

DRAFT COPY ONLY

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1.0 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 the 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 and 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 detail its response to tree related enquiries including timescales wherever possible. The aim is for effectively communicating, 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 planting 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 the importance, selection, planting and good maintenance of trees, softening the hard landscape and promoting a pleasant, green setting in which to live and work.

2.0 Useful Contacts

Enquiry	Department/Service	Contact
General	The City and County Of Swansea	01792 636000
Trees in Parks and open spaces	Home Farm Parks & Cleansing	01792 280210
Tree preservation orders, Trees and Conservation areas, Trees and Development	Planning Department	01792 635724
Trees and the Public Highway or footpaths		01792 841625
Trees and Council housing properties		
Trees in Cemeteries		
Trees in Schools		
Trees close to Electric Lines	Western Power Distribution	08456013341

3.0 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:

- 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 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.
- 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 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 and 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 important to identify and protect these trees wherever possible.
- The City and County of Swansea will develop a plan to manage the dieback of the ash population by managing the risk of the dead trees 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 blight (*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
- Please go to <http://naturalresources.wales/forestry/tree-health-and-biosecurity/identify-and-report-pests-and-diseases/?lang=en> for more information and links describing the diseases.

4.0 Tree Surveys and Inspections

Category of Tree-Related Enquiry	Policy/Standard	Response Timescale
<p>Information request;</p> <p>Are trees assessed for safety?</p> <p>How often are they assessed?</p>	<p style="text-align: center;">Policy: Proactive tree inspection</p> <p>The Council will proactively inspect the Councils 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 experienced arborist’s employed by the Council. The Council has a duty of care to inspect, survey and maintain its trees so they are kept in an acceptable condition and that they do not put persons or property at an unreasonable risk. See 3.0 Public Information and Customer Advice</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 experienced 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>Highways</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 	<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>

then subdividing the inspections 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 staffs 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

- For general enquiries regarding trees on Highways land see **2. Useful Contacts.**

Parks and Amenity Areas

- 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:

(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 increased numbers of people into the park such as concerts, sports events and shows

(iv) Certain trees that are to be monitored each year

- For general enquiries 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;

- **Year one and Annual inspections**

(i) Town centre pedestrian areas and roads.(annual inspection)

(ii) Arterial roads. (annual inspection)

(iii) High risk trees (very old, very large) in lower risk areas (annual inspection)

(iv) High population density parks and park areas. (annual inspection)

(v) 'A' roads with large trees on them.

(vi) Area 1 parks.

- **Year two**

(i) 'A' roads.

(ii) Area 2 parks.

(iii) Large trees on smaller roads.

(iv) Annual inspections

- **Year three**

(i) 'B' roads.

(ii) Area 3 parks.

(iii) Annual inspections

- **Year Four**

(i) 'C' roads.

(ii) Area 4 parks.

(iii) Cycle paths.

(iv) Woodlands.

(v) Annual inspections

- 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.

Schools and Education Land

- All schools trees are inspected on a two year cycle. These inspections are dependent on continued funding from the Education Department. For general enquiries regarding Schools and Education land see **2.**

Useful Contacts.

Cemeteries

- Cemeteries have had one complete round of inspections and a suitable cycle for re- inspections has not been agreed yet. For general enquiries regarding Cemeteries see **2.0 Useful Contacts.**

Housing Land (Outside tenants gardens)

- 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 Housing land see **2.0 Useful Contacts.**

Council House Gardens

- Surveys and inspections of trees in Council House Gardens is in a discussion and development stage and will be rolled out from 2017 onwards on a three year cycle. These inspections will be dependent on funding from the Housing Department.

Other Council Land

- Other Departments with land and trees have not funded complete surveys or inspections to date.

