a duty of care to the public to ensure their tree is not presenting a risk.

Any resident can apply for a land search through the Land Registry.

<https://www.gov.uk/government/organisations/land-registry>

Another potential source of information might be the County Council who are responsible for identifying common land and ensuring that it is properly registered to protect its future. They may be able to advise from their own records whether land has been identified as common land and, if they have no record of an owner, may be able to advise further.

East Herts Council does have powers under section 23 of The Miscellaneous Provisions Act 1976 in relation to dangerous trees in the district. Our view however is that this is designed to provide a remedy where there is imminent risk of injury or damage from a tree where there is not an immediate solution. Residents may for instance have been unable to find record of who

owns a tree which has been identified as dangerous or there is uncertainty as to who may own the land upon which the tree is growing. The powers referred to in the Act are at the Local Authorities' discretion. They allow us to take remedial action to avert a risk.

In most instances there is no imminent risk of danger and therefore no immediate remedial work required. We would only consider acting under these powers to avert an immediate risk of danger and then seek costs from the owner.

In some instances residents have asked the Council to use these powers to intervene where they believe their neighbour is not carrying out work to a tree which they believe is necessary. This however is not a matter for the Council. We would urge residents who are not able to resolve concerns about a tree in their neighbour's property to work through a process of mediation to find a resolution. Citizen's Advice may be able to provide some advice on how to do this.

Residents can obtain expert advice from a tree specialist to determine whether their concerns about a tree are well founded or not.

We have a considerable task in managing our own trees (in excess of 70,000) and must focus our limited budgets carefully to ensure that we are acting reasonably to minimise risk.

The Council is not able to provide any specialist advisory service to determine the condition of a tree or to mediate on behalf of residents where they are in dispute with a neighbour.

- **Tree advice**

We have a considerable task in managing our own trees (in excess of 70,000) and must focus our limited budgets carefully to ensure that we are acting reasonably to minimise risk.

The Council is not able to provide any specialist advisory service to determine the condition of a privately owned tree and does not have sufficient resource to offer a general advice service.

We may sometimes discuss issues with residents in relation to an application for works to a protected tree in their garden once they have made an application for tree works and as part of our determination process. Residents must make an application for tree works before we are able to

discuss their tree with residents and in most instances we are able to inspect and determine the application without needing to do so.

We would suggest that residents approach a local tree surgeon or consultant to obtain expert advice on the health and management of their trees.

Details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association.

<https://www.trees.org.uk/Find-a-professional>