

Wrexham County Borough Council Tree Policies (Council owned Trees)

Contents

1. Introduction
2. Tree Enquiries
3. Tree Risk Assessment Policy
4. Standards of Pruning
5. Common Law Right
6. Light
7. Shading of Solar Panels
8. Seasonal Nuisance
9. Tree and TV / satellite reception
10. View
11. Roads - sight lines obstruction
12. Damage to property
13. Drains
14. Dangerous trees
15. Tree Planting
16. Wildlife Protection
17. Health issues
18. Consultation – Community Engagement
19. Pests & Diseases

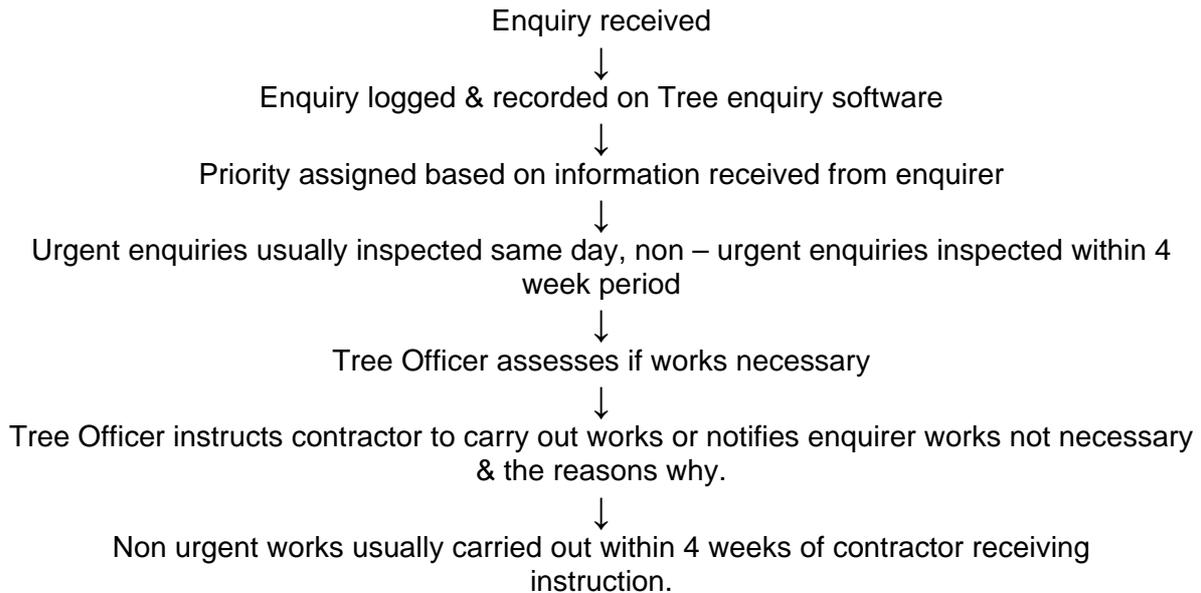
1.0 Introduction

- 1.1 Trees deliver a number of environmental, economic and social benefits, maintaining a healthy population of trees is essential for ensuring these benefits continue to be delivered for the future of the County Borough and its residents. This document gives guidance on how the Council manages its trees and the way in which we will respond to the most common enquiries we receive and how they will usually be dealt with. We recognise the long term benefits trees provide for the environment so our decisions will always be in the long term public interest.
- 1.2 Complaints or enquiries about trees on private property are not the responsibility of the Council. Disputes relating to private trees are a case for civil action and enquirers will be advised of this. We will provide informal tree advice to members of the public where we can.

