

# Swansea Council Tree Management Strategy 2021



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## Strategy

### 1 Purpose and Background

- 1.1 Trees positively contribute to the scenic character and diversity of the landscape in and around towns and cities, and have a vital role to play in promoting sustainable communities. They are important in the creation of 'Place', provide vital habitat for dependant wildlife populations and substantial environmental and health benefits, such as attenuation of noise, flooding and improving air quality.
- 1.2 Trees are also of vital importance in addressing Climate and Nature Emergencies through carbon sequestration and the creation of more resilient ecosystems.
- 1.3 Trees help protect buildings from the elements, provide shade and assist in energy conservation. They also enhance the setting of new development, its character, sense of maturity and overall quality, thus helping with the saleability and profitability of properties. Their positive effect on the environment also helps to attract businesses and visitors to an area, thereby boosting the economy. Further details of the financial, economic,

social/cultural and environmental benefits of trees are outlined in Appendix A4.

- 1.4 In this context the Tree Management Strategy sets out Swansea Council's **protocols** for the management of trees on land in Council ownership, as well as how protected trees and trees in private ownership affecting Council land will be dealt with.
- 1.5 It seeks to ensure that the Council manages the trees it looks after well and has regard to the benefits of and risks to trees. A separate Green Infrastructure Strategy will include an assessment of the potential for tree planting County-wide and include long term objectives to drive up tree numbers and canopy cover as well as to plant more native and diverse species to improve connectivity and protect trees for future generations.
- 1.6 Preparation of this Strategy was a recommendation of the Tree Scrutiny Panel in 2017, and its production is an action of the Natural Environment Scrutiny Inquiry in 2018 and a Corporate Plan Biodiversity objective (2018-2022).
- 1.7 The aims of this Strategy in relation to Council owned land are to:
- Ensure risks from and to trees are adequately managed

- Ensure the Council meets its biodiversity duties in respect of trees
- Conserve trees of value
- Maintain and expand tree canopy cover

1.8 Responsibility for the management of the Council's tree stock falls to each department/ service area that has trees on its land. Management/inspection is carried out by the Tree Services Unit for those service areas where there is corporate responsibility for assets such as Highways, Estates, Leisure, etc, however departments with devolved budgets such as Education and Housing arrange for ongoing tree assessments by the Tree Services Unit. This Strategy has therefore been produced to ensure a consistent approach to dealing with tree related matters across the Council and compliance with legislation relating to the protection of trees.

1.9 The City and County of Swansea's (the County's) trees provide an enormous asset and make it one of the greenest urban areas in Wales. Beyond the urban centres, trees form an important part of the diverse landscape character and biodiversity of the County. Approximately 18.8% of the County is covered by tree canopy compared to a national average of 16.8% (based on Natural Resources Wales figures). Throughout the towns, villages and streets of the County trees form important local landmarks and

landscape features and add greatly to the setting of important buildings.

1.10 The Council has significant land holdings with substantial areas of trees, hedgerows and woodlands controlled by a range of service areas and departments including Parks, Education, Social Services, Housing, Nature Conservation and Highways. The Council also owns several woodlands managed by others.  
<https://www.swansea.gov.uk/parksatoz> .

1.11 As at 2021, around 43,000 individual trees in Council ownership had been surveyed with more than 1439 woodlands and tree groupings plotted and surveyed containing an estimated 100k additional trees. However, significant areas of Council land ownership still remain to be surveyed, including our two biggest woodlands - Clyne Country Park and Lower Swansea Valley estimated to contain 250k trees between them.

1.12.1 Generally trees in Council ownership are not protected, this does not mean however that these trees are unworthy of protection. The Council has responsibility for the management and maintenance of these trees in addition to its role in regulating works to or agreeing the removal of those trees which are protected under legislation - there are over 50,000 protected trees throughout the County - and duties and aspects of responsibility for trees that are privately owned.

1.13 The national and local legislative context for the protection of trees is set out in Appendix A3. This Strategy is not a material consideration in the determination of planning applications – there is separate Local Development Plan Policy and Supplementary Planning Guidance (Trees Hedgerows and Woodlands) that covers how trees are dealt with through the planning system:

<https://www.swansea.gov.uk/treespg>

1.14 The Strategy highlights the Swansea Tree Replacement Standard as defined in the Trees, Hedgerows and Woodlands Supplementary Planning Guidance (see Annex A7). This Standard sets out the methodology for calculating the number of replacement trees required to be re-provided if proposed to be removed by a development that requires planning permission. It will therefore apply to all Council development schemes that require a planning application to be made. Whilst the Standard is not enforceable when considering proposals that do not require planning permission, as a responsible landowner the Council will use the standard to inform decisions with regard to replacement of trees felled as a result of any of its proposals.

1.15 Any Council scheme affecting trees regardless of whether or not it requires planning permission should take into consideration national and local policy principles when making decisions about tree stock, namely that:

- Proposals that would adversely affect significant trees should be avoided in the first instance
- A Tree Survey (BS 5837:2012) should be carried out to assess the impact of a proposal on trees within and/or adjoining the site
- Where a proposal affecting trees cannot be avoided, Category A and B trees should be retained and integrated into the design and layout of the scheme, unless exceptional circumstances justify the removal of a particular tree
- Replacement trees should include large growing and long-lived species (where appropriate), and where replacement is on site it should be chosen as part of the design of the proposal
- Mitigation should reflect the impact of loss of canopy cover, and not simply the number of tree stems lost

1.16 The Strategy provides general guidance on tree planting but does not specify locations where trees may be planted. Tree planting schemes need to be considered on their individual merits having regard to the particular circumstances of each proposal.

1.17 Emerging work on ecosystem resilience mapping and habitat connectivity will help to identify specific locations where there could be potential for further tree planting as part of, or in support of, the preparation of a separate forthcoming County-wide Green Infrastructure Strategy. Annex A8 of this document sets out the guidelines and protocols to be followed when

considering tree planting projects at any location. Any persons interested in tree planting on Council owned land should contact Parks or the Nature Conservation Team in the first instance (Appendix A2 refers).

## 2 Risks to Trees

There are a variety of challenges facing trees, ranging from infrastructure development and land disposal to pollution, climate change and disease. The main threats are:

### 2.1 Development

2.1.1 In particular, trees on development sites and those on land allocated for development in the Swansea Local Development Plan (LDP). The continuing requirement for additional housing provision and land for development has led to significant loss of trees within the County. A tree may take a century to reach maturity, but it can be damaged or felled in a few minutes. Such damage is frequently caused unwittingly because of a failure to appreciate the vulnerability of trees, particularly the root system, and how easily they can be damaged.

2.1.2 Where trees are damaged during development of a site and subsequently decline and die, or where inappropriate or poor design leads to conflict, trees become a constant source of complaint and ultimately, any positive benefits are lost. Early erection of tree and landscape protection measures to form construction

exclusion zones before work commences on site is essential.

