

Operational Policy on the

Management of Trees

Under Parks Service,

Place Department

Waste

1. Introduction

- 1.1 Currently there is no policy in place within the Parks Service of the Regeneration Department for the management of trees for which the service has direct responsibility.
- 1.2 There is no tree policy in the wider authority that deals with the management and preservation of its tree stock
- 1.3 The Tree Services Unit forms part of the Parks Service in-house contractor who are solely responsible for the tree stock within the control of the Regeneration Departments portfolio.
- 1.4 Historically the Service has only had responsibility for the tree stock as indicated above.
- 1.5 The Service also has responsibility now to cover inspection of trees adjacent to the Highway and on Highways land
- 1.6 All other departments within the City & County of Swansea have sole responsibility for the Tree stock on their land.
- 1.7 Housing, Cemeteries and Schools have each financed detailed and ongoing surveys and inspections by the Tree Services Unit on all the trees in their portfolios.

2. Responsibility of Local Authority

- 2.1 If a tree falls or causes injury or damage its owner could be held negligent 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.
- 2.2 The Occupiers Liability Act 1984 requires occupiers of land to have a common duty of care to all visitors. 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.
- 2.3 The Health & Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 also apply to this situation. Failure to comply with this legislation could lead to the Health and 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 and Safety.
- 2.4 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.

3. Aims and Objectives of tree surveys and inspections

- 3.1 Best practise requires a system of tree management relying on a programme of regular inspection using either a zoning system of assessing priority and potential hazard or a cyclical programme of inspections on a set time period. In the event of tree failure causing injury or damage to life or property, systems such as these are recognised as a reasonable method of proactive management and should provide the basis of a robust defence in the event of litigation.
- 3.2 The main aim of the tree survey is to visually inspect, map and collect data on every tree or woodland within Parks and Highways land. This will enable us to aim our resources at trees that offer the greatest risk to the public and property, build a history or Arboricultural works on trees and tree groups and also provide a reasonable, defensible and proactive tree management system that helps to conserve and enhance the tree population for which we are responsible.
- 3.3 A proactive system will require the Parks Service to develop accurate records of all trees and ensure these records are easily accessible. The Parks Service inspections will be managed by the 'Ezytreev System'.
- 3.4 Ezytreev is a state of the art tree management system, suitable for any person or organisation responsible for the management and maintenance of a large number of trees. It is modular in design, allowing it to be incorporated into a wide range of trees management scenarios.
- 3.5 The Ezytreev Tree Data Management system purchased 4 years ago by the Parks Service allows us to efficiently manage, analyse and manipulate tree data.

4. Inspection Regime

- 4.1 The process of inspection has been agreed on by Mark Russ, Martin Bignell, and Simon John.
- 4.2 Parks. Due to the estimated numbers of parks trees all parks trees are to be inspected every four years on a rolling programme with certain areas 'zoned' to increase inspection rates.
- 4.3 Highways. 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 then subdividing the inspections over four years from very high risk, high risk, moderate risk to low risk.
- 4.4 The criteria for the breakdown of when we inspect/survey each park has been achieved by our shared knowledge of:
 - (i) Numbers of visitors to the park or the surrounding area
 - (ii) Size, age, species and health of the trees
 - (iii) Any special circumstances that bring people into the park
 - (iv) Certain trees that are to be monitored each year

- 4.5 The criteria for the breakdown of when we inspect/survey each highway has been achieved by our shared knowledge of:
- (i) Levels of traffic on a given road
 - (ii) Perceived pedestrian footfall
 - (iii) Class of road
 - (iv) Size, age, species and health of the trees
 - (v) Certain trees that are to be monitored each year
- 4.6 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;
1. Year one. Annual survey.
 - (i) Town centre pedestrian areas and roads.
 - (ii) Arterial roads.
 - (iii) High risk trees (very old, very large) in lower risk areas
 - (iv) High population density parks and park areas.
 - (v) 'A' roads with large trees on them.
 - (vi) Contract 1 parks.
 2. Year two. Biannual survey
 - (i) 'A' roads.
 - (ii) Contract 2 parks.
 - (iii) Large trees on smaller roads.
 2. Year three. Triennial survey
 - (i) 'B' roads.
 - (ii) Contract 3 parks.
 3. Year Four. Quadrennial survey
 - (i) 'C' roads.
 - (ii) Contract 4 parks.
 - (iii) Cycle paths.
 - (iv) Woodlands.

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.

5. Criteria For Pruning Trees

- 5.1 Pruning can weaken the structure of trees and should be avoided unless absolutely necessary. The Parks Service may undertake pruning of trees where:
- Tree branches cause an obstruction by growing low over a public highway, public right of way, footpath or access to a property and over gardens or open spaces where the public has access.
 - A tree may be contributing to structural damage to adjacent buildings
 - A tree restricts repairs and maintenance to property or infrastructure
 - Trees are growing close to and likely to obstruct / interfere with street lighting, CCTV and other service equipment, highway and other signage and obstruct sight lines at road junctions and access points.
 - Trees require pruning to shape or train them during their early growing years.
 - Dead or diseased material can be removed in order to either make the tree safe, shape and balance the crown or to remove structural faults identified during inspection

6. Criteria for Right to Light

- 6.1 One of the most common complaints received in respect of trees, situated within the built environment, is that they block light from properties and shade gardens, there is no legal 'right to light'. The tree owner is not required or obliged by law to carry out work to their tree for the benefit of level of light to a third party. This is the position adopted by the Parks Service.
- 6.2 ***The Parks Service will not fell or prune trees under their responsibility for the reason that they are reducing light levels into properties or casting shade over gardens.***

7. Television and Satellite Reception

- 7.1 Interference appears to increase when trees are in leaf and in windy weather. This is especially the case with regards to satellite reception, as it appears more sensitive to interference than television reception.
- 7.2 In the vast majority of cases, interference can be reduced by the relocation of the aerial or by use of 'booster boxes', which often improve the reception significantly and can be encouraged. These options are far cheaper and less destructive than pruning or felling a tree. Such alternative solutions should be encouraged.
- 7.3 There is no legal right to TV reception within common law and tree owners are not obliged or required to fell or prune trees to provide TV reception
- 7.4 ***The Parks Service will not fell or prune trees under their responsibility solely for the reason that they are causing interference with television and satellite reception.***

8. General Nuisances

8.1 There are a variety of other potential nuisances associated with trees caused by natural and/or seasonal demands such as:

- Valuation of property
- Obstructing view
- Leaves falling into gardens, gutters, drains or onto flat roofs
- Obstructing light for 'solar panels'
- Suckers or germinating seedlings in garden
- Reduction or increase of moisture in garden
- Sap, fruit, nuts, bird droppings, insects, honeydew and blossom
- The build up of Algae on fences, paths or other structures.

8.2 ***The Parks Service will not fell or prune trees under their responsibility to alleviate problems caused by natural and/or seasonal phenomena.***