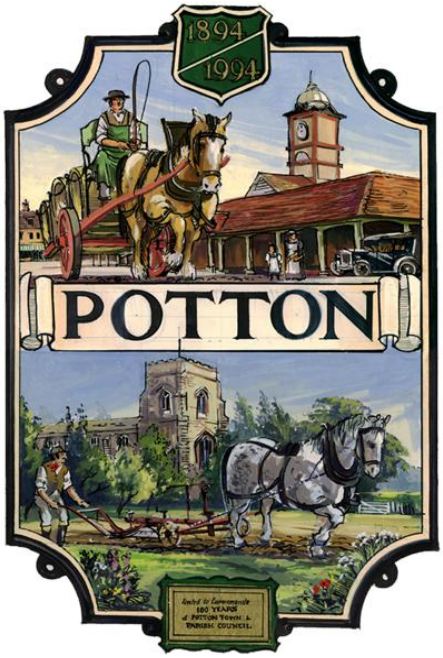
Potton Town Council



Code of Practice
Managing Potton's Trees

Jonathan Whitehurst
Town Clerk

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Managing Potton's trees

Introduction
This three-part paper firstly considers the potential risk to public health and safety of trees in Potton that are the responsibility of the town councils' management. It puts this into the context of other risks users face in visiting open spaces in the town.

It explains the wildlife value of dead and decaying wood and English Ivy *Hedera helix* and proposes a pragmatic approach for future tree surveys and reports.

The second part of the paper proposes a code of practice that outlines how the town council considers managing its tree safety. It takes and adapts the approach of the Health and Safety Executive and other land management organisations responsible for managing large, wooded estates attracting thousands of visitors year-round, see table 1. It recommends a suitable wildlife qualified councillor works closely with the arboriculture consultant during the preliminary report survey.

The third part of the paper looks at the needs of bats and birds to ensure no offence is commited as a result of any tree work undertaken on behalf of the town council

Table 1: High-profile visitor sites of national importance for rare deadwood resource

Site		Area ha	Number of visitors
Blickling Hall	National Trust	2,023	c0.25 million
Felbrigg Hall	National Trust	210	c0.25 million
Richmond Park	Royal Parks	955	c5.4 million
Sherwood Forest	RSPB	425	c0.35 million
Windsor Great Park	Crown Estates	2,020	c5.5 million

For comparison: Potton parish is c1,085ha. The central town area c170ha, population c5,800

Part 1 – Risk potential to public from tree failure and wildlife value of trees

1.1 Risks to public
Potton Town Council has a moral and legal duty to take reasonable measures to reduce risks to users of its parks and green spaces. The risk of injury or death to members of the public in places where there are trees is of a very real and obvious concern and must be taken seriously. However, there are cases where the risks can sometimes be over-emphasised with recommended work having a negative impact on the potential wildlife value of a tree. This may be through the severing of Ivy stems or the removal of decaying limbs, and dead tips of branches.

The number of people killed or seriously injured by falling trees or branches in the UK is very low, the likelihood of this happening is less than 1 in 20 million. By comparison, other risks posed to users of green spaces in Potton are considerably higher. For example, dog attacks in England and Wales rose to 32,000 reported incidents in 2024, with around 30% (1 in 6000) occurring in public places.

1.2 The value of trees

Trees are an important element of the UK's biodiversity and are important too for landscape and climate mitigation. The majority of trees are healthy and sound, but all will eventually deteriorate with age or disease or as a result of extreme climatic events (e.g. storm winds). Trees are incredible engineered 'structures' that have evolved and adapted to meet the challenges of their surroundings. They are living organisms that naturally lose branches or fail.

In addition to its safety obligations, the town council has conservation objectives which require it to retain trees with certain defects such as hollows and a certain amount of standing dead timber. However poor the condition of a tree, it is expected that remedial work will only be necessary when there is a clear perceived risk to life or property which cannot be adequately reduced or eliminated by other means. The HSE states that duty holders should not be encouraged to fell or prune trees unnecessarily.

