



Tree Management Policy

Reviewed 21 May 2018

INTRODUCTION

Trees are a highly valued feature of the West Swindon Parish; they make an important contribution to the character of our local landscape and create environments rich in biodiversity.

We also recognise that although trees are a positive feature, they can be the cause of a range of problems, from being a nuisance or inconvenience, to potentially causing serious injury. Trees are the responsibility of Swindon Borough Council but are managed jointly with the West Swindon Parish Council. This policy sets out West Swindon Parish Council's approach to tree management.

1. THE IMPORTANCE OF TREES IN THE URBAN LANDSCAPE

Trees are important features in the landscape. Not only do trees have a visual quality, but they also enhance the environment in less obvious ways:

- they improve air quality by filtering airborne dust, smoke and fumes;
- they absorb traffic noise in built-up areas and can help limit noise pollution;
- they reduce temperature extremes by providing shelter in hot weather and insulation in cold weather; trees adjacent to buildings can reduce air conditioning and heating costs;
- they act as a screen, increasing privacy in residential roads and gardens;
- they provide food and habitat for birds and other wildlife, thus supporting nature conservation value and biodiversity;
- research has shown that trees provide many psychological and health benefits and have been shown to reduce stress significantly.

2. TREES MANAGED BY WEST SWINDON PARISH COUNCIL

The West Swindon Parish Council has discretionary power to provide and maintain trees on open spaces and amenity land under the Open Space Act 1906. As such, we have a responsibility to maintain trees within our management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance.

This policy applies to all trees under West Swindon Parish Council maintenance responsibilities. The Parish Council contracts work that is able to be undertaken at ground level and up to head height. Swindon Borough Council maintains work on trees outside of that work.

Ground level work with hand tools is delivered by Streetsmart within Swindon Borough Council as part of the West Swindon Parish Council's service level agreement. Maintenance that falls outside of the service level agreement is the responsibility of Swindon Borough Council – www.swindon.gov.uk tel: **01793 445500**. Trees growing on land which forms part of the adopted highway are the responsibility of the Highways Authority, Swindon Borough Council.

Swindon Borough Council is responsible for over 40,000 street and park trees, including the pruning and maintenance of trees that are situated along the roadside, in publicly owned parks and green/open spaces.

Trees are generally maintained as part of Swindon Borough Council's continuous programme of work. The normal standards are:

- Trees along the main roads are all inspected on an annual basis.
- The majority of street trees are pruned on a cyclical basis every 1, 3 or 5 years depending on species and location.
- Parks and green spaces trees are pruned on an ad-hoc basis.

Any problems reported are assessed by Swindon Borough Council's expert Tree Officer and any remedial work is determined on a priority basis, depending on the nature of the request. **Situations where there is a potential risk to public safety will be given the highest level of priority.**

All enquiries regarding trees in West Swindon should be directed Swindon Borough Council on 01793 445500, www.swindon.gov.uk, email: streetsmart@swindon.gov.uk

3. TREE MAINTENANCE

Tree maintenance is currently mostly 'reactive' in nature and conducted in response to inspections and reports from the public.

While works are sometimes necessary to ensure that trees are in a safe and healthy condition, Both West Swindon Parish Council and Swindon Borough Council receive requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment, and, enjoyment of the Parish by local residents and visitors. Many of the complaints received involve minor or seasonal issues or social problems associated with living near trees.

To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, our policy in relation to the more common types of request is outlined below:

- ***Obstructing/ Overhanging Tree Branches***

Tree branches can cause obstructions to public footpaths, roadways / signs, streetlights and open spaces. The West Swindon Parish Council will respond to reports where work can be undertaken at ground level by the maintenance team, to eliminate hazards caused by obstructive branches.

Adjacent Landowners do have a common law right to prune back tree branches **to their boundary**, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

- ***Shading and Loss of Light***

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

Where elderly, infirm or disabled persons who spend a significant amount of time within their home are affected by loss of light, or it can be established that the presence of trees is detrimental to the health of such residents, further consideration will be given to the management approach to trees. This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.

- ***Loss of View***

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape or townscape. Pruning of trees for highway sight-line requirements will be dealt with on a case by case basis.