2.0 Tree Enquiries

- 2.1 **Policy:** Each time we are contacted and asked to inspect a tree we will always consider safety as the most important aspect of the assessment. The assessment entails a range of visual checks primarily aimed at identifying hazards that require some form of action before the next inspection takes place.
- 2.2 We will not inspect privately owned trees unless they are affecting the highway or are a risk to the public.
- 2.3 The main visual checks are for:
 - Weaknesses within the tree
 - Disease
 - Obstructive branches or tree parts
 - Wildlife habitat
- 2.4 We also take into account suitability of the species for the location, height and potential height, tree spread (canopy spread) visual appeal or contribution to the environment, and any effects the tree may have on those living close by. All larger trees in areas that are frequently used by the public are also risk assessed if we are unsure of their suitability for retention on safety grounds.

Tree enquiry cascade



3.0 Tree Risk Assessment Policy

3.1 The Council's Responsibilities as Land Owner

(i) If a tree falls or breaks and causes injury or damage, its owner could be held negligent if they had omitted to take sufficient care of the tree. As landowner, the Council has a duty of care to ensure as far as is reasonably practicable, all of the trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk.

3.2 Government Guidance

(ii) Government guidance contained in Circular 52/75 requires local authorities to regularly inspect trees adjacent to highways. Wrexham County Borough Council owns trees growing within the highway, and adjacent to highways.

(iii) The Department of Environment's report 'Trees in Towns' recommended that each local authority should inspect the tree stock that it is responsible for in a systematic way and to store this information on a data base so that it is accessible.

3.3 Management of Tree Risk

3.3.1 The requirement for risk assessment is provided by the Management of Health and Safety at Works Regulations 1999. The principles of Risk Assessment are described in the Health and Safety Executive guidance industry guidance note *Five steps to risk assessment*. (HSE 1996)

- Identify the hazards
- Decide who might be harmed and how
- Evaluate the risk and decide on precautions
- Record your findings and implement them
- Review your assessment and update if necessary

3.3.2 It is not reasonably practicable within the Environment and Planning Department's resources to inspect and record every tree. Complete elimination of tree related hazards is only possible through complete tree removal. This approach is clearly unacceptable as it ignores the considerable benefits and amenity that trees provide to society. When elimination is not possible, or desirable, it is accepted practice to reduce the risk to an acceptable level. In this way a system can conform to the principles of a risk assessment and meet the duty of care for tree management.

To help prioritise inspections we have identified zones with respect to the level of public access to trees, essentially zones of high, medium and low use.

3.3.3 High use zones include areas next to railways and busy roads; heavily used car parks, open space and parks, the town centre; in fact any areas where large numbers of people congregate. This would include locations where large events may be held.

3.3.4 The species, maturity, condition, health and location of trees will have a bearing on the levels of risk. This, in turn, will help determine whether any risk controls are necessary.

3.3.5 Inspection will identify appropriate remedial work and form the basis of when further inspection is necessary.

3.3.6 Trees in high use zones are typically inspected every two years. It is not practical or necessary to record every individual tree, groups of trees will be recorded, and individual trees within these groups will be singled out for detailed inspection and recorded if significant structural defects are present.

If a tree with significant structural defects is to be retained, a risk assessment will be carried out.

3.3.7 Maps and data of groups of trees inspected will be recorded.

3.3.8 Zones of medium use will have fewer visitors and as a result require inspection less frequently, but within a five year interval.

3.3.9 Low use zones typically have restricted access or few visitors. They may be remote or well away from paths. These zones may receive tree management, but will have no formal inspection procedure. The Environment and Planning Department's Tree Section will respond to individual complaints or concerns regarding trees in these areas.

3.4 Zoning

3.4.1 High use = Red – A & B roads (excluding those the Trunk Roads Authority have responsibility for.) schools, street trees, town centre, including car parks, urban parks, aim to inspect every 2 years.

3.4.2 Medium use = Amber –allotments,country parks, libraries, public open space and council properties with large numbers of mature trees, play grounds, car parks. Aim to inspect every 4 years.

3.4.3 Low use =Green – All other areas, including housing properties, rights of way, C class, and unclassified roads. To be assessed on a reactive basis.

3.4.4 These zones will reflect normal usage but must be kept under review. The level of risk changes over time. For example, plans to hold an event involving many people in a medium risk zone will change its status to high risk for the duration of the event; new facilities or activities may more permanently change the patterns of public usage and hence necessitate a review of the designated risk zone.

