

DINAS A SIR ABERTAWE

HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

PWYLLGOR CYNGHORI'R CABINET – DATBLYGU

Lleoliad: Ystafell Bwyllgor 5, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Mercher, 15 Chwefror 2017

Amser: 3.00 pm

Cadeirydd: Cynghorydd Phillip Downing

Aelodaeth:

Cynghorwyr: C Anderson, C R Doyle, M B Lewis, R D Lewis, P Lloyd, P M Matthews, P B Smith, C Thomas a/ac T M White

AGENDA

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.
www.abertawe.gov.uk/DatgeliadauBuddiannau
- 3 **Cofnodion.** 1 - 3
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.
- 4 **Polisi Coed.** 4 - 56
- 5 **Polisi ac Arfer y Cyngor o ran Caffael Tir.** 57 - 58
- 6 **Cynllun Gwaith.** 59 - 60

Cyfarfod Nesaf: Dydd Mercher, 15 Mawrth 2017 ar 3.00 pm



Huw Evans

Pennaeth Gwasanaethau Democrataidd

Dydd Iau, 9 Chwefror 2017

Cyswllt: Democratic Services - (01792) 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE DEVELOPMENT CABINET ADVISORY COMMITTEE

HELD AT COMMITTEE ROOM 5, GUILDHALL, SWANSEA ON
WEDNESDAY, 18 JANUARY 2017 AT 3.00 PM

PRESENT: Councillor P Downing (Chair) Presided

Councillor(s)

C Anderson
P M Matthews

Councillor(s)

C R Doyle
P B Smith

Councillor(s)

P Lloyd
T M White

Officer(s)

Martin Bignell
Allison Lowe
Lisa Wells

Tree Services Unit Manager
Democratic Services Officer
City Centre Manager

Apologies for Absence

Councillor(s): C Thomas

54 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City & County of Swansea, no interests were declared.

55 **MINUTES.**

RESOLVED that the minutes of the Development Cabinet Advisory Committee held on 21 December 2016 be approved and signed as a correct record.

56 **SWANSEA MARKET. (VERBAL)**

The City Centre Manager provided a verbal update in relation to Swansea Market.

As requested, she provided the statistics in relation to footfall data across the UK. The data had been produced via 2 data sources:

- The UK Market Index;
- Missions for Market Survey.

In relation to the UK Market Index statistics, for the period January – November 2016 markets across the country were reporting a 3.5% decline in footfall. Swansea Market footfall was in line with this National average.

However, in relation to monthly statistics, which showed a continued downward trend, Swansea Market was reporting 2% above the National average.

In relation to the Missions for Market survey, of the 310 participants 43% were reporting a downturn in footfall. This was in line with Swansea Market statistics.

In terms of income, 45% were showing a surplus (income). Again, this was in line with Swansea Market statistics.

The national average in relation to rate of occupancy was 77%, however Swansea Market was tracking at 97%, an extremely positive figure.

Even though it appeared that Nationally there was a decline in footfall in markets, it appeared that Swansea was not suffering as badly. Nevertheless consideration be given in how to deal with this information in a positive way.

The Chair asked what could be done to improve footfall in Swansea Market.

The City Centre Manager then circulated copies of Draft Swansea Market Master Plan. The report was the outcome of a study tasked with defining a masterplan for Swansea Market and was intended to inform future decision making about the market, but also to act as context for other development projects that were planned to take place within the immediate context of the building.

She highlighted the issues that were constraining Swansea Market and outlined that the masterplan should take account of the City Centre Strategic Framework.

There were 3 main categories outlined in the design development, however the suggestion of reopening Orange Street had been discounted at this stage.

Members asked various questions which the officer responded to accordingly.

She concluded by stating that the next steps, should the scheme proceed, would be to progress the outline concept design and more detailed costs appraisal, identify internal and external funding sources and interrogate the phasing – does it work for us? Consultation would need to be undertaken and a Communication Plan developed.

The Chair thanked the officer for her in-depth update.

RESOLVED that:

- 1) The update be noted;
- 2) The Chair liaise with the relevant Cabinet Member regarding the budget situation and way forward.

57 **TREE POLICY.**

The Tree Services Unit Manager presented the first full Draft of the Tree Policy.

He outlined that the document still required further formatting and there were several sections that would require amendment following discussions with certain departments.

There was still some confusion regarding responsibility in relation to trees on Council housing land and whether there was any information contained within tenants' agreements in relation to their responsibility.

The Chair made some additional suggestions to help strengthen the Policy.

RESOLVED that:

- 1) The updated Tree Policy be noted;
- 2) The amendments to the Policy be made and presented to the next meeting.

58 **WORKPLAN.**

The Chair presented the amended Work Plan for 2016-2017.

RESOLVED that:

- 1) The work plan be noted;
- 2) A site visit within the next month be arranged for Members of the Development Cabinet Advisory Committee to visit the Re-Use Shop.

The meeting ended at 4.00 pm

CHAIR

City & County of Swansea



Tree Policy for Council Owned Trees

Contents

1. Introduction

2. Useful Contacts

3. Public Information and Customer Advice

- Abate a Nuisance
- Duty of Care
- Tree Pests and Diseases

4. Tree Surveys and Inspections

- Proactive Tree Inspection

5. Dangerous Trees, Response Times & Re-Active Tree Work

- Unsafe Trees Requiring Immediate Action
- Trees – Requiring Urgent Action
- Trees – All Other Work

6. Tree Pruning and Tree work on Council Owned Trees

- Tree Felling
- Tree Pruning
- Stump Grinding
- Birds, Bath, Badgers and Other Wildlife
- Ivy on Trees
- Re-cycling
- Tree Roots
- Tree in the garden of a Council House
- Tree Touching a Building
- Tree Overhanging Property
- Tree and Drains
- Tree and Light
- Tree and View
- Tree and Leafs
- Tree and Sap
- Tree and Blossom
- Bird Droppings from Council Trees
- Fruit, Berries and Nuts from Council Trees
- Wildlife and Insects in Council Owned Trees
- Satellite and TV Reception Blocked by Council Trees
- Solar Collectors and Panels Blocked by Council Owned Trees
- Telephone and Electric Wires and Council Owned Trees
- Council Owned Tree is Considered Too Large
- Damage to Council Owned Trees
- Trees and Private Funding for Tree Work

7. Tree Planting

- Tree Planting
- Memorial/Donated and Sponsored Trees

8. Council Trees and Subsidence

- Subsidence

9. Trees in Private Ownership

- Storm damage and fallen trees
- Dangerous Trees
- Trees Within Falling Distance of the Public Highway
- High Hedges

1. Introduction

The City & County of Swansea highly values its tree stock. The Council recognises the diverse and far reaching positive effects that trees have on the landscape and character of the City. The Council also recognises both the human and environmental benefits that a healthy, sustainable tree stock provides.

Approximately 18.8% of the County is covered by tree canopy compared to a national average of 16.8%. Tree canopy cover in the urban areas of Swansea is 19.8% (based on Natural Resources Wales figures). In the outlying towns and villages, trees form important local landmarks and landscape features and add greatly to the setting of important buildings and in creation of a sense of place.

At the time of writing the Council has 750 woodlands and woodland groups that contain an estimated 250,000 trees and 28,000 individual trees mapped and surveyed in Parks, Schools, Cemeteries, Housing Land & Highways.

The aim of this tree policy is to ensure the safety, maintenance, care, protection and longevity of the authority's tree stock.

- This policy will describe how the authority proactively surveys and inspects its trees and will provide detail on the cycles and timings of surveys and inspections.
- This policy will describe all aspects of how the authority will manage trees on its land and details its response to tree related enquiries including timescales wherever possible. The aim is for effectively communication, educating and engaging with the general public with regard to trees and tree issues.
- This policy will provide detail on what types of tree work the authority will carry out and what types of tree work the authority will not carry out and provides detail and reasons for these decisions. This will both inform the public and help to manage the public's expectations.
- This policy will help maintain and encourage biodiversity by recognising the importance of trees as valued habitat for wildlife. It will recognise the value of the tree stock and encourage the conservation, positive management and appropriate planning of new trees and woodlands including donated and memorial trees. This will help maintain and improve upon the percentage of tree cover within the authority creating the social benefits that accompany these improvements such as well-being and quality of life.
- This policy will help mitigate the effects of climate change. It can do this by being a catalyst for future tree and woodland planting programmes and tree replacement programmes. It can also recognise the importance of trees in relation to filtering air of harmful particulates, providing shelter from the elements, producing oxygen, lessening flood risks and locking up carbon.
- This policy can help maintain and improve the landscape across the county and improve the quality of life for both residents and visitors to the City by promoting importance, selection, planting and good maintenance of trees, softening the hard landscape and promoting a pleasant, green setting in which to live and work.