Unlike man-made structures it is entirely normal for trees to shed parts and eventually fail, in part or as a whole and even an apparently mechanically sound tree can fail unexpectedly. It is for these reasons the second part of this document sets out a tree safety management system to ensure relevant trees are identified and appropriate action taken.

1.3 The value of Ivy

Ivy is one of the most valuable plants for wildlife, providing year-round shelter for a huge number of invertebrates, birds, and small mammals. It provides late summer source of nectar for valuable pollinating species, and a late winter source of fruits for birds and small mammals. It is used year-round by a host of invertebrates to shelter and breed in. This in turn provides a source of food for other wildlife and is particularly valuable for birds throughout winter. Birds will nest within the cover of Ivy, including the Spotted Flycatcher which is now a Red Listed Bird of Conservation Concern (BoCC). It can also be used as an occasional roost by bats.

Ivy, specifically English Ivy, *Hedera helix*, is often accused of causing damage to trees. However, the reality is a bit more complex. It is not inherently harmful to trees. It is often thought to be a serious problem, endangering the health of even very large trees. However, its presence on the trunk is not damaging and where it grows into the crown this is usually because the tree is already in decline, slowly dying through disease or fungal attack which has weakened its root system. Ivy is not parasitic like Mistletoe, *Viscum album*, and does not penetrate a tree's bark or roots.

Despite the benefits, English Ivy has the potential to damage trees and shrubs at some point, especially when not managed accordingly and appropriately. Overgrown plants can eventually suppress nearby vegetation, engulf tree trunks and branches. Ivy damage to trees may affect very young trees by overwhelming them and add weight to branches causing them to snap, particularly in high winds.

While Ivy can potentially cause damage under certain circumstances, it's not inherently harmful to trees and can provide significant benefits to local wildlife. By consulting with an arborist their advice can be tailored to meet each specific situation.

Part 2 – Tree safety code of practice

2.1 Background

Potton Town Council has a duty to take proportionate actions to reduce the risks that trees pose to people (visitors, neighbours, workers, etc.). The town council is responsible for the management of approximately 315 trees throughout the town, located in Henry Smith Park, Sandy Road Cemetery, St Mary's Churchyard and Mill Lane Recreation Ground.

Their management requirements are subject to an arboriculturist report produced every three years on behalf of the town council. The report identifies issues likely to affect the health and safety of the tree and risks posed to the public and advises a programme of remedial actions required to maintain the tree in a safe condition.

The last inspection was undertaken in spring 2024 by John Cromar's Arboricultural Company Ltd with the request more consideration be given to encouraging wildlife wherever possible.

This Part 2 and the following Part 3 of the document aims to inform the process of future tree inspections.

2.2 Assign usage zones

To ensure tree safety management intervention is proportionate to, and prioritised by the level of risk, **review and divide sites into usage zones** (heavy, moderate, low, or negligible). Usage zones are designated by considering the number of people, vehicles or property that could potentially be injured or damaged in the event of whole or partial failure of a tree(s), and how long they are/or dwell within the fall zone of such trees.

Use one of the four usage zones to set the initial priority for inspection. Usage zones should take account of the following critical and influential information:

1. Their proximity to roads, railways, neighbouring buildings/property, or other natural features that increase a person's 'dwell time' in the zone.

2. The level of use by people (e.g., some locations may have heavily used thoroughfares and others may have thoroughfares of infrequent use and of a transient nature):

    i) dwell time of people in specific areas or at/within a structure (e.g., special feature: gate, bench, picnic table or a known attraction: play area, notice board, viewpoint etc.);

Usage zone designation must be reviewed periodically and not less than every 3 years. This may be done by either the Clerk, member of staff, councilor, consultant arboriculturist, or any collective joint combination thereof.