4.0 Standards of Pruning

4.1 **Policy:** All tree work we do will be in accordance with accepted practice set out in Arboricultural British and European Standards and Guidelines.

The public are encouraged to understand that the Council is not required to prune trees unless they are considered to be dangerous, obstructive to vehicles or pedestrians, are directly touching property or require intervention for arboricultural purposes.

4.2 **Customer Advice**

a. We will not carry out 'Lopping', 'Topping' or pollarding of healthy trees unless they are to be managed as part of a hedge, managed for wildlife habitat or it is considered to be in the interests of the long term management of the tree.

b. We will not remove one side of a tree or any amount of a tree that will drastically alter its visual appearance unless it is part of our statutory requirements or for arboricultural reasons.

5.0 Common Law Right

5.1 You have a Common Law right to remove (abate) the nuisance associated with trees encroaching onto your property. The following advice is given if you wish to exercise your Common Law right with respect to encroaching trees:

a) You can only consider removing those parts of the tree from the point where they cross the boundary of your property. You have no legal right to cut or remove any part of a tree that does not overhang your property;

b) You are strongly advised to consult a professional tree surgeon for guidance on how best to prune back encroaching trees, you may be liable if the tree is heavily pruned in such a way as render it unstable. If the works are trivial meaning you could do the works with hand secateurs or similar; then such advice may not be necessary.

c) To find out if the trees are owned by the council contact:

Tree Section
Wrexham County Borough Council
Environment and Planning Department
Abbey Road South
Wrexham Industrial Estate
Wrexham
LL13 9PW

Tel 01978 729641 Fax 01978 729632
E- mail: treeinspections@wrexham.gov.uk

d) Before you consider doing any works to a tree / trees you should find out if they are protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, you will need to gain consent by making an application / give notice to the Council. To find out if the trees are protected and guidance on how to apply for works if they are protected contact:

Arboricultural Officer
Planning Services
Environment and Planning Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Tel: 01978 298763
E- mail: planning@wrexham.gov.uk

e) You are strongly advised to discuss with your neighbour your intention to prune encroaching branches. Legally you do not own the encroaching branches and you should offer these to your neighbour but they are not obliged to accept them, you should consider disposing of the arisings yourself. If the encroachment relates to a Council owned tree, any cuttings must be disposed of appropriately and not returned to Council land.

6.0 Light

6.1 **Policy:** we will not prune or fell a Council owned tree to improve natural light in a property.

6.2 Customer Advice

1. In law there is no general right to light. Any right to light would need to be established via a specific grant (rare) or by prescription, which can only occur where the right has been enjoyed uninterruptedly for a minimum of 20-years. Following this, a legal right to light can only be enjoyed in relation to a specific opening (such as a window) in a building; there is no right to light in connection with open land, such as a garden. Further, if these conditions are met then an owner of the building is 'entitled to such access of light as will leave his premises adequately lit for all purposes for which they may reasonably expect to be used.

2. If natural light is being blocked by the growth of a hedge then action may be taken to reduce the problem under the High Hedges Act, Part 8 of the Anti-social Behaviour Act, 2003. For further information refer to the information below on High Hedges.

3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

7.0 Shading of Solar Panels

7.1 **Policy:** The Council will not normally fell or prune Council owned trees to allow for the effective installation of solar panels.

7.2 Prior to the installation of the panel the provider's survey will have noted anything that may obstruct direct sunlight from reaching the panel's surface, such as neighbouring buildings, chimneys or trees. Above a certain threshold for future obstruction or light loss the provider will need to carefully consider the decision over whether and where to site the panel. It is therefore an implicit assumption for the Council that the positioning and installation of the panel, often on roofs, will have ensured that the panel will be able to operate at a high level of efficiency over a long period: the panel will be optimally positioned so that it can receive as much sunlight as possible throughout the day and its operational life.