5.0 Dangerous Trees, Response Times & Reactive Tree Work

Category of Tree-Related Enquiry	Policy/Standards	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 style="text-align: center;">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 the 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. During major storms and weather events the Council will respond as quickly as possible but will need to focus our priority on keeping roads open for emergency services. Inspections will be carried out by suitably qualified Arborists</p> <p style="color: red; background-color: #f0f0f0; padding: 5px;">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 uprooted but held up by another tree or building; c) A large branch has broken off or is hanging off the tree; d) Tree or branch is blocking the road or footpath; e) Tree or branch is blocking access to property; f) Tree has fallen onto house or car. 	<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 web site.</p>

<p>Information request-</p> <p>How long will other work take?</p>	<p style="text-align: center;">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> <div style="background-color: #f0f0f0; padding: 5px; margin: 10px 0;"> <p>Customer Advice:</p> </div> <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 web site.</p>

6.0 Tree Pruning and Tree Work

Category of Tree Related Enquiry	Policy/Standard Tree pruning and tree work	Response Timescale
<p>Information request- 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 a 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 7.0 Tree Planting 	<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 web site. 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 – 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 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 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 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 web site. 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>
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<p>Information request – Why are tree stumps left in the verge or pavement?</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>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 web site. 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>
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<p>Information Request - What happens to the cut material?</p>	<p style="text-align: center;">Policy: Re-cycling</p> <p>The Council will make the best use of arisings 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 on amenity shrub beds <p style="background-color: #e0e0e0;">Customer Advice:</p> <ul style="list-style-type: none"> • Firewood and woodchip are both for sale to the public. Please contact the Parks and Cleansing Department for details. see 3.0 useful contacts 	<p>Tree enquiry requiring a site inspection</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 and County of Swansea.</p> <p style="background-color: #e0e0e0;">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 : 	

<p>Information Request – Do you harm wildlife?</p>	<p style="text-align: center;">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>Bats</p> <ul style="list-style-type: none"> • 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 	<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 web site. 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>
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<p>Information Request – does ivy kill trees/should it be removed?</p>	<p>likely but not exclusively to occur in park or woodland trees. Where necessary the Tree Services Unit will seek expert advice.</p> <p>Badgers</p> <ul style="list-style-type: none"> 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 style="text-align: center;">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 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 web site. 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>
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<p>Information Request – 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 Highway management” This guidance relates to trees and the highway and suggests that pavements are not required to have perfect surfaces: <p><i>“9.6.1: Trees are important for amenity and nature conservation reasons and should be preserved”</i></p> <p><i>“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.”</i></p> <ul style="list-style-type: none"> 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. 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 the council’s subsidence policy. 	<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 web site. 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>
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<p>Tree touching a building</p> <p>Council tree (stem or branches) touching private property</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 3.0 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 style="text-align: center;">Policy: Tree Overhanging Property</p> <p>We will not prune or fell a tree in council ownership/managed by the council to alleviate the nuisance of overhanging branches.</p>	<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</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 3.0 Public Information and Customer Advice 	<p>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 style="text-align: center;">Policy: Tree and Drains</p> <p>We will not prune, fell or cut the roots of a council owned/managed tree 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 3.0 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 light</p> <p>Council tree restricting light in private property</p>	<p style="text-align: center;">Policy: Tree and Light</p> <p>We will not prune or fell a council owned/managed tree to improve natural light in a 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 9.0 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 3.0 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 view</p> <p>Council tree restricting view from a private property</p>	<p style="text-align: center;">Policy: Tree and View(s)</p> <p>We will not prune or fell a council owned tree 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 trees; see 3.0 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 leaves</p> <p>A council tree shedding leaves over private property or problem of leaves on public footpath / other public space</p>	<p style="text-align: center;">Policy: Tree and Leaves</p> <p>We will not prune or fell a council owned/managed tree to remove or reduce leaf fall or 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 fallen leaves. • In parks and 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 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 and Cleansing Department for details. see 2.0 useful contacts • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3.0 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>
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<p>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/managed tree 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 the car as soon as possible. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3.0 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>
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<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 style="text-align: center;">Policy: Tree and Blossom</p> <p>We will not prune or fell a council owned/managed tree to remove or reduce blossom from trees or 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 and Cleansing Department for details. see 2.0 useful contacts • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3.0 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>
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<p>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 any tree owned or managed by the Council to remove or reduce bird droppings from the tree, or 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 3.0 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 fruit, nuts and berries</p>	<p style="text-align: center;">Policy: Fruit, Berries & Nuts from Council Trees</p> <p>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 or council properties</p> <p>Customer Advice:</p>	<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.</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. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3.0 Public Information and Customer Advice 	<p>Customers can receive an immediate response by searching for the relevant stated policy on the council's web site</p>
<p>Tree wildlife and insects</p>	<p style="text-align: center;">Policy: Wildlife and Insects in Council Trees</p> <p>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.</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 trees; see 3.0 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 TV signals</p>	<p>Policy: Satellite and Television Reception Blocked by Council Trees</p> <p>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.</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. • If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees; see 3.0 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>
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<p>Tree and solar panels</p>	<p>Policy: Solar Collectors and Panels Obscured by Council Trees</p> <p>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</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 tackling 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 3.0 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>
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<p>Tree and BT lines Tree and Electric lines</p>	<p style="text-align: center;">Policy: Telephone Wires, Electric Lines and Council Trees</p> <p>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.</p> <p>The council will not carry out any tree work within the proximity of live electric lines.</p> <p>Customer Advice:</p> <p style="text-align: center;"><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 3.0 Public Information and Customer Advice <p style="text-align: center;"><u>Electric Lines</u></p> <ul style="list-style-type: none"> • Pruning trees near electric lines can be lethal • The council will not prune trees that are close to live electric lines. Please see 2.0 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>
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<p>Tree is too big</p>	<p style="text-align: center;">Policy: Council Tree(s) Considered Too Large</p> <p>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'.</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 3.0 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>Trees are damaged or 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</p>