2. Useful Contacts

Enquiry	Department/Service	Contact
General	The City & County of Swansea	01792 636000 contact@swansea.gov.uk
Trees in Parks & Open Spaces	Parks & Cleansing Home Farm	01792 280210 parks.section@swansea.gov.uk
Tree Preservation Orders, Trees & Conservation Areas, Trees and Development	Planning Department	01792 635724 Links via; http://www.swansea.gov.uk/tpo
Trees and the Public Highway or footpaths	Highways Department	01792 841625 Please report these problems online
Trees and Council Housing Properties	Sketty and Gower West Cross Townhill Town Centre Eastside Penlan Blaenymaes Gorsienon Morrison	01792 516810 01792 402500 01792 513926 01792 650486 01792 791251 01792 582704 01792 534060 01792 897700 01792 601720
Trees in Cemeteries	Bereavement Services.	01792 636481 bereavementservices@swansea.gov.uk
Trees in Schools	Education Department/Facilities Management	Grounds Maintenance officer; 07880 182718 Facilities Management; 01792 636207
Trees Close to Electric Lines	Western Power Distribution	08456013341

--	--	--

3. Public Information and Customer Advice

Abate a Nuisance

The following advice is given if you wish to exercise your Common Law right with respect to encroaching trees:

Under common law, a person may cut back any branch (or root) from a neighbour's tree that overhangs or encroaches onto their property. In cutting back any overhanging branches (or encroaching roots) the following must be observed:

- 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.
- You are strongly advised to consult a professional tree surgeon or contact the Tree Services Unit within the Local Authority for guidance on how best to prune back encroaching trees, unless the works are trivial meaning you could do the works with hand secateurs or similar.
- You are strongly advised to tell the owner of the trees what you plan to do.
- Before you consider doing any works to the trees you must find out if they are protected by a Tree Preservation Order or they are in a Conservation Area. If trees are protected then you will need to gain consent by making an application/give notice to the council. For guidance on how to check if the trees are protected and how to make an application please contact Planning.
- Legally you do not own those parts of the tree that encroach over your property and you should make arrangements to return these to the owner. You are advised to discuss this with your neighbour to agree a mutually acceptable solution.
- If the encroachment is due to a council owned tree please make arrangements to dispose of the cut material yourself as we will not collect it from you.
- You or your contractor may not enter Council land to carry out tree maintenance or to gain access to the tree. All work undertaken must be from within your own land.

Duty of Care

- If a tree falls or causes injury or damage its owner could be held liable if they omitted to take sufficient care of the tree. Trees are a potential liability and The City & County of Swansea as a responsible landowner has a duty of care under HSE regulations to ensure that all of the trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk.
- The Occupiers Liability Act 1957 and 1984 requires occupiers of land to have a common duty of care to all visitors and/or trespassers. The Act requires the occupiers to take reasonable care to maintain their land in such a condition that it does not harm any person or damage any property.
- The Health & Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 also apply. Failure to comply with this legislation could lead to the Health & Safety Executive (HSE) taking criminal action against the Council. Section 3 of the Act places a duty on the Council to take reasonable care for the health and safety of third parties. The Regulations effectively require the Council to have an adequate tree management system to ensure Health & Safety.
- The need for Councils to carry out tree surveys has been recognised for some time. Government guidance in the form of circulars requires Local Authorities to regularly inspect trees adjacent to Highways. Additional guidance on tree risk was published by the National Tree Safety Group in 2011 – “Common sense risk management of trees – Guidance on trees and public safety in the UK for owners, managers and advisers”.

[http://www.forestry.gov.uk/pdf/FCMS024.pdf/\\$FILE/FCMS024.pdf](http://www.forestry.gov.uk/pdf/FCMS024.pdf/$FILE/FCMS024.pdf)

Tree Pests and Diseases

Phytophthora

- Phytophthora's are a group of waterborne fungi which infect a wide range of plants and crops
- Phytophthora ramorum is responsible for sudden oak death in America though the oak populations of Europe have not suffered significant harm
- The City & County of Swansea has worked closely with DEFRA (plant health) officials over the last 10 years to try to slow the spread of phytophthora
- This has been carried out by a process of eliminating host plants for the disease such as Rhododendron ponticum and destroying infected plants on site where they are identified
- DEFRA officials carry out cyclical testing in Parks around Swansea and affected trees and shrubs are identified and destroyed

Hymenoscyphus fraxinea (Chalara – Ash Die back)

- Hymenoscyphus fraxinea is a fungus. The fungal spores are airborne and are spread by the wind
- The disease is rapidly spreading and there are currently no effective strategies for managing the spread of the disease
- Ash die back in Swansea was identified in just a few small areas during the spring of 2016. During the autumn of 2016 the disease appeared to be present in about 50% of the Ash trees that were visually inspected.
- As many as 90 to 95% of ash trees may eventually be killed by the disease
- Young trees and saplings affected will die off within 1 to 2 seasons whereas large mature ash trees may take several seasons of reinfection before succumbing to the disease or a secondary pathogen attacking the weakened tree.
- Within the tree stock there will be ash trees that are genetically resistant. It will be very important to identify and protect these trees wherever possible.
- The City & County of Swansea will develop a plan to manage the dieback of the ash population by managing the risk the dead trees pose as the disease develops

Other Pests and Diseases

- There are many pests and diseases that affect trees. Many of these are native pests and diseases but others have either been introduced or spread to the UK

- Many of the pests and diseases in the tree population do not cause significant harm to the trees and many trees have the ability to recover from pest and disease attacks
- Pest laden or diseased trees can be monitored for many years to see if they can survive and recover so avoiding removal
- Trees only need to be felled and removed if they become unsafe
- Other emergent/introduced tree diseases in Wales include:
- Dothistroma needle blights (*Dothistroma septosporum*) which is currently stable and under routine management
- The great spruce bark beetle (*Dendroctonus micans*) which is currently stable and under routine management
- Acute oak decline, which is an emergent tree health threat
- Asian and citrus longhorn beetles (*Anoplophora glabripennis* and *A. chinensis*) which are emergent tree health threats
- The oak processionary moth (*Thaumetopoea processionea*) which is an emergent tree health threat
- The European spruce bark beetle (*Ips typographus*) which is an emergent tree health threat
- The Emerald Ash Borer is a beetle that is not yet present in the UK but is expected and the public are asked to report any potential sightings.
- Please use the links here for further information and descriptions of the diseases;

<http://naturalresources.wales/forestry/tree-health-and-bisecurity/identify-and-report-pests-and-diseases/?land=en>

4. Tree Surveys and Inspections

Category of Tree-Related Enquiry	Policy/Standard	Response Timescale
<p>Information request</p> <p>Are trees assessed for safety? How often are they assessed?</p>	<p style="text-align: center;">Policy: Proactive Tree Inspection</p> <p>The Council will proactively inspect the Council's tree stock on a cyclical basis. The aim is to inspect all trees within a four year period. Inspections will be undertaken by suitably qualified and experience arborist's employed by the Council.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • To assist with the management of the tree stock and to meet the Council's duty of care a computerised tree management system was purchased in 2012 (Ezytreev). Council owned trees are inspected for safety and information recorded on Ezytreev; this information includes details on species, age, condition, proximity to structures and any recommendations for work. The Council employs professional and qualified staff experience in arboriculture (the care and management of amenity trees) to carry out the tree inspections and any work arising from them. • The timings of tree inspections and surveys can be broadly broken down into the following groups; • At present the assessed risk from trees is defect led (based on tree defects found during the surveys) <p><u>Highways</u></p> <ul style="list-style-type: none"> • All highways trees are to be inspected using 'zoning' to determine what level of risk is expected from the trees on a particular road and them subdividing the inspection over four years from very high risk, high risk, moderate risk to low risk. • The criteria for the breakdown of when we inspect/survey each highway has been achieved by the council staff's shared knowledge of: 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days if receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website.</p>