7.3 **Customer Advice**

1. When considering new planting, the Council will take into consideration position, distance and eventual size of trees in relation to property with existing solar panels.

2. We will not normally fell or prune Council owned trees solely to allow for the effective installation of solar panels.

3. Where solar panels have been installed prior to Council owned trees causing a shading issue we will consider what action is appropriate according to the amenity value and condition of the tree/s.

8.0 **Seasonal Nuisance**

8.1 There are a variety of potential seasonal nuisances associated with trees, most of which are minor and considered to be problems associated with living near trees. Examples of such problems are:

- Falling leaves, sap, fruit, nuts, bird droppings or blossom.
- Leaves falling into gutters, drains or onto flat roofs.

8.2 **Policy:** We will not fell or prune Council owned trees solely to alleviate problems caused by natural and / or seasonal phenomena.

8.3 **Customer Advice**

1. Tree blossom usually heralds the start of spring. Blossom is a natural occurrence, which cannot be avoided by pruning.

2. The maintenance of gutters is the responsibility of the landowner and the Council is not obliged to remove leaves that may have fallen from Council owned trees. Where gutters are regularly blocked by fallen leaves, gutter guards may be fitted to provide a low maintenance solution.

3. Sap - Honeydew is caused by greenfly (aphids) feeding on the tree, and then excreting a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black. There is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief and any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by greenfly and in some years greenfly are more common, especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted we try to choose trees that are less likely to cause this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if you wash the car as soon as possible.

4. Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act (and other related wildlife law). Warm soapy water will usually be sufficient to remove the bird droppings

5. Many fruit trees have the double benefit of spring blossom and autumn fruit. This makes fruit trees good for wildlife and a source of free food. But, there are some locations where fruit trees are less desirable, for example where soft fruit would make the pavement slippery or where anti-social behaviour could encourage fruit being thrown at houses or cars. When considering what tree to plant we take account of the likelihood of such problems. Equally, where fruit trees are established but there is a significant anti-social behaviour problem we may consider phased removal and replacement.

9.0 Tree and TV / satellite reception

9.1 **Policy:** we will not prune or fell a Council owned tree to prevent interference with TV / satellite installation / reception.

9.2 **Customer Advice:**

1. It maybe that your satellite or TV provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or utilising means to boost the signal.

2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

10.0 View

10.1 **Policy:** we will not prune or fell a Council owned tree to improve the view from a private property.

10.2 **Customer Advice:**

1. There is no legal right to a 'view'.

2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees – see Common Law Right.

11.0 Roads - sight lines obstruction

11.1 **Policy:** we will undertake work to a tree in Council ownership to maintain clear sight lines (where reasonably feasible) at junctions and access points (associated with a street, road or highway).

11.2 Customer Advice:

1. Standards for visibility vary according to the class and speed limit in force.

2. If a privately owned tree is causing an obstruction to the visibility at a road junction (sight line), powers exist under the Highways Act (Dangerous Trees, 1980) to make the owner of the tree remove the obstruction. If they do not, the Council will carry out the work and recharge the owner.

3. The shoots that grow from the base of some trees in Council ownership such as lime trees are removed as part of our tree maintenance programme. This is usually done once a year for trees growing in the street, but in some streets this may need to be done twice a year. There is no active programme to remove basal shoots from trees in parks and green spaces, unless these interfere with footpaths or the visibility at road junctions (sight lines). Otherwise, the removal of basal shoots for aesthetic reasons is done as and when funds allow or when it is necessary to inspect the base of a tree.

12.0 Damage to property

12.1 **Policy:** Without sufficient conclusive evidence from the complainant we will not fell or prune trees that are suspected of causing damage to dwellings or services. Examples of conclusive evidence are Structural Engineer's or Chartered Surveyors reports. In some cases it may be necessary for the Council to get the views of its own Structural Engineer or specialist before we take action.