2.3 Assess the nature of the hazard

To help determine the frequency of inspection if more than the current three years interval, **the arboriculturist will notify and discuss with town council representatives the severity of any specific tree hazards**, the likelihood of whole or partial tree failure in each zone, starting with the Heavy use zone and to **consider potential negative impacts remedial work may have on wildlife**.

For acquisition of **new sites, the arboriculturist will undertake an inspection as required to determine the presence of any hazardous tree**. This will help determine if an increased frequency over the current required three years is necessary. **Best practice would be to undertake initial tree risk assessments before acquisition**.

2.4 Assessing risk levels

The arboriculture consultant will assess the physical or physiological conditions that might lead to a tree posing a significant risk to people or property. **Using a combination of the usage zone and specific hazards it will be possible to assess the risks within that zone**.

They will **simultaneously assess the extent of Ivy growing on trees**, particularly in respect of the weight being exerted on boughs of trees. We shall consider the removal of Ivy from trees without the consultation of the town council and appointed arboriculturist as vandalism.

Where trees of concern have been identified e.g., damaged, diseased, or with excess Ivy growth on boughs, etc., the **consultant arborist will make recommendations to manage or reduce the risk posed**. Options will include increasing the frequency of monitoring, moving infrastructure or whole or partial removal of the tree. The risk of fatality to a tree worker is higher than tree related fatalities to pedestrians. Therefore, it is expected aerial work will only be recommended in the most significant risk areas.

The current frequency of inspection is every three years, consistent with moderate use zones and remains broadly applicable. However, the following divergence is proposed, particularly considering the increasing population of the town and their use of Henry Smith Park:

- Heavy (H) use zone one inspection per year
- Moderate (M) use zone one inspection every three years
- Low and negligible (L/N) use zones one inspection every five years

The arboriculture consultant in liaison with the town council will consider reducing or increasing the frequency of inspection of individual trees in part or all a zone depending on the circumstances, for example:

- following the completion of remedial works to significantly reduce or eliminate the hazards of a specific tree.
- discovery of a new fungal infection which may increase the risk level.
- changes in adjacent land management likely to increase the risk of trees responsible to the town council being blown over in a storm.

In addition to the arboriculturist report, **the Clerk will attempt to map and record key information and recommendations onto Parish on Line as a quick reference point. This will include any decision taken to increase or reduce inspection frequency in all or part of a zone**.

A potentially hazardous tree retained in a Heavy usage zone but without remedial work because of their conservation value, remains an "**H1 zone**" (see table in Annex 1). **The arboriculturist can instruct town council staff and or volunteers on how to monitor and undertake more frequent inspections** for key signs of further deterioration. **They should inspect such trees at least every 6 months,** and after any severe weather, recording any findings on Parish on Line. This will allow the more formal survey by the consultant to continue annually.

Where there are no hazardous trees recorded, or work done to hazardous trees has eliminated the identified risk, the consultant will reduce the frequency of inspection based on their assessment. This then becomes **an H2 Zone** (ie the use remains heavy, but because the trees are not expected to become hazardous over a greater period of time than a year, the inspection frequency is reduced).

The town council will **ensure any change of use** eg, a large public event in a normally moderate use zone which may change the level of risk, **is reflected in the risk assessment** for the event.

There remains a presumption against removal of whole or parts of trees and or associated Ivy, for conservation reasons, and the higher likelihood of injury from tree operations than from the hazardous tree itself.

Trees showing any physical or physiological conditions, including excess Ivy growth that might lead to the breakup or collapse, will be marked on site by the consultant and their location described and/or plotted on Parish on Line.

The consultant will make an accurate record of the condition of these in the field using a robust format that is easily accessible and transferable onto Parish on Line. **The consultant arboriculturist will produce a report for the town council identifying trees of concern, their location, the defects found and any monitoring, required or recommended remedial works**.

Trees assumed to be sound will not require formal marking or documentation. Any tree omitted from the record will be assumed to present no (or negligible) hazard at the time of the inspection.