	<p>(i) Levels of traffic on a given road</p> <p>(ii) Perceived pedestrian footfall</p> <p>(iii) Class of road</p> <p>(iv) Size, age, species and health of the trees</p> <p>(V) Certain trees that are to be monitored each year</p> <ul style="list-style-type: none"> • For general enquires regarding trees on Highways land see 2. Useful Contacts <p><u>Parks and Amenity Areas</u></p> <ul style="list-style-type: none"> • All Parks trees are to be inspected on a four year cycle with some areas of higher public access surveyed annually. • The City & County of Swansea area has been broadly divided into four geographical areas for the purpose of the surveys • The criteria for the breakdown of when we inspect/survey each park have been achieved by the council staffs shared knowledge of: <p>(i) Numbers of visitors to the Park or the surrounding area</p> <p>(ii) Size, age, species and health of the trees</p> <p>(iii) Any special circumstances that bring increased numbers of people into the park such as concerts, sports events & shows</p> <p>(iv) Certain trees that are to be monitored each year</p> <ul style="list-style-type: none"> • For general enquires regarding trees in Parks and Amenity areas see 2. Useful Contacts • The surveys of both parks and highways will run in parallel. Once all data has been collected and is available for re-inspection then the breakdown for the survey timings should be as follows; <ul style="list-style-type: none"> • Year one and annual inspections <p>(i) Town centre pedestrian areas and roads. (annual inspection)</p> <p>(ii) Arterial roads (annual inspection)</p>	
--	---	--

	<p>(iii) High risk trees (very old, very large) in lower risk areas (annual inspection)</p> <p>(iv) High population density Parks & Play Areas (annual inspection)</p> <p>(v) 'A' roads with large trees on them</p> <p>(vi) Area 1 Parks</p> <ul style="list-style-type: none"> • Year two <p>(i) 'A' roads</p> <p>(ii) Area 2 Parks</p> <p>(iii) Large trees on smaller roads</p> <p>(iv) Annual inspections</p> <ul style="list-style-type: none"> • Year three <p>(i) 'B' Roads</p> <p>(ii) Area 3 Parks</p> <p>(iii) Annual inspections</p> <ul style="list-style-type: none"> • Year four <p>(i) 'C' roads</p> <p>(ii) Area 4 Parks</p> <p>(iii) Cycle Paths</p> <p>(iv) Woodlands</p> <p>(v) Annual Inspections</p> <ul style="list-style-type: none"> • Individual trees or areas that are surveyed through years 2-4 can be moved up or down the inspection levels depending on the findings of the surveyor or new information that comes to light • Other surveys for the Departments listed below will be carried out within this cycle on the frequencies stated. <p><u>Schools and Education Land</u></p>	
--	--	--

	<ul style="list-style-type: none"> • All schools trees are inspected on a two year cycle. These inspections are dependent on continued funding from the Education Department. For general enquires regarding trees on School and Education land see 2. Useful Contacts <p><u>Housing Land</u> (not including tenants gardens)</p> <ul style="list-style-type: none"> • All Housing land trees are inspected on a three year cycle. These inspections are dependent on continued funding from the Housing Department. For general enquiries regarding trees on Housing land see 2. Useful Contacts <p><u>Council House Gardens</u></p> <ul style="list-style-type: none"> • Surveys and inspections of trees in council house gardens are in a discussion and development stage and should be rolled out from 2017 onwards on a three year cycle. These inspections will be dependent on the funding from the Housing Department. For general enquiries regarding trees on Housing land see 2. Useful Contacts <p><u>Cemeteries</u></p> <ul style="list-style-type: none"> • Cemeteries have had one complete round of inspections and a suitable cycle for re-inspections has not been agreed yet. For general enquiries regarding trees in Cemeteries see 2. Useful Contacts. <p><u>Other Council Land</u></p> <ul style="list-style-type: none"> • Other Departments with land and trees have not funded complete surveys or inspections to date. 	
--	--	--

5. Dangerous Trees, Response Times & Reactive Tree Work

Category of Tree-Related Enquiry	Policy/Standard	Response Timescale
<p>Information Request</p> <p>What do you do about dangerous trees?</p> <p>How can I tell if a tree is immediately dangerous?</p>	<p>Policy: Unsafe Trees – Requiring Immediate Action</p> <p>If a Council owned tree is in such a condition that it poses a very high risk to people or property, the Council will attend site as an emergency normally within 2 hours and always within 4 hours unless there is a major weather event in progress. If work cannot be completed, areas at risk will be cordoned off until resources are available.</p> <p>During major storms and weather events the Council will respond as quickly as possible but will need to focus our priorities on keeping roads open for emergency services. All inspections will be carried out by suitably qualified Arborists</p> <p>Customer Advice</p> <ul style="list-style-type: none"> • A tree that is in immediate danger of failure or has already failed in a busy or built up area would likely constitute a very high risk. If a tree poses an immediate and present danger it will be attended within 2 hours (emergency) • Immediate work out of hours will be carried out by an on-call tree gang • Signs to look for which may mean that a tree is in such condition to warrant immediate action include: <ul style="list-style-type: none"> (a) Tree is snapped or blown over; (b) Tree is uprooted but held up by another tree or building (c) A large branch has broken off or is hanging off the tree 	<p>Clarification of Council Policy about trees/general enquiries</p> <p>The enquiry will be answered with an immediate site visit and assessment of the tree. Customers can also receive an immediate response by searching for the relevant stated policy on the Council's website</p>

<p>Information request</p> <p>How can I tell if a tree may be dangerous or may require urgent action?</p>	<p>(d) Tree or branch is blocking the road or footpath</p> <p>(e) Tree or branch is blocking access to property</p> <p>(f) Tree has fallen onto house or car</p> <p style="text-align: center;">Policy: Trees – Requiring Urgent Action</p> <p>Trees that are perceived as high risk but present no immediate risk to the public will be classed as urgent. Tree works judged as urgent will be made safe within an adequate timescale depending on the level of perceived risk identified at the time of inspection. Inspections will be carried out by suitable qualified Arborists</p> <p>Customer Advice</p> <ul style="list-style-type: none"> • 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: <p>(a) Tree is dead</p> <p>(b) Tree is dying – few leaves in summer or the top of the tree is dying back</p> <p>(c) Bark is loose and falling off</p> <p>(d) Mushrooms or fungi growing on or near the tree</p> <p>(e) Old splits and cracks in the trunk or large branches</p> <p>(f) Smaller branches or twigs falling from the tree during windy conditions</p> <ul style="list-style-type: none"> • 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 the 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. 	<p>Clarification of Council Policy about trees/general enquiries</p> <p>The enquiry will be answered with a site visit and assessment of the tree. Customers can also receive an immediate response by searching for the relevant stated policy on the Council's website</p>
--	---	---

<p>Information Request</p> <p>How long will other work take?</p>	<p>Policy: Trees – All Other Desirable Work</p> <p>Works on trees that are not considered high risk or urgent will be classed as desirable and go into our low risk work programme. Desirable and low risk work will usually be carried out within one year where possible unless unforeseen circumstances such as storms delay the work further. Inspections will be carried out by suitably qualified Arborists</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • All other work includes any remedial work required on a tree that does not meet the criteria of immediate or urgent work 	<p>Clarification of Council Policy about trees/general enquiries</p> <p>The enquiry will be answered with a site visit and assessment of the tree Customers can also receive an immediate response by searching for the relevant stated policy on the Council’s website</p>