12.2 Customer Advice

1. Tree related subsidence - In order for a tree to contribute towards subsidence the soil needs to be shrinkable clay. Loams are the commonest soil to found in the County Borough and there are no records of Council owned trees ever being implicated in subsidence claims. Therefore, subsidence caused by trees growing in shrinkable clay soils is very unlikely to occur.

2. Footpath or general property damage - Where property or trees are poorly positioned, damage to roots and damage to property from roots can occur. This is usually seen by cracking or lifting of surfaces or structures. When planning to construct near to existing trees careful consideration should be made to avoid future problems. In some instances the damage can be repaired and alternative measures

taken without pruning or felling of the tree but also in other situations tree pruning or felling may be necessary in conjunction with repairs.

13.0 Drains

13.1 **Policy:** we will not prune, fell or cut the roots of a Council owned tree to prevent roots entering a drain that is already broken or damaged.

13.2 **Customer Advice:**

1. Tree roots typically invade drains that are already broken or damaged. Trees themselves very rarely break or damage the drain in the first place. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. If you are concerned about the condition of your drains then you are advised to contact your water and sewerage company.

2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right.

14.0 Dangerous trees

14.1 **Policy:** If a Council owned tree is in such a condition that it poses a very high risk to people or property and is considered to be an emergency situation, instruction will be given to our tree contractor to make the tree safe as soon as possible, the area around the tree will be cordoned off & occupants of any nearby land advised accordingly. Where a Council or privately owned tree is an imminent danger to the highway, the road may be closed or traffic controlled appropriately until the tree is made safe. The Council may seek to recover costs from owners of private land where tree works have had to be carried out in the interests of public safety.

14.2 **Policy:** If a Council owned tree is identified as dangerous, but the risk to the public is not high, then the tree will be made safe depending on the degree of risk identified at the time of inspection, this will range from within 1 day, to within 4 weeks. If privately owned, the owners will be notified and requested to make the tree safe within an appropriate timescale. The Council may take enforcement action or carry out the work and seek to recover costs if necessary.

14.3 **Customer Advice:**

1. If a tree poses an immediate and present danger it will be made safe as soon as possible, where necessary we will close roads or exclude public from the vicinity of the area of risk. If the level of risk is lower but works are still required, the tree will be made safe within 4 weeks.

2. Signs to look for which may mean that a tree is in such condition to warrant immediate attention include a tree which is:

- a) Snapped or blown over
- b) Rocking at its base - roots are damaged
- c) Uprooted but held up by another tree or building
- d) Large branch has broken off or is hanging off the tree
- e) Blocking road, footpath, access to property
- f) Fallen on to house or car

3. Signs to look out for which may mean that a tree is a risk to people or property but the risk does not require an emergency response include a tree which is:

- g) Dead
- h) Dying - few leaves in summer or dieback in the crown
- i) Bark is loose and falling off
- j) Mushrooms or fungi growing on or near the tree
- k) Old splits and cracks in the trunk or large branches
- l) Smaller branches falling from the tree

4. Trees can be made safe via pruning or felling. Typically we would employ the most cost effective approach. But, for certain High Value trees we would consider other options to reduce risk to an acceptable level including options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

5. If you would like to report a problem with a tree or have a general enquiry then please contact the Environment and Planning Department's Tree Section on 01978 729641 or 729634 or e-mail: treeinspections@wrexham.gov.uk

14.4 **Wide Scale storm damage**

14.1.1 Tree Officers will work with the Streetscene service to prioritise tree works according to urgency, the emphasis will be on clearance of roads (to facilitate movement of emergency services), then clearance of the Council's own trees in priority order.

15.0 **Tree Planting**

15.1 **Policy:** Wherever appropriate and practical, the Council will replace any trees it removes with at least 2 trees of a species appropriate for the site conditions as close as possible to the location of the trees which have been removed. The Council will plant at least 100 new trees per year on suitable sites.

15.2 The Council shall use a minimum of 50% native species in its annual tree planting programme. This recognises the importance of native species for their landscape and habitat value, particularly in rural part of the County Borough, but also focuses on the need to use a wider variety of trees to future proof our tree stock from the risks of pests, diseases and climate change.