2.1.3 There is therefore increasing pressure to focus attention on trees and their role in providing a more pleasant and healthier environment. It is the responsibility of the Council to ensure that adequate provision is made for the preservation of trees (especially veteran trees), the planting of new trees and maintenance thereof either through the integration of trees into the design of developments, or through imposing conditions or planning obligations as part of a planning permission and /or Tree Preservation Orders (TPOs). Further information is provided in the Tree SPG.

### 2.2 Diseases

2.2.1 The main current threats present in the UK are:

- **Ash die back:** which affects approximately 20% of the tree cover within the County  
<https://www.swansea.gov.uk/tpofaqs>
- **Oak processionary moth:** affecting oaks, recently found in Cardiff (2019)
- **Bleeding canker:** affecting bark of various species including horse chestnut, lime and alder
- **Leaf miner:** affecting horse chestnut
- **Massaria disease:** affecting planes

- **Phytophthora species:** affecting oaks, larch and other species
- **Xylella Fastidiosa** : threatens pedunculate oak and wych elm, as well as plane and northern red oak

2.2.2 Other pests and diseases spreading across Europe and the World can devastate most broadleaved species.

This includes:

- **Asian Long Horned Beetle**

An outbreak in Kent was eradicated after several years of trapping and felling trees. The beetles were imported in the wood of packing cases from the Far East. Larvae of the beetle tunnel through branches leading to structural failure.

- **Ceratocystis Platani**

A canker stain of plane, present in France where it is devastating plane stocks and landmarks.



**Asian Long Horned Beetle**



**Canal Du Midi, France**

## 2.3 Conflicting Management

2.3.1 There may be occasions where trees are required to be removed to conserve other habitats. For example, Kilvey Hill, Swansea Vale, Cadle Heath Local Nature Reserve (LNR) and Llewellyn Heath have all had scrub, willow, gorse and birch removed to prevent encroachment into heath, marshy grassland and purple moor grass. Holm oak growth has also been removed from Bishops Wood LNR to conserve limestone grassland.

2.3.2 Mass tree planting of new woodland areas if not carefully sited can damage other existing priority habitats. There are increasing pressures and financial incentives to plant more trees and woodlands to meet climate change targets. Tree seedlings and saplings (whips) are frequently offered to the Council and other organisations through donations and grants but their acceptance and planting must be treated with caution.



It is important to ensure that we are planting the right trees in the right places for the right reasons and work is underway to identify suitable locations for future planting at both a local and Wales wide level

- 2.3.3 Whips are also difficult to manage unless mulched to prevent competitive weed growth until a closed canopy is achieved, i.e. there is otherwise a need to cut and trim around, costly to maintain and prone to vandalism. They are most suited for use as part of hedgerow planting/reinforcement in the creation of wildlife corridors, copses and woodlands. Larger individual trees generally pose far less risk/maintenance issues when established.

## **2.4 Lack of Resources**

- 2.4.1 Whilst at this time there is a significant amount of grant funding available to local authorities and voluntary groups to obtain whips/trees for planting, there are considerable additional costs to be accounted for, both in terms of carrying out the planting – especially in hardstanding areas (see Annex A7) - as well future maintenance, watering, etc, for which there are currently no resources or finance available. Any tree planting programmes and grant bids for trees initiated by the Council or proposed on Council owned land

must therefore include funding set aside for planting and future years' maintenance costs.

- 2.4.2 Another resource issue can be the supply of trees, with some difficulties obtaining native tree stock for planting programmes and landscaping. A community tree nursery has recently been established at Clyne Gardens that specialises in growing native trees from locally collected seeds and more projects of this nature are encouraged to increase local tree supply.

## **2.5 Disposal of Council Owned Land**

- 2.5.1 The Council is under severe financial pressures and the release of surplus land is an accepted means of assisting with shortfall and generating important capital receipt, as well as contributing to alternative Council priorities such as additional housing provision or regeneration.
- 2.5.2 Where there are trees on an identified site, appropriate due diligence takes place typically with tree and ecology surveys undertaken and disclosed as part of the disposal process. The Council have the ability to survey and protect with a Tree Preservation Order and other means as reasonably appropriate. Disposal does not fetter the Council and the disposal process provides sufficient time for the Council to introduce safeguard measures where appropriate.

2.5.3 The Council is under a statutory biodiversity duty to protect natural heritage features such as trees, in order to meet obligations under the Wales Environment Act 2016. Disposal without safeguard measures can threaten the retention of trees if land is considered, at least in theory, to be potentially worth more if areas of trees can be cleared to enable more of it to be developed. However, such valuations need to take into account the value of the ecosystem service benefits trees provide as highlighted in Appendix A4. In particular the value of the trees to the local environment and the potential 18% uplift in land value with trees on the site.

## **2.6 Regeneration Schemes**

2.6.1 Established street trees have been/are being removed to enable infrastructure improvements and site specific redevelopment proposals to proceed. However in many instances these trees have not been appropriate for the location due to initial wrong choice of species, poor siting and planting method, for example, lack of root retention barrier, etc. Where regeneration schemes are carried out on Council owned land any trees that are lost should be replaced with an additional number of trees of an appropriate type and to an appropriate planting method- the Swansea Tree Replacement Standard refers.

## **2.7 Damage to Services / Infrastructure**

2.7.1 Many street trees, such as those in the Uplands, Swansea, were planted in verges with no root deflectors or structured planting pits. As these trees continue to mature they conflict with kerbs, pavements and buildings and this leads to increasing pressure for them to be removed. In such circumstances replacement in situ is very costly and often too difficult to achieve because of increased levels of service provision and connections.

2.7.2 There are also occasions where public utility companies require entry to Council land under their statutory powers to undertake essential felling or other works to safeguard the integrity of their network.

## **2.8 Tree Removal on Private Land**

2.8.1 Trees located on private land may be protected by a Tree Preservation Order or because the property lies within a Conservation Area, or are covered by biodiversity legislation. Planning permissions may also provide protection by imposing conditions or planning obligations relating to trees on or adjacent to a site. Owners should check with the Council's Landscape Team (Appendix A2 refers) before carrying out any work to trees on their land.

2.8.2 Many trees in Swansea are on Network Rail land. Network Rail are undertaking a programme of removing trees within falling distance of tracks which will result in millions of trees being removed throughout the UK. The Council will work with Network Rail as it fells trees across the County to ensure tree replanting initiatives offset the biodiversity loss arising.



Clearance of trees on track embankment

## Protocols

3.0 The following protocols deal with tree hazards, works to trees, tree nuisances, subsidence, woodland management, trees in private ownership affecting Council land and protected trees. The protocols are not mutually exclusive and should be considered against each other, for example, there will always be a requirement to identify protected trees and to consider the impact on protected species before commencing any work.

### 3.1 Tree Hazards

#### TH1: Proactive Tree Inspection

There will be proactive inspection of the Council's tree stock on a cyclical basis. The aim is to inspect all trees within a four year period. However, due to pressure of dealing with the effects of ash die back work to mitigate the risk posed by that will be prioritised. Inspections will be undertaken by a suitably qualified and experienced arboriculturist employed by the Council.