- ***Trees affecting reception {Television, Satellite or Solar Panels}***

Pruning in the short term may help improve television reception. However in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a booster. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

Similarly we will not prune to improve natural light to a solar panel.

- ***Overhead Cables/ Telephone Wires***

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, we will encourage utility operators to adopt the most appropriate long term solution, giving consideration to tree health, local

tree cover and visual amenity.

We will not prune a tree within our maintenance work in order to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

- ***General/ Minor Nuisances***

We will not prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems are:

- falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- insects associated with trees (spiders, wasps, flies etc);
- reduction or increase of moisture to gardens;
- suckers or germinating seedlings in gardens;
- leaves falling into gutters, drains or onto flat roofs;
- the build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with these issues alone.

We would not normally prune or fell a tree under our maintenance that bears poisonous fruit/ foliage (such as laburnum or yew).

However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate and take action, where appropriate.

- ***Trees considered too big/ too tall***

Felling trees sits within the remit of Swindon Borough Council.

4. DAMAGE AND TREE ROOTS

Many tree conflicts arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

Root invasion in gardens; tree roots in gardens are a natural occurrence and

root presence is unlikely to be affected by tree pruning or removal. Landowners do have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

All issues relating to tree roots from land maintained by the Parish Council should be directed to Swindon Borough Council.

- ***Damage to walls and fences***

Any issues where trees are considered to be causing damage to walls or fences should be referred to Swindon Borough Council.

- ***Damage to paths***

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude they can be root pruned, or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths or footpaths, West Swindon Parish Council will work jointly with Swindon Borough Council to address the issue.

- ***Damage to drains or water pipes***

There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense.

- ***Trip Hazards***

West Swindon Parish Council will work with Swindon Borough Council to make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership / management.

5. OTHER FACTORS CONSTRAINING WORK TO TREES

- **Birds**

Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent major tree work involving tree removal, reduction and hedge cutting operations should not normally be undertaken during bird nesting and breeding season, which is considered to be from 1st March to 31st July.

- **Bats**

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting/nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

- **Restrictive covenants**

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

- **Unadopted land**

There are areas in West Swindon that may not be adopted by Swindon Borough Council and may not have ownership recognised by neighbouring properties. The West Swindon Parish Council does not have the authority or responsibility to maintain private land. Some instances may be considered on a case by case basis as exceptional circumstances.

6. DAMAGE RELATING TO TREES

- **Direct Damage to Property**

Tree roots, stems and branches get thicker each year via a process called secondary thickening. Over time as they increase in size, they can disrupt or distort adjacent structures and surfaces. This is generally limited to 'lightly loaded' structures such as low walls, fences and paving. Trees generally deflect around more 'heavily loaded' structures such as houses. Any reports of damage to property need to be reported to Swindon Borough Council in the first instance.

- **Indirect Damage to Property (Subsidence)**

Incidents of subsidence related damage involving H&DPC trees are rare; however there are areas of shrinkable clay soil within the Parish. Any reports of indirect damage to property to Swindon Borough Council.

- **Subsidence**

Any incidents relating to trees and subsidence should be reported to Swindon Borough Council.

- **Heave**

When a tree is removed in a clay sub-soil, the soil will rehydrate and swell in volume. The expansion may lift the foundations and cause cracking to the property. This is known as 'heave'. This is more likely to occur if the removed tree was mature and had a high water demand such as an oak tree. No liability, at present, falls upon a local authority for damage due to heave resulting from tree removal where this is requested by the third party.

7. INSURANCE CLAIMS

Where trees are alleged to have caused direct or indirect damage to property and a formal claim is submitted the matter will be referred to the Swindon Borough Council's insurers.

Members of the public who are concerned about tree related subsidence are advised to contact their insurers.

8. EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances the West Swindon Parish Council's Planning and Environment Committee will consider applications to the Parish for assistance with tree work. The Parish Council will ask Swindon Borough Council to assess and price the work to be undertaken.

If the Committee agree that the work is exceptional, it will consider offering a financial contribution of up to two thirds of the total cost.