15.3 **Customer Advice:**

- a. Only high quality planting stock shall be used from tree nurseries operating as per best practice.
- b. Newly planted trees will be maintained for a minimum period of two years post planting, to include irrigation, formative pruning, replacement or adjustment of stakes & ties if required.
- c. Grass will be allowed to grow long around the base of trees with no mowing machinery operating within half a metre of tree trunks to avoid damage to trees and machinery.
- d. The above measures should minimise failure of any newly planted trees, and ensure that they become established and independent in the landscape. Where failure does occur trees will be replaced in the next planting season.

16.0 **Wildlife Protection**

16.1 **Policy:** The Council has a number of responsibilities under British and European Law to protect wildlife. Before we carry out work to trees or hedges we are required to check for signs of wildlife to ensure that we do not cause any disturbance or any other negative impact.

16.2 **Customer Advice:**

Where safety allows, we will ensure work to trees is carried out at the best time of year in order to reduce or eliminate the effect it has on wildlife or to comply with relevant legislation.

16.3 Trees have many species of wildlife associated with them, but bats and birds in particular, are two significant protected wild animals that use trees as a place of shelter, a place to aid navigation and a feeding platform from which to hunt and eat.

17.0 **Health Issues**

17.1 **Policy:** Having access to trees and green spaces are widely accepted to be beneficial to people's wellbeing. In the rare incidences where there is evidence that a tree is contributing toward a person's poor health, i.e. respiratory condition, we will endeavour to do as much as is reasonably practicable to improve the situation.

17.2 **Customer Advice:**

In some circumstances where a tree is said to be causing health problems we may ask to see a doctor's letter clearly indicating that the tree is contributing towards the persons health problems.

18.0 **Consultation – Community Engagement**

18.1 **Policy:** The primary aim of managing trees within Wrexham County Borough area is to provide an attractive, healthy and safe environment. Appropriate trees in appropriate places can benefit the environment and the amenity of an area considerably. We will involve and consult with the public as much as we can in order to give people a sense of ownership and value in what we do. Public consultation will come in various forms with the internet, local media and local Councillors providing our main platforms to carry it out. Obviously there are times when this will not be appropriate due to the general low key nature of the work or its urgency in relation to public safety, but where major tree work or planting operations take place we want to keep the public informed.

18.2 **Customer Advice:**

18.2.1 We will consult with the public prior to carrying out tree operations unless they are:

- a. A matter of imminent danger to the public requiring immediate action.
- b. In areas where public access will not be affected or where disruption will be minimal.
- c. Part of normal general maintenance associated with trees, for example removal of deadwood, removing low branches, statutory duties to clear highways and footways or replacing dead or damaged newly planted trees.
- d. Trees of low amenity or wildlife value (generally small or poorly shaped trees) unsuitable for their location.

18.2.2 If the majority of those consulted are against a proposal we may modify the proposal or carry out further consultation if required.

19.0 Pests & Diseases

19.1 **Policy:** The health of trees with diseases will be monitored and in extreme cases it may be necessary to fell a diseased tree. Each tree will be assessed on an individual basis and the felling of a diseased tree is considered a last resort.

19.2 **Customer Advice:**

19.3 Trees like all living things are prone to attacks from pests and diseases. Different diseases affect different types of trees. Examples include:

- Dutch Elm Disease
- Phytophthora root diseases
- Phytophthora bleeding canker
- Pseudomonas
- Fire blight
- Chalara

19.4 Where serious outbreaks occur which threaten the County Borough's tree population, action will be taken as necessary to halt the spread of pests and diseases

where practicable. The Council will continue to notify the relevant authorities of outbreaks of notifiable diseases or pests and take such action as is recommended or instructed by these authorities, including biosecurity measures. Pruning or preventative spraying will be carried out in preference to felling, if practicable.

- 19.5 When necessary the Council will inform members of the public of the symptoms or characteristics of a pest or disease in order to help tree owners safeguard the health of trees within the County Borough.