		<p>what action is considered appropriate.</p>
<p>Trees and private funding for tree work</p> <p>Private request received for the 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: Trees and 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 web site. 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>

7.0 Tree Planting

Category of Tree-Related Enquiry	Policy/Standard	Response Timescale
<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 or 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 reasons 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 Planted are normally 12-14cm girth measured at 1m from the ground 	<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 web site. 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>

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| | <ul style="list-style-type: none">• New tree planting can be used to increase 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:<ul style="list-style-type: none">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 the 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? | |
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<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 and Cleansing Service run 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 and Cleansing Home Farm House Singleton Park Sketty SWANSEA SA2 8QJ</p> <p>Email: Parks.Section@swansea.gov.uk Fax: 01792 284800</p> <p>Customer Advice:</p> <p>Details regarding the scheme are as follows;</p> <p style="text-align: center;">Donated Tree Scheme Information</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> <ul style="list-style-type: none"> • Supply & delivery • Planting & staking • Compost & fertiliser • Aftercare and watering until established 	<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 web site. 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>
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- 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.
- Applications for a donated tree will only be accepted upon receipt of cheque for the minimum donation.

- The Council keeps a Register of Donations which 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 term 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 cost 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 and 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 the 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

8.0 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 or a TPO tree is allegedly causing subsidence damage to a property in private ownership Or, concern that a council owned tree or a TPO 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. • A full report from an engineer or surveyor will be required, 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 suitable period and report on other vegetation in the vicinity and its management since discovery of the damage. • The Council will also require the standard information listed on the TPO application form where a TPO tree is implicated in a case of subsidence <p>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 root system and they can dry the soil to a greater depth critically to below the level of 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 for 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 the 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 and 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 measures 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.
- Applications to remove or prune council trees or trees protected by a TPO due to alleged subsidence will require the following evidence to be submitted:

9.0 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 style="text-align: center;">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 arisings will be stacked next to the tree on the owners land when 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 pose an imminent danger of damage being caused to people or property. The council will only undertake work to make trees in private ownership safe under section 23(1) of the Act where 	<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 web site. 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 deal with a tree that threatens the highway?</p>	<p>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:</p> <ol style="list-style-type: none"> 1. Root plate moving 2. Extensive trunk decay with buckling 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 (above 150mm in diameter) with insufficient safety reserves to prevent the branch from failing <ul style="list-style-type: none"> • 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 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 so doing. 	<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 web site. 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>
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<p>Can the council help with neighbours high hedges?</p>	<ul style="list-style-type: none"> • Where the council does take action to make a private tree safe it will seek to recover its reasonable costs from the landowner. <p>High Hedges:</p> <ul style="list-style-type: none"> • 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 it's justified we may order the owner of the problem hedge to reduce its height. <p>The Council will consider complaints when:</p> <ol style="list-style-type: none"> 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 metres 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. <ul style="list-style-type: none"> • 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 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. 	<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 web site. 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>
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- 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 requires.

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 £1,000. 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 £1,000 fine. At this point the court would also be able to set a daily fine for every day that the work continued to remain outstanding.
- 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 or obligation for the Council to intervene in this way.