

DRAFT DOCUMENT

Tree work policies

Policy 5(4) Tree Felling

The Council will fell trees where:

- The tree is dead, dying or diseased
- A tree has been proven to be causing subsidence
- The removal of a tree would benefit surrounding trees
- It is the requirement of a management, regeneration or development plan

5.15 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 best option to reduce the risk of harm to an acceptable level (e.g. dead, dying or diseased trees).

Policy 5(5): Pruning

The Council will:

- 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 a 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 every **two years**.
- Only create new pollards where there is no other viable management option

Policy 5(6): Stump grinding

The council will carry out stump grinding where necessary to enable trees to be planted or to remove a significant hazard

5.16 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 tree stumps will be removed close to ground level so not to leave a trip hazard.

Policy 5(?): Re-cycling

The Council will make the best use of arisings created from required tree work

- Cordwood will be sold?
- Chip will be stored for 3 months and then either sold or used in amenity planting areas?

Policy 5(7): Birds, bats and badgers

The council will:

- 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

Birds

5.17 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 services or contractors engaged by the council, 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.

Bats

5.18 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 inspections 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 Services Unit will seek expert advice.

Badgers

5.19 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.

Policy 5(8): Ivy on trees

The council will seek to retain an acceptable level of ivy on trees where the inspection for decay or defects is not compromised

5.20 The council acknowledges the considerable value of ivy (*Hedera helix*) 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 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.

Policy 5(9): Tree Roots

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.

5.21 The Council will follow guidance published in “**Well-maintained Highways Code of Practice for Highway Maintenance Management**”. This guidance relates to trees and the highway and suggests that pavements are not required to have perfect surfaces:

“9.6.1: Trees are important for amenity and nature conservation reasons and should be preserved”

“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 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.”

5.22 The roots of trees exploit the soil in various ways dependent on species and local conditions. Direct root action can deform the surfaces of footpaths, roads or other light structures. To constitute a trip hazard the deformation will be assessed 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.

5.23 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, 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 Policy 5.

Policies for the Local Environment

Policy 5(10): Tree Touching a Building

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.

5.24 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 re-occurring within **three** years.

Policy 5(11): Council Trees Overhanging Property

We will not prune or fell a tree that is owned or managed by the Council to alleviate the nuisance of branches overhanging private property.

5.25 The nuisance caused by overhanging branches may be considered as part of our general tree work programme, however this programme is discretionary and subject to the availability of funding.

Policy 5(12): Council Tree Roots and Drains

We will not prune, fell or cut the roots of a tree that is owned or managed by the Council to prevent roots entering private drains that are already broken or damaged.

5.26 Tree roots typically enter 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 or on their property.

Policy 5(13): Council Trees Blocking Natural Light

We will not prune or fell a tree owned or managed by the Council to improve natural light to private property.

5.27 Where trees within an urban environment are blocking light into a property there is no legal "right to light". The tree owner is not by law obliged or required to carry out work to the tree for the benefit of level of light.

Policy 5(14): Council Trees Blocking Views

We will not prune or fell a tree owned or managed by the Council to improve the view from private property.

Policy 5(15): Leaf Fall from Council Trees

We will not prune or fell a tree owned or managed by the Council to remove or reduce leaf fall or remove fallen leaves from private property.

5.28 The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning.

5.29 For roads, streets or the highway, teams work in the autumn to clear fallen leaves.

5.30 In parks and greenspaces, paths or other 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).

Policy 5(16): Sap from Council Trees

We will not prune or fell a tree owned or managed by the Council to prevent or

reduce honeydew or other sticky residue falling onto private property.

5.32 Honeydew is caused by greenfly (aphids) feeding on the sap from the leaves and excreting their sugary, sticky waste. This is often 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 and any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as Limes, are more prone to attack by greenfly and in some years greenfly are more common especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted we try to choose trees that are less likely to have this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if washed as soon as possible.

Policy 5(17): Blossom from Council Trees

We will not prune or fell any tree owned or managed by the Council to remove or reduce blossom fall from trees or remove fallen blossom from private land.

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

Policy 5(18): Bird Droppings from Council Trees

We will not prune or fell any tree owned or managed by the Council to remove or reduce bird droppings from the tree, or remove bird droppings from private land.

5.35 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.

Policy 5(19): Fruit, Berries & Nuts from Council Trees

We will not prune or fell any tree owned or managed by the Council to remove or reduce the nuisance of fruit, berries or nuts, or remove fallen fruit from private land.

5.36 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. Equally, where fruit trees are established but there is a significant anti-social behaviour problem we may consider phased removal and replacement with more suitable species.

Policy 5(20): Wildlife and Insects in Council Trees

We will not prune or fell any tree owned or managed by the Council to remove or reduce incidence of bees, wasps and other insects or wild animals.

5.37 Bees are protected species and advice should be taken before considering their removal.

Policy 5(21): Satellite and Television Reception Blocked by Council Trees

We will not prune or fell any tree owned or managed by the Council to enable or ease installation or improve reception of satellite or television receivers.

5.38 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. Swansea Council will not reimburse costs associated with relocating a TV aerial or satellite dish.

Policy 5(22): Solar Collectors and Panels Obscured by Council Trees

We will not prune or fell any tree owned or managed by the Council to improve the performance of Solar Water Heating Collectors or Solar Panels such as Photovoltaic Cells

5.39 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 tackling climate change. The presence of trees must be fully appreciated when considering a suitable location for the placement of solar collectors and panels.

Policy 5(23): Telephone Wires and Council Trees

We will not fell any tree owned or 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 and reduce interference where pruning would be an effective measure.

5.40 Your telephone service provider may be able to suggest an alternative solution to the problem.

Policy 5(24): Council Tree(s) Considered Too Large

We will not prune or fell any tree owned or managed by the Council because it is considered to be 'too big' or 'too tall'.

5.41 A tree is not dangerous just because it may be considered too big for its surroundings. Other problems would need to be present, such as those described in **Policy 5.2** for the Council to consider it to be dangerous.

Policy 5(25): Damage to council owned trees

The council will:

- 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

5.42 Malicious damage to council owned trees and woodlands, as well as fly-tipping are criminal offences.