

**Poynton Town Council**

# **Prince's and Lady's Inclines Policies and Procedures**



**June 2020**

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## **1. Introduction**

Poynton's Inclines are fantastic civic amenities which are enjoyed by residents and visitors alike. Poynton Town Council is committed to preserving these amenities in good order for present and future generations.

The Town Council assumed ownership of certain sections of Prince's and Lady's Inclines from Cheshire East Council some years ago. At that time, there had been little proactive management of the woodlands. Trees had been planted on a random basis and removal only occurred when particular problems had arisen. It was apparent that if no structured management was implemented, it would result in a gradual degradation of the woodland. Therefore, the Town Council has engaged with residents, specialist arboriculturists, local tree surgeons, Cheshire East Council Trees Officers and other interested bodies, to develop a long-term strategy to manage the Inclines.

In developing this strategy the Town Council has been very mindful of the safety of Inclines users and adjacent householders. However, given the Council's limited resources, a balance needed to be struck between the risks and benefits from the trees and some residual risk will always remain.

A long-term approach is required if the Inclines are to be managed in a way that will optimise the amenity at a reasonable cost while taking account of the needs of all stakeholders.

## **2. Woodland Management Plan**

In March 2013, Cheshire Woodlands Consultancy was appointed to prepare a Woodland Management Plan. The broad objectives of the plan were:

- To consider risk management
- To establish objectives for the woodland management
- To clarify ownership
- To control ad hoc work
- To establish a schedule of work.

The first plan was released in February 2014 and updated in 2017. The Plan is available to view on the Town Council's website at [www.poyntontowncouncil.gov.uk](http://www.poyntontowncouncil.gov.uk) (look for Inclines Management) and hard copies are available from the Civic Hall upon request.

The plan sets down a work schedule for a 20 year period based on risk assessments of all trees, the favouring of native species and levels of impact on Inclines users and neighbours.

### **3. Town Council responsibilities**

- The Town Council will only carry out work on those tranches of the Inclines identified as being in the ownership of the Council. All communications received regarding areas not owned by the Council will be forwarded to the owner, if known.
- The Town Council will not undertake risk reduction measures on an “at any cost” basis. Risk assessments will be carried out by appointed professionals on a regular basis and objective decisions taken.
- Most of the woodland on the Inclines is subject to Tree Preservation Orders (TPOs) and all work will be subject to approval from Cheshire East Council Trees Officers.
- The Town Council will investigate promptly genuine emergencies regarding hazards
- The Town Council reserves the right to trim back shrubs on the Inclines, even where this may affect the level of screening to adjacent properties. In such circumstances, advance notice would be given to the affected householder.
- Any pruning or felling of trees on the Inclines will be based on the Woodland Management Plan and current risk assessments. Cosmetic work will not be undertaken.
- The Town Council has public liability insurance covering damage or injury caused by its trees, but this takes effect only where the Council can be proven to have been negligent in its responsibilities. All claims must be made via the householder’s domestic insurance policy. The Town Council cannot deal with insurance claims directly.
- There is no clear precedent of a right to light in Law, as such, there is no legal obligation on the Town Council to prune or remove trees for reasons of light loss to a neighbouring property. A right to light may be earned, where a person has enjoyed light uninterrupted to a window or other opening associated with a dwelling, for 20 years before the obstruction appeared. There can be no right to light in respect of a garden or other open land.
- Should the Town Council believe that fly tipping has emanated from an adjacent property, the householder will be requested, in writing, to remove the fly tipped material. If no contact is made and the material not removed within 14 days, the Town Council reserves the right to remove the material and charge the householder for the service.
- Should the Town Council believe that a boundary fence has been moved in order to take land from the Incline so that it is within the boundary of an adjacent property the Town Council reserve the right to ask for the removal of the fence. The Town Council will request in writing the removal of the fence back to the original property boundary. If no contact is made within 14 days the Town

Council reserves the right to remove the fence and charge the householder for the service.

- Where the Town Council has felled trees or limbs of a substantial size, these will be cut up and left in a safe location on the Inclines and will be available for residents to remove as firewood strictly for their own use, and not for resale. However, residents will not be permitted to use vehicles or chainsaws on the Inclines.
- Residents are not allowed to use the inclines for means of access for trades people, building materials or removal of waste. The driving of mechanical vehicles on the incline by trades people without express prior permission is strictly prohibited.

#### **4. Work outside the Woodland Management Plan**

- On those sections of the Inclines owned by the Town Council, householders must not remove, prune or plant anything beyond the residential boundary without the express permission of the Town Council.
- If an individual householder wishes to prune an Inclines tree that is overhanging their property and that is outside the scope of the Management Plan, they will need to apply to Cheshire East Council Trees Officers, as well as informing the Town Council. Any such work, once agreed, would have to be carried out by a reputable tree specialist and at the householder's expense.
- Where householders require work contained in the Management Plan to be done ahead of the time specified in the Plan, this will be considered, and if agreed, they will be required to fund the work. The specified contractor must be agreed with Poynton Town Council.
- Householders can submit an application to Cheshire East Council Trees Officers to carry out work, even if they are not the owners. If approved, the full cost of this work will be borne by the householder.

#### **5. Reviews**

- The Town Council will meet with residents to discuss all issues, complaints and requests relating to the Inclines.
- Any reviews will fall within the remit of the Facilities, Infrastructure and Economic Development (FIED) Committee of the Town Council.

## **6. Communications**

- The main point of contact within the Town Council will be the Operations Manager. Tel: 01625 872238, Email: [chris.oakes@poyntontowncouncil.gov.uk](mailto:chris.oakes@poyntontowncouncil.gov.uk)
- Cheshire East Council Trees Officers are available on Tel: 0300 123 5014 or Email: [trees@cheshireeast.gov.uk](mailto:trees@cheshireeast.gov.uk)
- In the event of an emergency during office hours, call the Civic Hall on 01625 872238 and ask for Chris Oakes or Haf Barlow.
- For genuine emergencies **outside** office hours, please call the same two officers on 07538 141264.
- An emergency will be defined as any issue that:
  1. Requires immediate attention.
  2. Poses a substantial risk to life or property.
  3. Has a high probability of worsening in the near future.
- The Town Council will publish updates of Inclines news in the Poynton Update & News (PUN) available by email, on-line at the Town Council website ([www.poyntontowncouncil.gov.uk](http://www.poyntontowncouncil.gov.uk)), at the Civic Hall and in the Council notice boards.
- Complaints or appeals regarding the handling of Inclines issues should be made to your East Ward Town Councillors – these are listed on the Town Council's website – click on 'Your Council' in menu on homepage or phone 01615 872238.