3.1.1 This section sets out the Council's protocols for reactive work to trees in Council ownership, and classifies tree hazards as: Urgent, Essential, Desirable and No Work Required (NWR).

3.1.2 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 made safe within 4 hours (Urgent) unless there are multiple calls ongoing. If the level of risk is lower, the tree will be made safe as soon as possible (Essential).

#### TH2: Unsafe Trees - Requiring Immediate Action (Urgent)

If a tree is in such a condition that it poses a very high risk to people or property, the Council will endeavour to attend the site as an emergency normally within 2 hours and always within 4 hours (unless weather events prevent this). If work cannot be completed, areas at risk will be cordoned off until resources are available.

3.1.3 Immediate work out of hours will be carried out by an on-call tree gang.

3.1.4 Typical signs that a tree is in such condition to warrant immediate action include:

- 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, or
- f) Tree has fallen onto house or car

**TH3: Trees - Not Requiring Immediate Action (Essential)**

Trees that are perceived as high risk but present no immediate risk to the public will be made safe depending on the level of risk identified at the time of inspection. Tree hazards judged to be high risk will be made safe as soon as possible.

Works on trees that are not considered high risk but where essential remedial work is required will endeavour to be carried out within twelve months of inspection (Essential).

All Essential works will be judged on site based risk assessment. Work will usually be carried out within one year where possible unless unforeseen circumstances such as storms delay the work further.

3.1.5 Typical signs that a tree is a risk to people or property but the risk does not require an emergency response:

- a) Tree is dead
- b) Tree is dying - few leaves in summer or dieback in the crown
- c) Bark is loose and falling off
- d) Mushrooms or fungi growing on or near the tree
- e) Old splits and cracks in the trunk or large branches
- f) Smaller branches or twigs falling from the tree

**TH4: Trees – All Other Work (Desirable)**

Works on trees that are not considered Urgent or Essential will be classed as Desirable and go into a low risk work programme. Desirable work will only be carried out where resources and work programming allow.

3.1.6 Trees can be made safe via pruning or felling. Typically the most cost effective approach will be employed, but for certain high value trees other options will be considered to reduce risk to an acceptable level, including options to reduce the likelihood of the tree failing, or the likelihood of persons being close to the tree if it did fail.

## 3.2 Tree Works

### TW1: Protected Species

The Council will:

- Carry out inspections of trees prior to tree works for nesting birds, taking particular care during the nesting period of March – early September
- 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 a Council Ecologist, and
- When felling Ash trees, where opportunities exist and it has been deemed safe to do so, the following techniques should be utilised, in order of priority. These techniques will be particularly beneficial where it is a mature tree, has features such as a hollow trunk or a rich/rare assemblage of lower plants / fungi:
  - Pollard the tree or leave a section as standing dead, or if not possible:
  - Retain the stump, hollowing it out so as to hold water
  - Retain sections of dead wood on site, particularly where there is a greater species density. If possible to attach cut branches, or sections of bark, to a nearby tree, in a similar orientation to that which it was found, this would provide greater potential for the species to establish on other trees.

- When chipping cut branches avoid depositing chippings on areas of biodiverse ground flora, especially in sensitive /designated sites and /or ancient woodland

3.2.1 Protected and priority Species are those protected under European UK and Welsh legislation, as identified in Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009). The legislation includes the Habitats Directive, Birds Directive, Wildlife and Countryside Act 1981 and Environment (Wales) Act 2016. Further guidance on dealing with Ash die-back is included in Annex A6. Where tree works affecting protected species are required as part of proposals requiring planning permission, the Biodiversity Supplementary Planning guidance applies <https://www.swansea.gov.uk/biodiversityspg>

### Birds

3.2.2 Nesting birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000. 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. Furthermore, birds identified in Schedule 1 (see link below) are afforded protection from intentional or reckless disturbance while nest building, at a nest containing eggs or young, or as a

young dependent. The RSPB provides further guidance on this: <https://www.rspb.org.uk/birds-and-wildlife/advice/wildlife-and-the-law/wildlife-and-countryside-act/schedules/>

- 3.2.3 Felling work should be undertaken outside of the bird nesting season. If tree works need to be carried out within this period the Council's arboricultural services, or contractors engaged by the Council, will check trees to ensure there are no nesting birds present and take appropriate measures to prevent disturbance prior to the commencement of works. The nesting season does vary, depending on species and weather, but generally, it is considered to be from 1<sup>st</sup> March to early September
- 3.2.4 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/cordoned off and work to the tree will be postponed until the young birds have flown.
- 3.2.5 Should it be necessary to continue working where nesting birds are found, those carrying out the work should be able to demonstrate that the work was carried out lawfully and could not reasonably have been avoided. The RSPB provides a summary of the most notable exceptions to the protection afforded by the Wildlife and Countryside Act.

## Bats

- 3.2.6 All bats, their breeding sites and resting places are protected under the Wildlife and Countryside Act (Schedule 5) and the Conservation of Habitat and Species Regulations 2017 (as amended). This legislation makes 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 most likely to occur in mature park or woodland trees.
- 3.2.7 If present, a licence would be needed from Natural Resources Wales (NRW) before proceeding. If works are required immediately on the grounds of public safety and there is no time to engage a licensed bat worker/consultant, then work should follow these mitigation measures:
- i) Keep written and photographic evidence of the tree's hazardous nature, and a record of the measures that were taken to avoid felling / protect bats.
  - ii) Work should be carried out as sensitively as possible, avoiding direct contact with known roosts / areas of bat potential. Where possible, and safe to do so, elevated work platforms should be used to minimise the impact.

- iii) Where it is safe to do so, section fell any limbs that have features with potential for bats, lowering them gently to the ground. Leave any lowered limbs / felled trees in a position that would allow bats to fly away at night.
- iv) Contact NRW or a licensed bat worker for further advice.

3.2.8 Where bat potential or presence is noted and works are deemed necessary, but are not required immediately on the ground of public safety, works can only be carried out between late August and early October or between March and April (dependent on presence of nesting birds, as above), and following the mitigation measures outlined.

### **Badgers**

3.2.9 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 disturb a badger when it is occupying a sett, recklessly, or with intent. Expert advice will be sought as necessary.

### **Dormice**

3.2.10 Dormice are a native conservation priority species, rare, vulnerable to extinction and given full protection under international and national legislation. It is illegal to damage or destroy its breeding site or resting place. They are typically found in deciduous woodland and

species-rich hedgerow. If suspected to be present a licence would be needed from NRW and expert advice must be sought

### **Invertebrates**

3.2.11 While the following relates specifically to the impact of Ash die back, the principles also hold true for other felled or fallen trees and branches. In the UK some 74 invertebrates are known to be either wholly or largely dependent on Ash trees. They are threatened by the loss of a substantial part of the Welsh population of trees. Of the 74 UK species, 47 have been found in Wales and 27 in Swansea. They include insects such as the Privet Hawk Moth and bark beetles, mites, bugs, thrips and some bees.