Town council staff will use the tree safety report and documentation on Parish on Line to plan an appropriate programme of remedial works. This will be based on the assessment of both risk and hazard and will include timescales.

Remedial work must be undertaken by competent workers. Such work may include path diversions or closures, movement of benches or other infrastructure as well as work to individual trees. Where emergency work (for example on windblown, large, or diseased trees), tree climbing and aerial work is required, this will be carried out by contractors with the additional requirements of appropriate closures, notifications, and signage while the emergency work is undertaken.

2.5 Damage reporting and non-routine checks

The town council will ensure an appropriate response to weather warnings, based on tree resilience, including reactive inspections where necessary. Weather that could affect tree stability include winds, flooding, and heavy snow. Vehicle collisions with trees or installation of underground cables may also affect tree stability. The town council will endeavour to look for and or act on reports from the public on any significant damage to trees at the earliest opportunity. No formal record of reactive inspections is required unless a new hazardous tree is created by the event.

Where concern is raised for continued stability of a high-risk tree, **the town council will limit access to the vicinity** as far as is reasonably practicable and **arrange an immediate formal inspection** by a qualified arboriculturist.

2.6 Record Keeping

Only trees or groups of trees assessed as hazardous or potentially hazardous will be recorded on Parish on Line. Those records will identify the work required to reduce the hazard or the likelihood of harm arising, or what extra monitoring will be required if the tree is to be retained.

Town council staff or councillors carrying out **informal and reactive checks** should **use the guidance as presented in Annex 3**.

Part 3 – Bats and birds

3.1 Bats and trees

Bats are dependent on trees for food, shelter, and movement and all species have been found in and around wooded areas. Trees, especially veteran or ancient provide an abundance of insects on which bats feed. Bats also follow linear features, such as tree lines and hedgerows to travel between roosts and foraging areas.

Bats use many natural features in all ages of tree in which too roost. This includes trunk hollows, knot holes, splits and cracks in branches and beneath flaking and lifting bark. Their roost requirements can vary throughout the year, causing them to utilise different features as required.

Bats are threatened by the loss of trees due to natural and human causes, such as tree surgery or clearance. Understanding the requirements of bats can help identify those trees with 'bat potential' and ways in which tree management can aid bat conservation and ensure the legislation protecting bats and their roosts is adhered to.

3.2 Bats and the law

Bats and their roosts are protected by law, in England, this is the Wildlife and Countryside Act 1981 and Conservation of Habitats & Species Regulations 2017. Under the Act and Regulations, it is **illegal to damage, destroy or disturb bats or their roost sites**. A roost is defined as any place that a wild bat uses for shelter or protection, and the roost is protected whether bats are present or not. This legislation is still applicable regardless of the presence of a TPO and felling licences.

It is the **land owner's responsibility, in addition to those conducting the works, to ensure that protected species, such as bats, have been considered before any actions** are conducted that could disturb the bats. The presence of bats will not stop works but means that advice needs to be sought on how they are to be done lawfully.

If a **roost has been confirmed, and is likely to be lost, a European Protected Species (EPS) derogation licence may be required**. The issuing of this licence follows on from conducted surveys (with mitigation plans where relevant) **and allows the works to be undertaken lawfully**. EPS licences are **granted by the relevant Statutory Nature Conservation Organisation** (SNCO) which in the case of the town council is Natural England (NE). Any questions should be directed to the NE licensing team. Where it is confirmed a bat roost is not present, the work can proceed as planned.

3.3 Assessing for the potential presence of bat roosts

A preliminary assessment of a trees 'bat potential' can be undertaken by a suitably skilled (not necessarily qualified) individual/s. This can be carried out from the ground with the aid of binoculars. **All trees should be assessed simultaneously with the arboriculturist tree survey.** The following characteristics and features must be considered and if any are present on a tree then it is **likely to have roost potential:**

- **Trunk hollows and knot holes**
- **Splits and cracks in branches**
- **Flaking and lifting bark**

Trees deemed to have bat roost potential must be GPS located, identified to trees species, with the roost features described and photographed. Look to score each with a high, medium, or low likelihood or 'uncertain'. All information should then be recorded onto Parish on Line.