6. Tree Pruning and Tree Work

Category of Tree-Related Enquiry	Policy/Standard Tree Pruning & Tree Work	Response Timescale
<p>Information request</p> <p>Why has a Council tree been felled?</p>	<p style="text-align: center;">Policy: Tree Felling</p> <p>The Council will fell trees owned or managed by the council where:</p> <ul style="list-style-type: none"> • The tree is dead, dying or diseased • A tree has been proven to be causing subsidence • The removal of the tree would benefit surrounding trees • It is the requirement of a management, regeneration or development plan <p>Customer Advice:</p> <ul style="list-style-type: none"> • Tree removal is regrettable but necessary under a number of circumstances. The decision to remove a tree is not taken lightly. Trees are usually felled because it is the best option to reduce the risk of harm to an acceptable level (e.g. dead, dying or diseased trees). • The council will try to replace felled trees where possible with new plantings in or around the same area. See 7. Tree Planting 	<p>Clarification of Council Policy about Trees/General enquires</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the Council's website. If the enquirer requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate</p>

<p>Information request</p> <p>Why is/was a tree pruned?</p>	<p style="text-align: center;">Policy: Tree Pruning</p> <p>The Council will:</p> <ul style="list-style-type: none"> • Undertake work to trees owned or managed by the Council to maintain a minimum 5.5 metres height clearance over the carriageway (associated with a street, road or highway) • Undertake work to trees owned or managed by the Council to maintain clear lines of sight for traffic and pedestrians at junctions and access points (associated with a street, road or highway) • Undertake work to trees owned or managed by the Council to maintain clear lines of sight for traffic signals and street signage (associated with a street, road or highway) • Undertake work to trees owned or managed by the Council to ensure that street lights are not unduly blocked by the presence of trees • Undertake work to trees owned or managed by the Council to maintain minimum 2.1 metres height clearance over a footpath associated with a street, road or highway. Any works necessary to prevent an obstruction to the width of a footpath associated with the highway due to the presence of a Council owned tree will be considered on a case-by-case basis. • Maintain pollarded street trees by re-pollarding on a cycle between two and five years or more depending on the species and growth habits of the tree. • Only create new pollards where there is no other viable management option 	<p>Clarification of Council policy about trees/general enquires</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the Council's website. If the enquiry requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate</p>
--	---	--

<p>Information request</p> <p>Why are tree stumps left in the verge or pavement</p> <p>Information Request – What happens to the cut material?</p>	<p style="text-align: center;">Policy: Stump Grinding</p> <p>The council will carry out stump grinding where necessary to enable trees to be replanted or to remove a significant hazard.</p> <p>Customer Advice</p> <ul style="list-style-type: none"> • Stump grinding is the practice of removing a tree stump to below ground level by mechanical means. Where replacement replanting is desirable such as in highway verges, stumps will be ground out. Where stump removal is not necessary or possible tree stumps will be removed close to ground level so not to leave a trip hazard. <p style="text-align: center;">Policy: Re-cycling</p> <p>The Council will make the best use of arising's created from required tree work.</p> <ul style="list-style-type: none"> • Timber will be sold • Firewood will be sold • Woodchip will be sold or used within the Council for footpath dressing or mulch an amenity shrub beds <p>Customer Advice</p> <ul style="list-style-type: none"> • Firewood and woodchip are both for sale to the public, Please contact the Parks & Cleansing Department for details. See 3. Useful Contacts. 	<p>Clarification of Council Policy about trees/general enquires</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the Council's website. If the enquirer requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate.</p>
---	--	--

<p>Tree in Garden of Council House</p>	<p style="text-align: center;">Policy: Tree in Garden of Council House</p> <p>If a tree is established within the garden of a council maintained property it remains the responsibility of the City & County of Swansea.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • If you have concerns with regard to a council owned tree within the grounds of your rented property please contact your local Council Housing office. See 2. Useful Contacts • The Housing Department will assess any need to carry out tree surgery using the same criteria for assessment as set out within this policy. 	<p>Clarification of Council Policy about trees/general enquires</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the Council's website. If the enquirer requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate.</p>
--	--	--

<p>Information Request</p> <p>Do you harm wildlife?</p>	<p>Policy: Birds, Bats, Badgers and other Wildlife</p> <p>The council will:</p> <ul style="list-style-type: none"> • Carry out inspections of trees prior to tree works for nesting birds, taking particular care during the nesting period of March-August. Under the Wildlife and Countryside Act 1981. It is illegal to disturb nesting birds. • Carry out inspections of trees for bat roosts or areas of land for badger sets, likely to be disturbed by tree or woodland works and seek expert advice from relevant organisations or the Council Ecologist. • Try to avoid damage to any wildlife or habitat wherever possible and look for alternative work solutions. <p>Customer Advice:</p> <p>Birds</p> <ul style="list-style-type: none"> • The Wildlife and Countryside Act 1981, amended by the Countryside and Rights of Way Act 2000, is the principle legislation protecting birds. The Acts make it an offence to kill, injure or take any wild bird and to take, damage or destroy any nest that is either in use or being built, To comply with the Acts the council’s arboricultural teams will check trees for nesting birds during the nesting period (March-August) and take appropriate measures to prevent disturbance prior to the commencement of routine works. These measures may mean delaying the works until young birds have flown. If, despite best efforts a nest is found after work has started a buffer area around the nest will be created and the tree returned to once the young birds have flown. 	<p>Clarification of Council Policy about trees/general enquiries</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the council’s website. If the enquirer requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate.</p>
--	--	---

Bats

- All bats are protected under the Wildlife and Countryside Act (Schedule 5) and the EU Directive Conservation of Habitats and Species Regulations 2010. These make it illegal to intentionally or deliberately kill, injure or capture bats; deliberately disturb bats, whether in a roost or not; or to damage, destroy or obstruct a bat roost. Given that trees can be significant hosts to bat roosts inspection will precede works where bat roosts are suspected. This is likely but not exclusively to occur in park or woodland trees. Where necessary the Tree Service Unit will seek expert advice.

Badgers

- Badgers are protected under the Protection of Badgers Act 1992 which makes it an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a sett, recklessly, or with intent. Where necessary the council will seek expert advice.

<p>Information Request</p> <p>Does Ivy kill trees/should it be removed?</p>	<p>Policy: Ivy on Trees</p> <p>The Council will seek to retain an acceptable level of ivy on trees where the inspection for decay or defects is not compromised.</p> <p>Customer Advice</p> <ul style="list-style-type: none"> The Council acknowledges the considerable value of ivy (<i>Hedera helix</i>) as a habitat and food source for wildlife. Unless ivy has established on young or weak trees where it may compete for water and nutrients and restrict healthy growth, it causes little harm. However, where ivy has taken hold on mature trees, especially those close to the roads and public areas, judgements must be made on its retention based on the health of the tree and the possibility of cavities or defects being hidden from view. In these situations removal of ivy may be deemed necessary for risk management purposes. 	<p>Clarification of council policy about trees/general enquiries</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the council's website. If the enquirer requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate.</p>
--	---	---

<p>Information Request</p> <p>Roots are damaging the pavement or causing a trip hazard</p>	<p style="text-align: center;">Policy: Tree Roots</p> <p>The Council accepts that a reduced standard of regularity of surfacing may be acceptable. Where not acceptable the council will seek to explore engineering options to reduce trip hazards before root pruning or tree removal.</p> <p>Customer Advice</p> <ul style="list-style-type: none"> The Council will follow guidance published in “well-maintained” Highways code of practice for Highways management” This guidance relates to trees and the highway and suggests that pavements are not required to have perfect surfaces: <p>“9.6.1” Trees are important for amenity and nature conservation reasons and should be preserved...”</p> <p>“9.6.4: Extensive root growth from larger trees can cause significant damage to the surface of footways, particularly in urban areas. A risk assessment should therefore be undertaken with a specialist arboricultural advice on the most appropriate course of action, if possible to avoid harm to the tree. In these circumstances it may be difficult for authorities to reconcile their responsibilities for surface regularity, with wider environmental considerations and a reduced standard of regularity may be acceptable.”</p> <ul style="list-style-type: none"> The roots of trees exploit the soil in various ways dependent on species and local condition. Direct root action can deform the surfaces of footpaths, roads or other light structures. To constitute a trip hazard the deformation will be assess by Highways. Where a hazard exists and is attributable to tree roots engineering options will be explored before root pruning or tree removal is undertaken. Indirect root action is more often associated with the drying of clay subsoils during prolonged periods of dry weather and the subsequent downward movement of ground resulting in subsidence damage of buildings. However, subsidence can also be caused by leaking or collapsed drains, 	<p>Clarification of council policy about trees/general enquiries</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the council’s website. If the enquirer requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate.</p>
---	--	---