3.2.12 The impact on invertebrates will vary depending on the degree of dependence of each species on Ash. The species most likely to be severely affected are those which are either obligate (essential for survival) on Ash at some stage of their life cycle, or very strongly associated with it.

3.2.13 Although the loss of living trees is a real threat to some species, trees that are culled can still be of value to some invertebrates. Good practice is therefore for cut wood to be left in place, which will benefit many wood and fungus feeding insects, and that where possible Ash trunks are left standing rather than cut down.



## Lower plants (lichens, mosses, liverworts, etc) and fungi

3.2.14 Ash is incredibly important for a large number of these species, some of which are extremely rare. Lichens in particular, benefit from the relatively high pH of Ash bark, similar to that found on Elm. Given the significant loss of Elm as a result of Dutch Elm disease, this further loss of habitat is a concern for lichen conservation, along with other lower plants, fungi and invertebrates. Records of rare or notable lichens on Ash trees can be accessed via [Lle, the Geo-portal for Wales](#). However given that lichens are extremely under-recorded, this should not be taken as a comprehensive account of the presence of lichens. By taking a sensitive approach to necessary management works, it is possible to minimise the loss of these species.

### TW2: Tree Felling

The Council will fell trees where:

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

The Council will not fell trees:

- To save on cyclical maintenance costs
- Where a danger is only perceived due to the tree's size or location

3.2.15 Tree removal is regrettable, but necessary under certain circumstances. The decision to remove a tree is not taken lightly. Trees are usually only felled because it is the best option to reduce the risk of harm to an acceptable level (e.g. dead, dying or diseased trees). A protocol will be developed for members of the public to report suspected tree disease.

3.2.16 The certain circumstances where selective felling is necessary includes: replacement with native trees to improve resilience; for biodiversity enhancement purposes such as pond restoration; and to improve accessibility for wider health and well-being benefits.

### TW3: Pruning

The Council will undertake work to trees owned or managed by the Council to:

- Maintain a suitable clearance over the carriageway (associated with a street, road or highway) height clearance will be dependent on location
- Maintain clear lines of sight for traffic and pedestrians at junctions and access points (associated with a street, road or highway)

- Maintain clear lines of sight for traffic signals and street signage (associated with a street, road or highway)
- Ensure that street lights are not unduly blocked by the presence of trees
- Maintain a suitable height clearance over a footway associated with a street, road or highway dependent on use
- Raise trees above a Shared Use Path/Active Travel route/bridleway to an appropriate height based on risk.

Any works necessary to prevent an obstruction to the width of a footway associated with the highway due to the presence of a Council owned tree will be considered on a case-by- case basis, and the Council will:

- Maintain pollarded street trees by re-pollarding every two to five years
- Only create new pollards where there is no other viable management option

3.2.17 There is no minimum height clearance local authorities are statutorily required to maintain over a carriageway. It is noteworthy that each situation is different and clearances are cut on a risk based approach. Where branches overhang a carriageway, footway or other land owned/managed by the Council visual assessments will be made to evaluate their safety.

Complaints received will be assessed on a site by site basis. Provided overhanging branches are healthy and structurally sound there is no legal requirement for their removal. With all assessment of obstruction the use and width of the road will also be taken into consideration to avoid the removal of the large number of mature street trees that lean into or encroach at a lower level onto the edges of the carriageway.

3.2.18 There are also no minimum statutory height clearances over Public Rights of Way. Landowners are responsible for any overhanging branches, but are normally cleared by the Council to a height of 2.1m at the centres of footways and 3m on bridleways without prejudice to landowner's responsibilities. Again, it is noteworthy that each situation is different and clearances are cut on a risk based approach.

#### **TW4: Stump Grinding**

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

3.2.19 Stump grinding is the practice of removing a tree stump to below ground level by mechanical means to allow for replacement planting. Within highway locations the Council will only consider grinding in tarmac areas.

Otherwise tree stumps will be left at a height so as not to leave a trip hazard.

#### **TW5: Re-cycling**

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

- Timber will be collected and re-used as part of the Waste Wood Re-Use Project
- Chip will be used within the Council for footpath dressing or mulch in amenity planting areas

3.2.20 When spreading chip, care must be taken not to smother existing biodiverse ground flora. The Council will not dispose of/recycle any INNS on site generated as part of any works to trees

#### **TW6: 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.

3.2.21 Ivy (*Hedera helix*) provides considerable value 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.

#### **TW7: Tree Roots**

The Council accepts that a reduced standard of regularity of surfacing may be acceptable in order to protect tree roots. Where the presence of roots is not acceptable, the Council will seek to explore engineering options to reduce trip hazards before root pruning or tree removal.

3.2.22 When considering tree roots, the Council will follow guidance published in *Well-managed Highway Infrastructure. A Code of Practice (2016)*. This guidance relates to trees and the highway and indicates that pavements are not required to have perfect surfaces as follows:

*“Para B.4.4.4. Although ensuring the safety of footways for users will be a priority, in some cases the presence of roadside trees may complicate the provision of footway surface regularity. The radical treatment or complete tree removal necessary to ensure surface regularity may not be possible or desirable and reduced levels of surface regularity may be a more acceptable outcome.”*

3.2.23 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 determine whether it is a trip hazard the deformation will be assessed by the Highways Authority. Where a hazard is considered to exist and is attributable to tree roots, engineering options will be explored before root pruning or tree removal is undertaken.

3.2.24 Retention of trees in areas of regeneration will be carefully considered, as a large area of replacement surfacing may be incompatible with localised areas affected by enlarged tree roots.

3.2.25 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 to 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.

#### **TW8: Private Funding for Tree Works**

The Council will not accept funding from private sources for tree works where there is no clear public benefit.

3.2.26 Private requests received for the removal or pruning of Council owned trees where the private individual or organisation offers to make a financial contribution either wholly or in part towards the undertaking of the work will be declined if there is no evidence of wider public benefit.

### **3.3 Tree Nuisances**

#### **TN1: 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.

3.3.1 In many cases where a tree is touching a building the solution will be for the Council to prune the tree, but in some circumstances it may be more appropriate to fell the tree.

### **TN2: Tree Overhanging a Property**

A tree that is owned or managed by the Council will not be pruned or felled to alleviate the nuisance of branches overhanging private property.

- 3.3.2 If overhanging branches are healthy and structurally sound there is no legal requirement for their removal. Any alleged nuisance caused by overhanging branches will be taken into consideration as part of the Council's general tree work programme. However this programme is discretionary, is subject to the availability of funding, and will be considered on a balance of amenity, value and nuisance caused.

### **TN3: Tree Roots and Drains**

The Council will not prune, fell or cut the roots of a tree in its ownership or management in order to prevent roots entering private drains that are already broken or damaged.

The Council will cut the roots of a tree stopping a public drain from working.

- 3.3.3 Tree roots typically enter drains that are already broken or damaged. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. Householders concerned about the condition of their drains are advised to contact their water and sewerage company. Householders are usually responsible for the maintenance of the drains within or on their property.

- 3.3.4 There is no legal requirement to remove trespassing roots unless it can be proven damage is being caused to property. The onus to prove that damage is occurring rests with the affected landowner who will need to obtain an engineer's report.