3.4 Working in conjunction with the arboriculturist

Trees identified in the arboriculturist report as requiring work and that correspond with a potential bat roost tree will require professional assistance from a specialist with the necessary training and equipment for a full survey.

An experienced ecological consultant must have knowledge of bats to conduct a survey and establish any impacts the works are likely to have. The consultant should also be able to **assist with any EPS licence application** required. They must have access to all information from the preliminary assessments initially identifying the roost potential to help inform their assessment.

3.5 Timing work

This is critical and will be guided by the ecological consultant. It is important to understand **a lead in time will be required prior to any work**. Bat surveys will only be conducted between April and September to confirm use of a tree as a roost. Therefore, it should not be expected any work be undertaken to potential trees until those surveys have been completed, reported on and an appropriate mitigation plan has been compiled by the consultant.

As a precaution, and **where possible, it is recommended work is conducted in September/October**, to avoid maternity and hibernation seasons when bats are most vulnerable to disturbance. If the tree is to be felled soft felling is recommend, where tree limbs are cut and left grounded over night to allow any bats to make their way out.

The location of a bat roost can change for a variety of reasons. Therefore, their presence should never be ruled out completely. In the unlikely event **new evidence is discovered prior to commencement or during work, it is advised to pause immediately**, while NE are consulted for further advice. This helps avoid harm to bats and offences being committed.

In an emergency where urgent tree works are necessary due to confirmed and overriding public health and safety, and potential for bats is high or actively present, **NE should be contacted immediately for further advice**. If, after inspection the tree is deemed as low potential for a roost to be present (no potential roost sites visible on the tree), then work may proceed with care.

3.6 Nesting birds

The active **nests of all birds are protected by law, in England under the Wildlife and Countryside Act 1981.** All work **must be undertaken outside of the recognised breeding season** of March to August inclusive. It is important to note in mild weather, some species will nest earlier and later, therefore a cursory examination is required prior to starting any work.

Only **emergency related work is allowed during the nesting season**. If a nest is present in the target tree or other trees, scrub, and herbaceous vegetation within 30m, advice should be sought from a suitably qualified person. In any event, a written and photographic record should be made by the contractor prior to work, with copies supplied to the town council. During work all effort and reasonable precaution should be made to avoid collateral damage and disturbance to birds nesting in vegetation within 30m of the target tree, even if the tree itself does not have a nest.

With an increasing population in and around Potton, it is possible a Red Kite, *Milvus milvus* may attempt to nest in a tree for which the town council has responsibility. **Red Kites are specially protected under Schedule 1 of the Wildlife and Countryside Act 1981**, where it is an offence to recklessly disturb the adult and young at or near a nest. In the event of required emergency work and in the unlikely event the affected tree has a Red Kite or other Schedule 1 species nesting, **the NE licensing team must be contacted immediately for advice**.