<p style="text-align: center;">Tree touching a building</p> <p>Council tree (stem or branches) touching private property</p>	<p>particularly if the subsoil under a building contains high proportions of sand and or inadequate foundations for the soil type or proximity of vegetation, including trees. All insurance claims for suspected tree related subsidence will be dealt with in accordance with the council's subsidence policy.</p> <p style="text-align: center;">Policy: Tree Touching a Building</p> <p>If a tree that is owned or managed by the Council is touching private property (dwelling, house, boundary wall, garage etc.) the Council will take action to remove the nuisance.</p> <p>Customer Advice</p> <ul style="list-style-type: none"> • In many cases the solution will be for the council to prune the tree, but in some circumstances it may be more appropriate to fell the tree. If pruning is appropriate we will endeavour to undertake works to stop the problem reoccurring within three years • You have a Common Law right to remove (abate) the nuisance associated with trees encroaching onto your property; see 3. Public Information and Customer Advice 	<p>Tree enquiry requiring a site inspection</p> <p>The customer will be informed within 14 days of receipt that a site inspection is required and that such a site inspection will be undertaken within 2 weeks of receipt and the customer notified of what action is considered appropriate.</p>
---	---	---

<p>Tree overhanging property</p> <p>Council tree encroaching onto private property (due to the growth of the stem, branches or roots)</p>	<p>Policy: Tree overhanging property</p> <p>We will not prune or fell a Council tree or a tree managed by the Council to alleviate the nuisance of overhanging branches</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • The nuisance caused by overhanging branches may be considered as part of our general tree-work programme, however this programme is prioritised and subject to the availability of funding. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3. Public Information and Customer Advice 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's web site</p>
--	--	---

<p>Tree and drains</p> <p>Council tree allegedly causing damage to a drain on private land</p>	<p>Policy: Tree and drains</p> <p>We will not prune, fell or cut the roots of a Council tree or a tree managed by the Council to prevent roots entering a drain that is already broken or damaged.</p> <p>Customer Advice</p> <ul style="list-style-type: none"> • 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. Householders are usually responsible for the maintenance of the drains within your property. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3. Public Information and Customer Advice 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
---	--	--

<p>Tree and light</p> <p>Council tree restricting light in private property</p>	<p>Policy: Tree and light</p> <p>We will not prune or fell a tree in Council ownership or managed by the Council to improve natural light in a private or Council owned property.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • 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 Antisocial Behaviour Act 2003. See 9. Trees in Private Ownership and for further information refer to the council's web page on High Hedges: http://www.swansea.gov.uk/highhedges • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3. Public Information and Customer Advice. 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
--	--	--

<p>Tree and view</p> <p>Council tree restricting view from a private property</p>	<p>Policy: Tree and View(s)</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council to improve the view from a private or Council owned property.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • If you wish to refer to exercise your Common Law right to remove (abate) the nuisance associated with encroaching tree; see 3. Public Information and Customer Advice 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
--	--	--

<p>Tree and Leaves</p> <p>A council tree shedding leaves over private property or problem of leaves on public footpath / other public space</p>	<p>Policy: Tree and Leaves</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council to remove or reduce leaf fall. We will not remove fallen leaves from a private or Council owned property.</p> <p>Customer Advice</p> <ul style="list-style-type: none"> • The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning. • For roads, streets or the highway extra teams are working in the autumn to clear the fallen leaves. • In Parks & Green Spaces paths or areas of hard standing are regularly cleared of fallen leaves, but leaves on grass/shrub beds are generally left until the majority of leaves have fallen before they are removed (unless leaving them would damage the grass in which case the accumulated leaves would be removed sooner). • Leaves are generally sent for composting. • If you would like to report a road, street or highway that needs to be cleaned please phone the Contact Centre (01792 635600) or email evh@swansea.gov.uk. • If you would like to report a park or green space that needs to be cleaned please contact the Parks and Cleansing Department for details see 2. Useful Contacts. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3. Public Information and Customer Advice. 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
--	---	--

<p style="text-align: center;">Tree Sap</p> <p>A council tree shedding sap/sticky residue over private property or a problem of sap on public footpath/other public space</p>	<p style="text-align: center;">Policy Tree and Sap</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council to remove or reduce honeydew or other sticky residue from trees.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • Honeydew is caused by greenfly (aphids) feeding on the sap from the leaves and excreting their sugary, sticky waste. Often more likely to be colonised by a mould which causes it to go black. Unfortunately there is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief as 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 have this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if you wash your car as soon as possible • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3. Public Information and Customer Advice. 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
--	--	--

<p>Tree and blossom</p> <p>A council tree shedding blossom over private property</p> <p>Or a problem of blossom on public footpath/other public space</p>	<p>Policy: Tree and Blossom</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council to remove or reduce blossom from trees.</p> <p>We will not remove fallen blossom from private land or council properties.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • Tree blossom usually heralds the start of spring. Blossom is a natural occurrence, which cannot be avoided by pruning. • Roads, streets or the highway are swept of excessive blossom as necessary. Similarly paths through parks and green spaces will be swept of blossom as part of normal cleansing cycles. • If you would like to report a road, street or highway that needs to be cleaned please phone the Contact Centre on (01792) 635600 or email evh@swansea.gov.uk. • If you would like to report a park or green space that needs to be cleaned please contact the Parks & Cleansing Department for details see 2. Useful Contacts. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees see 3. Public Information and Customer Advice. 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
--	---	--

<p style="text-align: center;">Tree and Bird Droppings</p> <p>Birds are in a council tree and leave droppings</p>	<p style="text-align: center;">Policy: Bird Droppings from Council Trees</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council to remove or reduce bird droppings from the tree. We will not remove bird droppings from private or Council owned properties.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • 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 1981 (and other related wildlife law). Warm soapy water will usually be sufficient to remove the bird droppings. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3. Public Information and Customer Advice. 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
--	---	--

<p>Tree and fruit, nuts and berries</p> <p>A council tree drops fruit, nuts or berries.</p>	<p>Policy: Fruit, Berries & Nuts from Council Trees</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council to remove or reduce the nuisance of fruit, berries or nuts.</p> <p>We will not remove fallen fruit, berries or nuts from private or Council properties.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • Fruit trees such as apple, cherry and pear are welcomed in many locations with the added benefit of providing 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 do take account of the likelihood of such problems. See 7. Tree Planting • If you wish to exercise your Common Law right to (abate) the nuisance associated with encroaching tree; see 3. Public Information and Customer Advice 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
--	--	--

<p>Tree Wildlife and Insects</p>	<p>Policy: Wildlife and Insects in Council Trees</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council to remove or reduce the incidence of bees, wasps and other insects or wild animals.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • Wildlife and insects associated with trees should be expected and encouraged. Many insects and animals rely on trees for their survival and the council recognise that this wildlife plays an important role in the ecosystem of the tree and the wider environment. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching tree; see 3. Public Information and Customer Advice. 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
---	---	--

<p>Tree and TV Signals</p> <p>My TV signal is blocked by Council trees</p>	<p>Policy: Satellite and Television Reception Blocked by Council Trees</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council to enable/ease installation or improve reception of satellite or television receivers.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • 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 means to boost the signal. Cable Television may also be an alternative. Swansea Council will not reimburse costs associated with relocating a TV aerial or satellite dish. • From 2018 Sky customers should not require a satellite dish • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching tree; see 3. Public Information and Customer Advice. 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
---	--	--

<p>Tree and Solar Panels</p>	<p>Policy: Solar Collectors and Panels Obscured by Council Trees</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council to improve the performance of Solar Water Heating Collectors or Solar Panels such as Photovoltaic Cells.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • Whilst the Council appreciates that there is a need to provide renewable energy resources. Trees have an important role in maintaining and improving local amenity, in addition to contributing to local and national targets in tacking climate change. The presence of trees must be fully appreciated when considering a suitable location for the placement of solar collectors and panels. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3. Public Information and Customer Advice. 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
-------------------------------------	--	--