### **TN4: Tree Blocking**

The Council will not prune or fell a tree in its ownership or management in order to improve natural light, TV reception, solar panel efficiency or views for private property.

- 3.3.5 Trees within an urban environment inevitably block light into adjoining property. However, there is no legal "right to light" or "right of view", and therefore no obligation on the Council to carry out works to a tree for the purposes of improving levels of light or views for private property. Complaints about trees within high

hedgerows are dealt with under separate guidance:  
<https://www.swansea.gov.uk/highhedges>

- 3.3.6 If TV reception is believed to be affected by trees householders should contact their satellite or TV provider to find an alternative solution to the problem, for example, relocating the aerial/dish or means to boost the signal. There is no legal requirement to prune or fell healthy trees to provide an improved satellite or TV reception and the Council will not reimburse costs associated with relocating a TV aerial or satellite dish.
- 3.3.7 Whilst the provision of renewable energy resources is encouraged by the Council, this should not be to the detriment of trees within the vicinity. 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, and should not be regarded as an impediment to be removed.

#### **TN5: Fall from Trees**

The Council will not prune or fell a tree in its ownership or management in order to remove or reduce leaf fall, sap, blossom, bird droppings, fruit, nuts or problems with wildlife and insects on private property.

3.3.8 The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning. The Council employs teams to work during the autumn to clear fallen leaves on the highway for flood prevention and safety purposes. There is no legal requirement to clear fallen leaves from private property.

3.3.9 Within parks and greenspaces, paths or other areas of hard standing are regularly cleared of fallen leaves, but leaves falling 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).

3.3.10 Honeydew is a natural and seasonal problem. It is caused by greenfly (aphids) feeding on the sap from leaves and excreting their sugary, sticky waste. This is often colonised by a mould which causes it to go black. There is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief. Any re-growth is often more likely to be colonised by greenfly, thereby potentially increasing the problem.

3.3.11 Some trees, such as Limes, are more prone to attack by greenfly, whilst in some years greenfly are more common especially following a mild winter. When the Council plants new trees it will consider species that are less likely to cause a honeydew problem. Where honeydew affects cars, warm soapy water will remove

the substance, particularly if washed as soon as possible.

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

3.3.13 Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law). Bird droppings may be a nuisance, but this problem is not a sufficient reason to justify pruning or removing a tree. Warm soapy water will usually be sufficient to remove any bird droppings. Where droppings are regularly falling onto vehicles, owners are encouraged to find somewhere else to park or place a protective covering over their vehicle. The Council will always prioritise the protection of trees for the benefits they provide over the perceived threat of damage to the paintwork of cars.

3.3.14 Fruit trees such as apple, cherry and pear are welcomed in many locations with the added benefit of providing free food. However, if picking other than for personal consumption an application for consent for fruit picking will be required from the Council's Property Services. When considering what to plant, there are some locations where fruit trees are less desirable, for example, where soft fruit would make the pavement slippery or encourage anti-social behaviour such as fruit being thrown. Equally, where fruit trees are established but there is a significant anti-social

behaviour problem the phased removal and replacement with more suitable species will be considered. Locations are in the process of being identified across the County for new community orchards

3.3.15 Bees and other insects are attracted to tree pollen and provide essential ecosystem services. Where bees are present in a tree expert advice should be taken before considering their removal.

#### **TN6: Overhead Cables/Utility Services**

The Council will not fell any tree in its ownership or management in order to remove or reduce interference with overhead cables such as telephone wires, the responsibility to do this lies with the owner of the cables e.g. Western Power, Open Reach. There may be instances where the Council will undertake works to prune trees to reduce interference where this would be an effective measure.

3.3.16 Householders should contact their telephone service provider to identify alternative solutions to any interference problems, or their relevant utility company who would be expected to carry out any clearance work around cables to the relevant British Standard.

### **TN7: Large Trees**

The Council will not prune or fell any tree in its ownership or management because of complaints that it is considered 'too big' or 'too tall'.

3.3.17 A tree is not dangerous just because it may be considered too big or too tall within its surroundings. Other problems would need to be present, such as those described in protocol TW1 for the Council to consider it to be dangerous.

### **TN8: Invasive Non-Native Species**

The Council will undertake works to remove invasive non-native tree species from its land.

3.3.18 There is a particular problem with Holm Oak *Quercus Ilex* within the County. It is an Invasive Non-Native Species (INNS) that is smothering native limestone grassland and coastal heath. Mumbles Hill and Bishops Wood Local Nature Reserves have been affected, but it has spread more recently to Clyne Valley Country Park and Kilvey Hill. Other INNS that need to be removed where found include False Acacia *Robinia Pseudoacacia* as well as *Rhododendron*

*Ponticum*. The latter is more a large shrub but is very common and requires constant monitoring and control.

### **TN9: Malicious Damage, Abuse and Anti-Social Behaviour**

The Council will:

- Take acts of malicious damage to trees seriously and seek prosecution where individuals are identified
- 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
- Take measures, to reduce the amount of tree foliage in order to improve views where trees are providing shelter for individuals/groups that are causing a nuisance or pursuing criminal activities

3.3.19 Malicious damage to Council owned trees and woodlands, as well as fly-tipping are criminal offences. Where individuals are identified the trees will be valued using CAVAT (Capital Asset Value for Amenity Trees) and a bill for damages sent to the company or individual responsible with recovery of costs pursued through the Courts as necessary.



3.3.20 Works to improve views would be to assist those policing the area and where possible not at the expense of the trees.

### 3.4 Tree Planting

#### TPL1: Tree Planting

The Council will:

- Seek to ensure that more trees are planted annually on land in its ownership/management than are removed, other than those lost naturally or through disease
- Replace all open space and parks trees removed during the course of site management
- Secure integration of new planting into landscape designs or Section 106 contributions to mitigate where loss of trees through development cannot be avoided.
- Ensure the costs of planting replacement trees of an appropriate number are fully covered where Council owned stock is disposed of for private development
- Plant donated trees free of charge working with volunteer groups where appropriate
- Ensure that any trees planted are of a species most suitable for the location with a mix of native species preferred wherever possible

- Target the most deprived areas when applying for/obtaining grant funding/donations for tree planting

3.4.1 The contribution that trees make to the local area and economy is widely acknowledged and additional tree planting will initially be targeted at areas with lower than average tree canopy cover such as Castle, Penderry and Gorseinon Wards, as well as in support of the roll out of the Welsh Housing Quality Standard wider environmental enhancement programme. Other locations to be targeted will be areas of high deprivation as defined in the Welsh Index of Multiple Deprivation (WIMD), which ranks Swansea Lower-layer Super Output Areas (LSOAs) according to domains such as low income, poor health outcomes and poor physical environment.

3.4.2 Annex A8 sets out a tree planting checklist and protocol (Right Tree in the Right Place for the Right Reason) to assist when responding to requests for tree planting on Council owned land. Tree planting impacts on existing habitats and should not be carried out in isolation from understanding of the resilience of the ecosystem within which planting is proposed and the opportunity to improve connections between habitats. A tree planting map is therefore in the process of being

prepared having regard to these factors and will supplement this document and the emerging County-wide Green Infrastructure Strategy during 22/23.