Annex 1: Qualifying criteria and inspection frequency in usage zones

Tree safety usage, risk zones & inspection frequency		**Inspection frequency**		**Inspection frequency**	
Zone risk level **Usage zone (below)**		**H1**		**H2**	
Heavy use zone Only for **specific area/s within fail zone/s** (eg: shedding of limb or tree where it could strike)	Adjacent to busy road, road junction, Adjacent to public gathering area (eg: sportsfield) Adjacent to house or office Adjacent to viewpoint, interpretation point/noticeboard Adjacent to busy car park Adjacent to play area Adjacent to education/event area Adjacent to sports pitch/playground	**General expectation** where significant concerns or defects have been identified in trees in that zone	**Formal inspection annually** Depending on age & defects could be 6 monthly or more. Arboriculturist to determine – of trees of concern only	**No** concern or defects identified with trees in that zone	**Formal inspection** **Arboriculturist determines to reduce frequency to max 3yr gap** (with additional reactive checks for weather or other damage events)
Zone risk level		**M1**		**M2**	
Moderate use zone Only for **specific area/s within fail zone/s** (eg: shedding of limb or tree where it could strike)	A busy footpath, bridleway (used all day at peak times) Quiet A & B roads and quiet unclassified road Little used car park Bench, gate, quiet viewing area	**General expectation** Where significant concerns or defect have been identified in trees in that zone	**Formal inspection 3 yearly** Depending on age and defects inspection of trees of concern only. Arboriculturist to increase frequency to max annually	**No** concern or defects identified with trees in that zone	**Formal inspection** **Arboriculturist determines to reduce frequency to max 5yr gap** (with additional reactive checks for weather or other damage events)
Zone risk level		**L1**		**L2**	
Moderate use zone Only for **specific area/s within fail zone/s** (eg: shedding of limb or tree where it could strike)	Moderately used path or bridleway (mostly at peak times)	**General expectation** Where significant concerns or defect have been identified in trees in that zone	**Formal inspection 5 yearly** Arboriculturist can increase frequency of inspection to trees of concern only to max 3 yearly	**No** concern or defects identified with trees in that zone	**10 years visual inspection** With reactive checks for weather or other damage events
Zone risk level		**U1**		**U2**	
Moderate use zone Only for **specific area/s within fail zone/s** (eg: shedding of limb or tree where it could strike)	Light used paths or tracks even at peak times where people pass without dwelling. Wider open areas, away from paths and tracks where there is no foreseeable need for people to be there. **Unrequired inspection zones**	**General expectation**	**None** As and when required if area is to be used for public event or developed for greater use		

Bold text denotes mandatory action

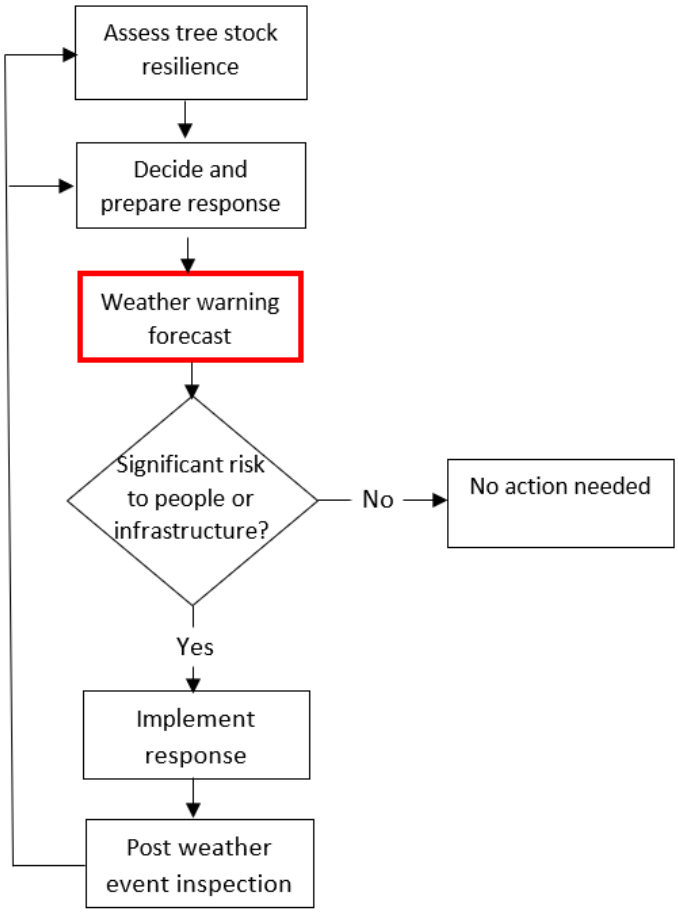
Annex 2 – Selection of usage zones

The consultant arboriculturist, with the support of town council staff **will ensure usage zones for their site(s) are established, mapped and recorded onto Parish on Line**, and should consider the following when doing so:

- Use annex A to determine usage zones (H1/H2, M1/M2, L1/L2 or U)
- **Areas where people congregate or stay** (for example benches, screens, interpretation, viewpoints) may present **greater risk than paths or trails where people are passing through**. As a guide it is expected only significantly busy car parks and areas next to major roads and road junctions will be deemed Heavy use. It is expected that most facilities will fall into Moderate or Low use zones for initial inspections, based on the small numbers of people for a small proportion of a 24 hour day, 365 day year.
- Even on relatively **busy paths or trails, a person on foot would be likely to hear a branch or tree falling and be able to take avoiding action. The likelihood of a tree or branch falling at the time a moving visitor passes underneath is extremely low**.
- For roadside trees, consideration should be given to both the **number and speed of the vehicles using that road and the likelihood of the driver seeing the hazard** in time to stop, particularly where there are **corners on the road that will mean a driver has less time to slow down** to avoid a fallen or failed tree. This may mean designating the fall zone for trees of concern close to the affected corner to one higher than normal. Consideration must also be given to areas where adjacent road traffic regularly queues.
- As a site develops an **increased footfall, some usage zones may need to be re-classified** depending on changes in usage, following remedial work, or new usage zones may need to be added to the inspection schedule.
- It is always best to **make sure it is clear who has ownership or control of the adjacent land** and trees on it – it is not always clear, especially on leased and partnership sites, boundaries and adjacent to roads.
- Sites lacking trees or with only very small/newly planted trees may need a review at 5 year intervals as they mature and require tree safety usage zones to be designated.

Annex 3 - Tree safety response to weather warnings

The clerk must **ensure appropriate action is taken following severe weather** that could adversely affect site safety and place people at risk. Staff must ensure there is a general understanding of tree stock resilience on the sites and an **appropriate response to severe weather is in place**.



Deciding and preparing a response

A site-specific response must be prepared in readiness of severe weather events, considering risks to people and infrastructure. **A site-specific response may involve path or whole area closures where appropriate and notifications on site and social media platforms**. The ability and practicality of closing paths and areas will vary but justification must be established. Acceptable justification will include peoples legal right of access which cannot be breached and the impracticality of physically preventing access to unstaffed sites. **The site-specific response must be recorded, photo graphically if possible**.

Interpreting weather warnings

Following the announcement of a weather warning, it must be **determined if the weather predicted is likely to cause damage to tree stock**. Trees are strengthened by weather exposure as they grow, a key factor in considering the impact of weather will be its normality. Abnormal weather will increase the probability of damage to trees. Answering yes to the following questions indicates a higher potential impact of weather warnings:

- Is the wind abnormal in strength or direction?
- Is the ground saturated?
- Is the ground frozen?
- Are trees in leaf?
- Have recent land management activities made trees more susceptible?

Risk to people and infrastructure

Risk to people and infrastructure will determine if a response is needed. Seasonality and periods of high/low user numbers must be considered. **Reactive inspections of areas where people are at risk must form part of any site-specific controls**. Answering yes to the following questions indicates a higher risk:

- Are user numbers likely to be high following the storm?
- Is public infrastructure e.g. car parks etc within striking distance of tree stock?
- Is infrastructure associated with visitor dwell time e.g. interpretation signs, gates, benches, play areas within striking distance of tree stock?

Reactive inspections must be undertaken as soon as practically possible and within 5 working days following the weather event, **prioritising areas of higher risk e.g. heavy usage zones**. Tree inspections must **consider the safety of staff and volunteers undertaking the inspection**. Looking for obvious damage such as leaning trees and fallen material can be undertaken by any staff with basic instruction.