<p>Tree and BT Lines Tree and Electric Lines</p>	<p>Policy: Telephone Wires, Electric Lines and Council Trees</p> <p>We will not fell a Council owned tree or a tree managed by the Council to remove or reduce interference with telephone wires. There may be instances where the Council will undertake works to prune trees to reduce interference where pruning would be an effective measure.</p> <p>The Council will not carry out any tree work within the proximity of live electric lines</p> <p>Customer Advice:</p> <p><u>Telephone Lines</u></p> <ul style="list-style-type: none"> • Your telephone service provider may be able to suggest an alternative solution to the problem. Where pruning is appropriate trees will be assessed individually. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3. Public Information and Customer Advice. <p><u>Electric Lines</u></p> <ul style="list-style-type: none"> • <u>Pruning trees near electric lines can be lethal</u> • The Council will not prune trees that are close to live electric lines. Please see 2. Useful Contacts for Western Power Distribution contact numbers. • Always contact Western Power before considering doing any work within 2 tree lengths of a live power line. 	<p>Tree enquiry requiring a site inspection</p> <p>The customer will be informed within 14 days of receipt that a site inspection is required and that such a site inspection will be undertaken within 2 weeks of receipt and the customer notified of what action is considered appropriate.</p>
---	---	---

<p>Tree is too big</p>	<p>Policy: Council Tree(s) Considered Too Large</p> <p>We will not prune or fell a Council owned tree or a tree managed by the Council because it is considered to be 'too big' or 'too tall'.</p> <p>Customer Advice:</p> <ul style="list-style-type: none"> • A tree is not dangerous just because it may be considered too big for its surroundings. Evidence of other factors that may render the tree dangerous would have to be present for the council to consider pruning or felling (see reactive tree work/dangerous trees) • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3. Public Information and Customer Advice 	<p>Tree enquiry not requiring a site inspection</p> <p>The customer will be informed of council policy within 14 days of receipt of the enquiry. Customers can receive an immediate response by searching for the relevant stated policy on the council's website</p>
-------------------------------	---	--

<p>Trees are damaged and vandalised</p>	<p style="text-align: center;">Policy: Damage to Council Owned Trees</p> <p>The Council will:</p> <ul style="list-style-type: none"> • Take acts of malicious damage to trees seriously and seek prosecution where appropriate. • Aim to prevent and control the abuse of woodlands through rubbish dumping, vandalism and illegal access by consultation and education, or by taking appropriate legal action <p>Customer Advice:</p> <p>Malicious damage to council owned trees and woodlands, as well as fly-tipping are criminal offences. All such matters are reported to the police for investigation and will be prosecuted where possible.</p>	<p>Tree enquiry requiring a site inspection</p> <p>The customer will be informed within 14 days of receipt that a site inspection is required and that such a site inspection will be undertaken within 2 weeks of receipt and the customer notified of what action is considered appropriate.</p>
--	--	---

<p>Tree and Private Funding for Tree Work</p> <p>Private request received for that removal or pruning of council owned trees established on council land where the private individual or organisation offers to make a financial contribution either wholly or in part towards the undertaking of the work</p>	<p>Policy: Tree are Private Funding for Tree Work</p> <p>The Council will not accept funding from private sources for tree works where there is no clear public benefit.</p> <p>Customer Advice:</p> <p>1. New tree planting projects can be supported through private donations, please refer to 7. Tree Planting Policy</p>	<p>Clarification of Council policy about trees/general enquiries</p> <p>The enquiry will be answered within 12 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the council's website. If the enquirer requires further research we will inform the customer within 12 working days and indicate a timescale for any response as appropriate.</p>
---	---	---

--	--	--

7. Tree Planting

Category of Tree-Related Enquiry	Policy/Standard	Response Timescale
<p>Information Request Planting and replacing trees</p> <p>Does the Council plant and replace trees?</p>	<p style="text-align: center;">Policy: Tree Planting</p> <p>The Council will:</p> <ul style="list-style-type: none"> • Seek to increase tree planting throughout the county • Replace trees removed in the course of management where appropriate • Encourage tree planting programmes and provide help and advice wherever required • Plant individual donated trees free of charge • Administer a small charge when planting several donated trees for groups and individuals • Provide a Memorial/Donated Tree Scheme (see Donated/Memorial and Sponsored Tree Policy below) <p>Customer Advice</p> <ul style="list-style-type: none"> • Where open space and park trees are removed consideration will be given to replanting in the first planting season following removal unless there are good reason for not doing so. These may include lack of resources, soil borne disease, changes in land use, underground/overhead utility services or the surrounding tree cover which would restrict good establishment. The council welcomes suggestions for planting sites and actively encourages people to take an interest in tree planting and young tree establishment. Unless the area for planting has been identified as one where only native species will be introduced such as a woodland or other site managed for nature conservation, native and non-native trees may be planted as appropriate. Trees 	<p>Clarification of Council policy about trees/general enquiries</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the council's website. If the enquirer requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate</p>

planted are normally 12-14cm girth measure at 1m from the ground.

- New tree planting can be used to increased diversity, restore or improve the local landscape character or introduce trees of a different age class to that which already exists. When planting trees in gardens or close to dwellings consideration will also need to be given whether there is enough physical room for the new tree to grow and flourish without causing excessive shading or physical problems in the future. Similar considerations will also need to be given when planting trees close to other structures such as footpaths, roads, street lights and existing vegetation. Where trees that have been implicated in subsidence damage to dwellings are removed it may not always be appropriate to plant a replacement tree of the same species. This is especially true if the implicated tree is a large high water demanding species and in such cases smaller species that are appropriate to the site will be considered.
- To help maintain a continuity of tree cover the council will undertake the planting of new trees and woodlands on land that it manages where suitable opportunities arise. Where the council removes trees it will plant replacements when and where it is appropriate to do so and carry out a programme of maintenance to ensure that they are given the best start possible. In reaching a decision as to whether it would be right to plant new or replacement trees the council will take into account the following considerations:

a) Will the new/replacement tree be of public benefit?

b) Is there sufficient room for a new tree to grow and develop without it causing future problems?

c) Is there a deficit of younger trees in your area?

d) Was the removed tree part of a local feature e.g. a line of trees?

e) What species add to local distinctiveness and are suitable for the local landscape character and are these appropriate for the site?

<p>Can I pay to have a tree planted?</p>	<p style="text-align: center;">Policy: Memorial/Donated and Sponsored Trees</p> <p>The Council Parks & Cleansing Service runs a Memorial/Donated Tree Scheme.</p> <p>Please contact the Parks and Cleansing Service on 01792 280210 for further information and to be sent an application form. Or use:</p> <p>The City & County of Swansea Parks Division Parks & Cleansing Home Farm House Singleton Park Sketty SWANSEA SA2 8QJ</p> <p>Email: parks.section@swansea.gov.uk</p> <p>Fax: 01792 284800</p> <p>Customer Advice:</p> <p>Details regarding the scheme are as follows:</p> <p style="text-align: center;"><u>Donated Tree Scheme Information</u></p> <p>The current Donated Tree Scheme allows the donation of a tree by special purchase and will be dependent upon suitable sites being available and the availability of the tree.</p> <p>Cost of Donation</p> <p>The following cost will be applicable and amended annually</p> <p>Extra Heavy Standard Tree (approx. 3 to 4m high) - £185.00</p> <p>The tree price provided includes:</p>	<p>Clarification of Council policy about trees/general enquiries</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the council's website. If the enquirer requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate</p>
--	--	--

- Supply & delivery
- Planting & staking
- Compost & fertiliser
- Aftercare and watering until established
- VAT

Terms & Conditions

- All costs are inclusive of VAT
- We can discuss both species and planting site with you. Species will depend on our suppliers stock and the site will need to be suitable for the chosen species
- For aesthetic and practical reasons we regret that permission to install a fixed memorial plaque at the base of the tree cannot be given, however permission will be granted to suspend a memorial plaque on the actual tree
- Any wording on plaques must be agreed in advance with the council and the council will not agree to any wording of a political nature.
- Trees can only be planted on suitable sites where sufficient space allows.
- Tree planting will be carried out at the discretion of the council
- If a planting ceremony is required, then this can be arranged at no extra cost during normal working hours, however prior notification will be necessary.
- If your tree should become damaged or diseased within the first five years we will replace it with one of the same species if possible or a suitable substitute.
- All trees will remain the property of the City & County of Swansea.
- Please note that the council will not take responsibility for stolen, malicious or animal damage to donated trees.
- No adornments e.g. flowers at any time shall be attached or deposited on or near the donated tree/shrub or surrounding area.
- The applicant is advised to meet on site with the relevant Tree Services Officer to confirm the preferred location of the donated tree prior to submission of the application.
- The council reserves the right to decline any application for a donated tree.
- The council will not allow the scattering of cremated remains.