- 3.4.3 Tree species will be chosen to enhance biodiversity wherever possible. In general terms where a native species is suitable for a location it will be used. However in certain circumstances to ensure establishment and prevent undesirable problems, non-native species may be a better choice.
- 3.4.4 The value of existing habitats should be a major consideration when deciding locations for the creation of alternative habitats through tree planting. For example, there may be a completely different planting regime appropriate for brownfield sites compared to greenfield sites, for connecting wildlife corridors to enhance island habitats for pollinators, in the creation of Place, settings for development, screening of bad views/poor neighbour uses, transport corridors, etc
- 3.4.5 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. In such circumstances an alternative

location will need to be identified and/or the planting must be undertaken as soon as possible once resources become available. Any new planting in parks should complement not conflict with play and wider wellbeing objectives

- 3.4.6 The Council welcomes suggestions for planting sites and actively encourages local residents and businesses to take an interest in tree planting and young tree establishment. Unless the proposed 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. Standard trees planted are normally 12-14 cm in girth (stem circumference measured at a point 1m from ground level), larger areas and / or understoreys are commonly planted with whips 800mm – 1.5 metres in height.
- 3.4.7 New tree planting can be used to increase biodiversity, restore or improve the local landscape character, or introduce trees of a different age class to that which already exists. They may also be planted to improve air quality, reduce noise, provide shade and shelter and reduce flooding. When planting 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 giving rise to potential future complaints

of excessive shading or other physical problems impacting on the dwelling. Similar considerations will also need to be given when planting trees close to other structures such as footpaths, roads, street lights and existing vegetation.

3.4.8 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 the case 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.

3.4.9 To help maintain and improve 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 having regard to the Swansea Tree Replacement Standard (Annex 7 refers) and carry out a programme of maintenance to ensure that they are given the best start possible. To address budget concerns in this regard departments/service areas are advised to contact the Nature Conservation Team to help identify locations for replanting and access available grant funding. In reaching a decision as to where it would be right to plant new or replacement

trees the Council will take into account the following considerations:

- i) Will the new/replacement tree be of public benefit?
- ii) Is there sufficient room for a new tree to grow and develop without it causing future problems?
- iii) Is there a deficit of younger trees in the area?
- iv) Was the removed tree part of a local feature? E.g. a line of trees, and,
- v) What species add to local distinctiveness and are suitable for biodiversity and the local landscape character, and are these appropriate for the site?
- vi) Are there any alternative uses proposed in respect of the land identified for planting, so as not to compromise any Council scheme or commercial use of the site?

3.4.10 One way to remember the life of a friend or loved one is through the arrangement of a longstanding tribute, a reminder that they are not forgotten and the donation of a tree is often considered on these occasions. Donating a tree may also be considered to commemorate an anniversary or an historical event. The Council Parks and Cleansing Service operate a

memorial/donated tree scheme, details of which may be found at <https://www.swansea.gov.uk/adoptatree>

3.4.11 Funding for additional tree planting needs to include and set aside provision for future maintenance costs, whilst suitable locations for planting will be sought to increase tree cover in support of the Council's forthcoming County-wide Green Infrastructure Strategy.

3.4.12 High quality tree planting will be incorporated into any City Centre or Place-making regeneration schemes with existing trees retained wherever possible. New planting should follow the 5 principles of Green Infrastructure:

- multifunctional
- adapted for climate change
- create healthy places
- support biodiversity
- provide smart and sustainable solutions

Further guidance is set out in:

<https://www.swansea.gov.uk/article/9580/Swansea-Central-Area-Regenerating-our-City-for-Wellbeing-and-Wildlife>

### 3.5 Subsidence



#### TS1: Subsidence

When a Council owned tree is implicated in a subsidence or heave case, tree removals will be considered on the balance of probability of the tree causing the damage.

3.5.1 This section sets out the Council's response to both subsidence claims against its own tree stock and subsidence related applications to undertake work to protected trees.

3.5.2 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 their 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 great depth which in certain circumstances can critically extend below the level of foundations. The amount of water trees remove from the soil can vary between different species.

3.5.3 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.

3.5.4 Whilst 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, etc) that the tree in question has caused or is likely to contribute to (on the balance of probabilities)

damage to a building. Each case will be considered on its individual merits.

3.5.5 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.

3.5.6 Where necessary, the Council will obtain expert specialist advice to verify submitted evidence and if it demonstrates that the tree is an influencing cause, permission to remove the tree will not unreasonably be withheld.

### **TS2: Protected Tree Subsidence**

The Council will require the standard information listed on the Tree Preservation Order (TPO) application form where a TPO tree(s) is implicated in a case of subsidence/heave, before considering removal.

3.5.7 The standard tree works application form requires the following documentation: full report from engineer or surveyor, together with one from a tree professional - to

include date and description of property damage; subsoil type and shrinkage potential; location of any roots found and their identification; history of ground and building movement through a distortion survey and/or crack monitoring over suitable period; other vegetation in the vicinity and its management since discovery of the damage.

### 3.6 Woodlands

#### **TWM1: Woodland Management**

The Council will seek to ensure that all its woodlands, including Local Nature Reserves, Ancient Woodlands and Sites of Importance for Nature Conservation (SINCs), are sustained and enhanced on a long term basis for their public recreation use, wildlife habitat and educational potential.

3.6.1 The Council sustains a range of woodlands on its land for their conservation/biodiversity value, often with the involvement and support of local communities (including schools). Woodlands are unique and

different in character with different parameters affecting them. Whilst the production of timber is not a primary objective, thinning and coppice products may find a local market and the Council will seek to make use of these when appropriate to do so. The woodlands will be managed including any replanting and expanding tree canopy cover in line with relevant Local Nature Recovery Action Plans, site management plans, the Wales Woodland Strategy and Welsh Government's aspirations to create a National Forest in Wales.

3.6.2 Further details of Ancient Trees, Woodlands and Veteran Trees are set out in Appendix 3. All known areas of Ancient Woodland and SINCs are shown on the Local Development Plan Constraints and Issues Map. NRW must be consulted on any proposals that may give rise to potentially damaging operations.

3.6.3 The Council will continue to support, encourage and co-ordinate volunteer involvement in many aspects of woodland management under its control, including acting as Tree Wardens. However there are some essential operations that need to be carried out by trained professionals. These include the safety inspections of trees around the perimeters of woodland and adjacent to footpaths, and carrying out essential works for public safety reasons.

3.6.4 The management of woodlands for wildlife in conjunction with allowing public access presents certain challenges. Aspects which are beneficial to one are not necessarily desirable for the other. Trees will only be pruned where public presence is high or to improve the environmental benefits of the woodland.