- Application for a donated tree will only be accepted upon receipt of cheque for the minimum donations.
- The Council keeps a Register of Donation includes details of the donor's name, address, telephone number and the location of the tree (no charge is made for register entries) and applicants are advised to keep the council informed of any change of address during the tree of the dedication. The register is not displayed on the Council's website.
- Trees will usually be planted during January/February
- We will do everything we can to ensure your tree becomes successfully established in its new location, including watering and formative pruning as appropriate. This special care is usually necessary for the first couple of years after planting and donations are calculated to include this as well as the costs of planting and staking. After establishment we will continue to carry out any necessary maintenance work at no additional cost.

Application forms are available from:

The City & County of Swansea
 Parks Division
 Parks & Cleansing
 Home Farm House
 Singleton Park
 Sketty
 SWANSEA
 SA2 8QJ

Email: parks.section@swansea.gov.uk

Fax: 01792 284800

Further information (during office hours only)

Please contact the following members of staff should you require further information on this scheme:

Parks & Open Spaces

Mr Martin Bignell – Tel: 01792 284826

Singleton Park Botanical Gardens

Mr Jeff Richards – Tel: 01792 298637

	Unfortunately there are no longer spaces available in Clyne Gardens and only limited amounts of space within the Botanic Gardens	
--	--	--

8. Council Trees and Subsidence

Category of Tree-Related Enquiry	Policy/Standard	Response Timescale
<p>Tree-related subsidence damage to property</p> <p>A council owned tree is allegedly causing subsidence damage to a property in private ownership or concern that a council owned tree may cause subsidence damage to a property in private ownership.</p>	<p style="text-align: center;">Policy: Subsidence</p> <ul style="list-style-type: none"> • The Council will seek to make a swift decision when a Council owned tree is implicated in a subsidence case to limit liability. • When making a claim of alleged subsidence due to council owned trees the Council would expect the following documentation; A full report from an engineer or surveyor, together with one from a tree professional - to include date and description of property damage; subsoil type and shrinkage potential; location of any roots found and their identification; history of ground and building movement through a distortion survey and/or crack monitoring over a suitable period and report on other vegetation in the vicinity and its management since discovery of the damage <p style="color: red;">Customer Advice:</p> <ul style="list-style-type: none"> • Subsidence is a complex interaction between the soil, building climate and vegetation that occurs on highly shrinkable clay soils when the soil supporting all or part of a building dries out and consequently shrinks, resulting in part of a building moving downwards. Trees lose water from the leaves through transpiration that is replenished by water taken from the soil by the roots. If the tree takes more water from the soil than is replaced by rainfall the soil will gradually dry out. Trees have a large 	<p>Clarification of Council policy about trees/general enquiries</p> <p>The enquiry will be answered within 21 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the council's website. If the enquirer requires further research we will inform the customer within 21 working days and indicate a timescale for any response as appropriate</p>

root system and they can dry the soil to a greater depth critically to below the level of the foundations. The amount of water trees can remove from the soil can vary between different species. This policy seeks to set out the council's response to both subsidence claims against its own tree stock and subsidence related applications to undertake work to protected trees. The opposite of subsidence is 'heave' which occurs when a shrinkable clay soil re-hydrates (re-wets) and begins to increase in volume exerting upward pressure. Heave can also cause damage to buildings and is just as undesirable as subsidence.

- While the council recognises its responsibilities from the trees it manages or protects, it will expect any claim against its own trees or an application to work on a protected tree to be supported by strong evidence (timing of damage, seasonal movement, presence of roots) that the tree in question is or is likely to contribute to (on the balance of probabilities) damage to a building and the criteria set out in this policy are met.
- There will be situations where a tree makes a negligible contribution to the character or quality of the local environment. In these situations the council will agree to its removal based only on a visual assessment of the damage.
- Where necessary, the council will obtain expert specialist advice to verify submitted evidence where it demonstrates that the tree is an influencing cause, permission to remove the tree will not unreasonably be withheld.
- The council will seek to avoid potential subsidence incidents by taking a proactive approach when determining planning applications. In those areas where the risk of subsidence is greatest because of the presence of a highly shrinkable clay soil and important landscape trees the council will require evidence that measure will be taken to try to prevent future subsidence damage. In some instances engineering solutions such as differential building joints and special foundations may be required.

9. Trees in Private Ownership

Category of Tree-Related Enquiry	Policy/Standard	Response Timescale
<p>Information request</p> <p>Will the council clear my trees after a storm?</p> <p>Can the council deal with a dangerous tree in private land?</p>	<p>Policy: Trees in Private Ownership</p> <ul style="list-style-type: none"> • Trees falling on highways – The Council will clear roads blocked by fallen privately owned trees and recover costs where possible • Miscellaneous Provisions Act 1976 (Environmental Health) – The Council will use its powers under the Miscellaneous Provisions Act 1976 to ensure high risk trees are mitigated • Highways Act 1980 (Highways) – The Council will use its powers afforded to it under the Highways Act (1980) to ensure risks to road users are mitigated. • High hedges (Environmental Health) – The Council will adjudicate whether a hedge is adversely affecting a complainant’s reasonable enjoyment of their property. <p>Customer Advice:</p> <p>Storm damage and fallen trees:</p> <ul style="list-style-type: none"> • The Council will clear trees blocking a Highway and charge the tree owner where practicable. The clearance will not extend into the private land and arising’s will be stacked next to the tree on the owners land where possible. • During a serious weather event and multiple tree failures, the main arterial routes will be prioritised with other roads being prioritised as appropriate. <p>Dangerous Trees:</p> <ul style="list-style-type: none"> • The council has <u>discretionary</u> powers under the Local Government (Miscellaneous Provisions) Act 1976 to deal with trees in private ownership that 	<p>Clarification of Council policy about trees/general enquiries</p> <p>The enquiry will be answered within 14 working days of receipt. Customers can receive an immediate response by searching for the relevant stated policy on the council’s website. If the enquirer requires further research we will inform the customer within 14 working days and indicate a timescale for any response as appropriate</p>

<p>Can the council do something regarding a dangerous tree next to the highway?</p>	<p>pose an imminent danger of damage being caused to people or property.</p> <ul style="list-style-type: none"> • <u>The Council does not administer these powers at the present time.</u> Please contact The Environment Department for more information through the Councils main switchboard. See 2.Useful contacts • The council will only undertake work to make trees in private ownership safe under section 23(1) of the Act where there is an imminent danger of damage being caused to persons or property. For the purposes of this policy, an imminent danger is where a tree or a substantial part of a tree is about to fail at any moment. Such situations might include one or more of the following: <ol style="list-style-type: none"> 1. Root plate moving 2. Extensive trunk decay with bucking evident 3. Extensive root decay with signs of fracture 4. Catastrophic root damage (e.g. half of root system removed by trenching) 5. Failure of a major fork (split trunk or major limb) 6. Crack or cavity in a major branch (about 150mm in diameter) with insufficient safety reserves to prevent the branch from failing. • The council may take action under sections 23 (2) and 23 (3) of the Local Government (Miscellaneous Provisions) Act 1976 if it is expedient to do so by serving a notice on a landowner to carry out the required safety works. In the event that the landowner is unable or unwilling to undertake the safety works, the council may enter the land to carry out the work itself. • There are no powers under the Local Government (Miscellaneous Provisions) Act 1976 for the council to become involved with private trees that are merely causing a nuisance to a neighbouring property for example, by causing shade, blocking views or dropping leaves, flowers or fruit etc. Other than writing to the tree owner to remind them of their duty of care, these situations will remain a private matter between the two parties. • Where the council does take action to make a private tree safe it will seek to recover its reasonable costs from the landowner. <p>Trees within falling distance of the public highway:</p> <ul style="list-style-type: none"> • If a tree in private ownership is shown to be a danger to the highway (branches obstructing or 	
---	---	--

disease/decay etc.) it will be identified for work to make it reasonably safe. The land owner will be contacted and instructed to make the tree safe under Section 154 of the Highways Act 1980. If it is necessary that the Council undertakes this work then the council may intervene according to the powers given in the Act if an owner of such trees fails to act in a reasonable timescale (timescales depend upon the degree of risk presented) and the council may recover from the tree owner the expenses reasonably incurred by it in doing so.

- Where the council does take action to make a private tree safe it will seek to recover its reasonable costs from the landowner.

High Hedges:

- Please use this link to get information on High Hedges. <http://www.swansea.gov.uk/highhedges>
- If disputes can't be settled between neighbours then the council can assess the case and act as an independent and impartial third party in accordance with the Anti-Social Behaviour Act 2003. There is no general requirement that all hedges should be kept below a certain height, however if we think its justified we may order the owner of the problem hedge to reduce its height.

The Council will consider complaints when:

1. Neighbours have not been able to resolve the problem through discussion. Complaining to the Council should always be a last resort. If complainants have not approached and discussed the problem with their neighbour first then their complaint will be rejected
2. The hedge in question comprises wholly or predominantly of a line of 2 or more evergreen or semi-evergreen trees or shrubs
3. The hedge is over 2 meters high
4. The hedge is acting to some degree as a barrier to light or access and
5. Because of its height it is adversely affecting the complainant's reasonable enjoyment of their home or garden.

- The council will charge a fee of £320 (2016) to deal with a high hedge problem.
- The legislation does not specify the procedures that the council must follow in determining complaints, but the council will take into account all relevant

Can the Council do anything regarding a neighbours high hedge?

factors and assess each case on its merits. We will gather information about the hedge, its effect on the complainant and hedge owner and its contribution to the wider amenity of the area.

- In each case the Council will decide, in the first place whether the height of the hedge is adversely affecting the complainant's reasonable enjoyment of their home or garden. If so we will then consider what if any action should be taken in relation to the hedge in order to remedy the adverse effect and to stop it recurring.
- Even if the hedge is adversely affecting the complainant's property the Council may conclude that no action should be taken in relation to the hedge.

If action is required:

- If the council decides that action should be taken to resolve the complaint, the Council will issue a formal notice to the person responsible for the hedge setting out what must be done and by when. This will be known as a 'remedial notice'
- This could include long-term maintenance of the hedge at a lower height, but could not involve reducing the height of the hedge below 2 metres or its removal. Although the Council cannot require such action the hedge owner would be free to go further than the remedial notice requirements.

Appeals:

- Both hedge owners and complainants would be able to appeal against the Council's decision. They must do so within 28 days starting from the date that the Council notifies the parties of the decision. The remedial notice would be suspended whilst the appeal is being determined.

Enforcement:

- Failure to comply with the requirements of a remedial notice will be an offence. If someone is convicted in the Magistrates Court they could be fined up to £1000. In addition or in place of a fine the court might then issue an order for the offender to carry out the required work within a set period of time. Failure to comply with the court order would be another offence, liable to a £1000 fine. At this point the court would also be able to set a daily fine for

	<p>every day that the work continued to remain outstanding.</p> <ul style="list-style-type: none">• If the work in the remedial notice were not carried out the Council would have the power to go in and do the work specified, recovering costs from the hedge owner but there is no requirement obligation for the council to intervene in this way.	
--	---	--

Head of Corporate Building & Property Services

Development Cabinet Advisory Committee - 15 February 2017

COUNCIL'S POLICY AND PRACTICE ON LAND ACQUISITION

Development CAC have requested confirmation of Council's policy and practice on land acquisitions, specifically related to how the Council conducts due diligence and how the Council's interests are protected.

The starting point for how any acquisition of land/property is managed relates to the Council's Land Transaction Procedure Rules within the adopted constitution.

The relevant sections are set out below.

- **On each occasion that the Council wishes to acquire land the relevant responsible officer will instruct the Interim Director of Place or his nominee to negotiate, settle or confirm the terms of such acquisition after taking into account any relevant statutory provisions or guidance and any advice from the Head of Legal and Democratic Services.**
- **Once terms are finalised the Interim Director of Place, or his nominee, will instruct the Head of Legal and Democratic Services in writing to proceed with an acquisition of the land including for avoidance of doubt the utilisation of Compulsory Purchase Powers.**
- **The terms of such acquisition will be in accordance with the market value of the interest to be acquired and the body of statute and case law together known as the "compensation code" and in accordance with the principles of best value.**
- **The terms of acquisition may only be approved in writing by the Interim Director of Place, or his nominee, save for acquisition by auction or sealed offer wherein a designated employee may be authorised in writing by the Interim Director of Place, or his nominee, for that particular acquisition to make an offer that accords with the general principles of these Procedure Rules.**

Officers have authority delegated by the Chief Executive to acquire freehold/leasehold property (where a premium only is payable) up to £250,000, or acquire leasehold property where rent is payable of up to £50,000 per annum.

Any acquisition outside of these delegated limited would be subject to Cabinet approval.

With regards to due diligence and ensuring the Council's compliance with procedure rules the interim Director of Place, advised by suitably qualified Council's officers (Chartered Surveyors) would advise on negotiated agreements. If it is considered that insufficient market knowledge or uncertainty over a price to be paid, independent valuation advice would be sought, invariably be the Valuation Office, or independently appointed Chartered Surveyors.

GLB/PS
26/01/17

COUNCIL POLICY AND PRACTICE ON LAND ACQUISITION-DEV ADVISORY COMMITTEE.15.02.17.GLB
(CP/Development Advisory Committee)

Agenda Item 6

DEVELOPMENT CAC – 15 February 2017

WORK PLAN 2016-2017

Date	Subject Area	Lead Officers
15 June 2016	Pedestrianisation of Wind Street	Stuart Davies / Mark Thomas
15 June 2016	Fly Tipping Policy	Ian Whettleton / Frances Williams
15 June 2016	Waste Management – Re-Use shop	Keith Coxon
6 July 2016 (Special)	Open Spaces Strategy	Andrew McTaggart Mark Russ Ian Beynon Jackie Rees-Thomas
20 July 2016	Draft Fly Tipping Policy	Ian Whettleton / Frances Williams
20 July 2016	Tree Policy	Martin Bignell
17 August 2016	Open Spaces Strategy	Andrew McTaggart Mark Russ Ian Beynon Jackie Rees-Thomas / Stephen Cable
17 August 2016	Review of Fly Tipping	Ian Whettleton / Frances Williams
21 September 2016	Swansea Market (Provision of a Public Toilet)	Lisa Wells
21 September 2016	Pedestrianisation of Wind Street	Lisa Wells
21 September 2016	Tree Policy	Martin Bignell
19 October 2016	Guidance for Works on the Highway and the Adoption of new Infrastructure	Mark Thomas
19 October 2016	Tree Policy	Martin Bignell
16 November 2016	Tree Policy	Martin Bignell / Alan Webster
16 November 2016	Oceana	Huw Mowbray
21 December 2016	Pedestrianisation of Wind Street	Lisa Wells / Mark Thomas
21 December 2016	Oceana	Legal Advice
21 December 2016	Tree Policy	Martin Bignell / Alan Webster

Date	Subject Area	Lead Officers
18 January 2017	Swansea Market	Lisa Wells
18 January 2017	Tree Policy	Martin Bignell
15 February 2017	Council's policy and practice on land acquisition. (How the Council conducts due diligence and how the Council's interests are protected).	Geoff Bacon
15 February 2017	Tree Policy	Martin Bignell
TBC	Site visit to Cardiff – Pedestrianised Streets.	Development CAC Members
TBC	Site visit to Re-Use shop	Development CAC members
TBC	Waste Management – Re-Use shop (Update)	Keith Coxon
TBC	Regional District Shopping Centres (2 nd site visit to Morryston)	Development CAC Members
TBC	Regional District Shopping Centres (site visit to Mumbles)	Development CAC Members
TBC	Civic Amenity Sites	