3.6.5 Management plans for Council woodlands and Local Nature Reserves (LNRs) will be published on the Council's website as and when produced/reviewed. Successful management of a LNR requires a long term approach to habitat management and public access. This includes tree safety management, dealing with ash die back, removal of INNS, maintaining firebreaks, leaving standing and fallen deadwood as wildlife habitats and allowing natural regeneration of fallen trees. The aim is to bring at least 50% of Council owned woodland under favourable management by 2030.

3.6.6 The Council will guide and advise 'Friends of' groups and similar in relation to woodland/LNR management, including helping to identify sources of grant funding and entering management agreements as appropriate. There are sources of grant finding available to voluntary/community groups which the Council is unable to access. Currently the Welsh Government

administer grants for woodland creation and woodland management through a scheme called Glastir, whilst NRW and the National Heritage Lottery Fund also provide grants for Community Woodland schemes.

### **3.7 Trees in Private Ownership**

3.7.1 All trees on privately owned land are the responsibility of the landowner or site occupier/tenant. The Council does not provide an advice service in relation to concerns about the safety of trees on privately owned land. Landowners are advised to contact a qualified arborist to arrange for an inspection and concerned members of the public should contact the landowner. Advice on appointing a suitably qualified contractor is provided in the Tree SPG  
<https://www.swansea.gov.uk/treespg?languagepref=en>

#### **TPR1: Trees Falling on Highways**

The Council will clear roads blocked by fallen privately owned trees and recover costs where possible.

3.7.2 The Council will clear trees blocking a highway and charge the tree owner. The clearance will not extend into the private land and arisings will be stacked next to the tree on the owner's land where site conditions allow.

3.7.3 During a serious weather event and multiple tree failures, the main arterial routes will be prioritised with other roads being prioritised as appropriate.

#### **TPR2: High Risk Trees**

The Council will use its powers under the provisions of the Miscellaneous Provisions Act 1976 to ensure high risk trees are mitigated.

3.7.4 The Council has discretionary 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 in exceptional circumstances where there is an imminent danger of failure onto Council land/property and where the owner is unknown. For the purposes of this Strategy, 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:

- Root plate moving
- Extensive trunk decay with buckling evident
- Extensive root decay with signs of fracture
- Catastrophic root damage (e.g. half of root system removed by trenching)
- Failure of a major fork (split trunk or major limb)
- Crack or cavity in a major branch (above 150mm in diameter) with insufficient safety reserves to prevent the branch from failing

3.7.5 The Council will only take action under sections 23(2) and 23(3) of the Local Government (Miscellaneous Provisions) Act 1976 where 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 not known or is unable or unwilling to undertake the safety works, the Council will enter the land and carry out the work itself. For the avoidance of doubt, this will only apply where there is an imminent risk to people or property. Any concerns in relation to trees not on or affecting Council land/property are a matter to be dealt with through private action.

3.7.6 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. These situations are civil matters and will remain a private matter between the two parties.

### **TPR3: Risk to Highway Users**

The Council will use its powers afforded to it under the provisions of the Highways Act (1980) to ensure risks to highway users are mitigated.

- 3.7.7 If a tree in private ownership is shown to be a danger to the highway (branches obstructing or disease / decay etc within falling distance) 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.
- 3.7.8 Where it is necessary for the Council to undertake this work then it 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 may recover from the

tree owner the expenses reasonably incurred by it in so doing.

- 3.7.9 Public Rights of Way (PRoW), which include footpaths and bridleways, are also defined as highways under the provisions of the Highways Act 1980, and private landowners will be held responsible for the safety of trees adjacent to PRoW in the same manner.
- 3.7.10 Similar provisions also apply to hedgerows alongside highways which must be managed to ensure public safety whilst recognising the important landscape and wildlife habitats they provide. Where overgrown hedges impact on highway safety The Council will request the landowner to cut back any overhang under the provision of the Highways Act 1980.

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

## **3.8 Protected Trees**

- 3.8.1 National Policy and Guidance as set out in Appendix 3 provides for the protection of trees and woodlands. This Strategy supersedes the Protected Tree Protocol adopted by the Council in 2018 and sets out how the Council will carry out its duties in respect of protected trees. It is recognised that for the most part these provisions will apply to trees in private ownership as most Council owned trees are not covered by a TPO,

however it does apply to Council owned trees within Conservation Areas. The duties are translated into the protocols set out below that seek to:

- Assess trees as they come under threat and protect them as and when necessary in accordance with the Council's statutory duty
- Ensure Tree Preservation Orders afford suitable protection as they are intended
- Deal with Tree Work Applications fairly and consistently
- Take enforcement action where necessary to act as a deterrent to prevent further unauthorised work

3.8.2 A Tree Preservation Order (TPO) makes it an offence to: cut down, top, lop, wilfully damage, or wilfully destroy a protected tree without the local planning authority's permission. The primary function of a TPO is to protect the amenity contribution that trees make to an area.

3.8.3 There are four types of TPO designation:

- Individual:** each tree designated individually
- Group:** specified number and species within a group of trees
- Area:** all trees specified (could be all species) growing at the time of making the order

- Woodland:** All trees (including saplings) growing in that area either before or after the order was made

3.8.4 Trees growing within a Conservation Area have similar protection to TPO trees. All trees with a trunk diameter of 75mm measured at 1.5m above ground level within Conservation Areas are protected under Section 211 of the Town and Country Planning Act 1990 (as amended). Any proposed works to such trees require a written notification to the Council six weeks prior to beginning those works. Maps of the Conservation Areas in the City and County of Swansea can be viewed at:

<https://www.swansea.gov.uk/conservationareas>

#### **TPO1: New Tree Preservation Orders**

All sites and trees will be assessed according to the following criteria:

- The trees are of current or future public amenity value. Generally, this will be interpreted as meaning that they are visible from a public place and add value to the streetscene or local landscape. However, evidence of strong cultural, historical, wildlife or rarity value will also be considered

- b) The loss of the trees or damage to them would have a significant impact on the local environment and its enjoyment by the public and there is a significant risk of this happening if a tree preservation order is not made, and
- c) The trees are in reasonable health and condition, have a reasonable life expectancy and are not known to be causing damage to buildings

3.8.5 Under the provisions of section 197 of the Town and Country Planning Act 1990 (as amended), the Council has a duty to protect selected trees and woodlands in the interests of amenity. As the Council is seeking to protect trees and woodlands on behalf of the public, the selected trees or woodlands should generally be of some public amenity benefit. While the primary consideration is the visual impact of trees and woodlands on their local surroundings, consideration may also be given to their ecological, historical or rarity value.

3.8.6 Other selected trees are those that are required to be planted as a part of a planning permission in mitigation of trees that are lost in the development process or in the creation of Place. A monitoring system will be developed to ensure that when landscape schemes are

completed in association with a development the newly planted trees are made subject of a TPO.

3.8.7 A TPO is a legal document that makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without permission. Anyone deliberately destroying or cutting down a protected tree can face an unlimited fine if convicted. Fines can also be imposed under the Proceeds of Crime Act if the guilty party has gained a material benefit. The serving of a TPO does not mean that the Council becomes responsible for the trees; the duty of care continues to remain with the tree owner. Protocol TPO4 sets out the Council's approach to TPO contravention.

3.8.8 Whilst the Council has a duty to protect selected trees and woodlands, there is also a need to balance the landscape value of the tree(s) against the species, size, growth potential and the relationship to adjacent buildings and gardens. It is important to ensure that TPOs are not used to perpetuate significant problems arising from the proximity of large trees to buildings. Protocol TPO3 sets out the situations where the Council will consider the removal or pruning of protected trees.

3.8.9 The Council will take a strategic and pro-active approach towards making new TPOs, whereby those trees and woodlands that make the greatest contribution to local amenity are identified and where appropriate are protected.

3.8.10 Ad-hoc requests for new TPO's will be considered in the light of current Government advice as set out in '*TPO's A Guide to the Law and Best Practice*'. To ensure that Council resources are used to the best effect, the level of risk to the tree(s), for example from felling, lopping or construction damage, will remain an important factor in considering whether to make a TPO. It is accepted that many landowners manage their trees in a responsible way and Government advice is that the use of TPOs would not be appropriate where trees and woodlands are being responsibly managed. The Council is considered to be a responsible tree owner in this respect.

3.8.11 Trees on potential development sites including Development Plan allocations, infill plots and pre-application sites will be considered for protection as any threat becomes apparent.

3.8.12 To aid the decision-making process, trees will be assessed where appropriate using the industry recognised **Tree Evaluation Method for Preservation Orders (TEMPO)**. A tree that does not meet the required standard as set out in the methodology will not be included in a preservation order unless it is part of a woodland, and being considered as part of a woodland TPO.

3.8.13 Following receipt of a 'Section 211 Notice of Intent' to remove or work on a qualifying tree growing in a Conservation Area the Council will normally only serve

a TPO where the above criteria are met and particularly where the proposed work would have an adverse impact on the character of the Conservation Area.

3.8.14 The Council will not normally serve TPOs on trees that it is responsible for managing, unless the trees fulfil the above requirements and are at risk.

### **TPO2: Reviewing Tree Preservation Orders**

The Council will continue to review its existing Tree Preservation Orders to ensure that they reflect the current legal, public amenity and land use aspects.

3.8.15 The Council periodically reviews its old TPOs which date back to 1956. A number of these orders contain 'area' or blanket designations that apply to all qualifying trees that were present on a specific parcel of land at the time that the order was made. Any trees that have been planted or have seeded naturally since the order was made are not protected.

3.8.16 To ensure that all TPOs are appropriate, relevant, up to date (available on line) and enforceable the Council will continue to prioritise the review process by concentrating on the following types of orders that contain:

- Inadequately protected trees when compared to updated Regulations (pre 1975)
- Area designations
- Incorrect group definitions
- Developed sites
- Inaccuracies

### TPO3: Work to Protected Trees

Permission to fell a protected tree will be granted where one or more of the following apply:

- a) There is strong evidence that the tree on the balance of probabilities would, or is likely to, contribute to damage of a building, or
- b) Where the removal would be in the interests of good *silvicultural* or *arboricultural* management and would benefit the long-term development of adjacent better quality trees, or
- c) The tree has a short life expectancy due to ill-health, or
- d) The tree is at risk of causing damage to people or property where the hazard cannot be reasonably remedied by pruning of the tree

Permission to prune a protected tree will be granted where one or more of the following apply:

- i) The work will improve the structure or longevity of the tree, or
- ii) It is required to prevent damaging interference between the tree and surrounding infrastructure or buildings, or
- iii) It will not affect local amenity and would not harm the long-term health of the tree

3.8.17 Whilst the Council recognises the need to conserve the present tree cover, there will be occasions where tree removal is justified. This protocol sets out the situations where tree removal may be acceptable.

3.8.18 **Silvicultural management** relates to the growing and cultivation of trees as a crop. **Arboricultural management** relates to the cultivation and management of amenity trees.

3.8.19 Protected trees that are dead, dying or dangerous do not require a formal application to be made, although 5 days written notice is required except in the most urgent situations. In these situations the tree owner has to be able to show that the tree is in the condition claimed. **Where a dead, dying or dangerous tree is**

**removed, there is a duty on the landowner to plant a replacement tree.**

- 3.8.20 Permission will not normally be given to remove protected trees because of leaf fall, fruit fall, bird droppings, honeydew from aphids, or interference with TV signals/solar panels. When reaching a decision, the Council will take into account public amenity value; species; size; age and condition; density of the canopy; proximity to the building; and the aspect of the property and garden in relation to the tree.
- 3.8.21 Pruning may sometimes be granted for other reasons, but only if it is within the tree's ability to tolerate the work without unduly impacting on its health, longevity or its value in the landscape. Factors that will be considered include public amenity value; species, size; age; and condition.
- 3.8.22 Ash die back caused by *Hymenoscyphus fraxineus* is expected to infect most ash trees in the landscape. Such trees falling within categories 1 and 2 of the Woodland Trusts Ash Die Back Toolkit guidance will require the usual tree works application to be made and assessed. Trees in category 3 and 4 will be considered to be dying or dangerous and will qualify to be felled under exemption. Further detail on Ash die back is set out in Annex 6 to this Strategy.
- 3.8.23 Where there is a requirement to plant a replacement tree it should be of a suitable size and species, with location agreed prior to removal.

#### **TPO4: Enforcement**

Where there is sufficient evidence of a contravention involving a protected tree (one subject to a Tree Preservation Order or a qualifying tree growing in a Conservation Area), provided that it is in the public interest to do so, the Council will initiate criminal prosecution proceedings.

Where prosecution is not a suitable course of action the Council will consider cautions, enforcing the planting of replacement trees and/or remedial work under planning powers.

- 3.8.24 This protocol explains how and when the Council will enforce against: unauthorised works carried out upon, and damage to or felling of trees that are protected by TPOs; unauthorised works carried out upon, and damage to or felling of trees that are situated within Conservation Areas; and, any breach of planning conditions relating to tree retention and protection.
- 3.8.25 In the case of trees protected by a TPO, the consent of the Council is generally required for any works on the trees following submission of a formal application. Any consent may be subject to conditions, and there is a right of appeal to the Planning Inspectorate <http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/planning->

[appeals/?skip=1&lang=en](#) against a refusal of consent or to the terms of a condition.

3.8.26 Where trees are in a Conservation Area, six weeks' notice must be given to the Council of any proposal to carry out works on the trees. During this six week period, the Council may either raise no objection to the works or make a TPO to prevent those works being carried out. If the Council takes no action within six weeks, the works may go ahead as notified.

3.8.27 Two offences apply to trees protected by TPOs and those within Conservation Areas:

- i) Anyone who cuts down, uproots or wilfully destroys a tree, or who lops, tops or wilfully damages it in such a way that is likely to destroy it, is liable, if convicted, to an unlimited fine. The Courts have held that it is not necessary for a tree to be obliterated for it to be "destroyed" for the purposes of the legislation. It is sufficient for the tree to have been rendered useless as an amenity.
- ii) Anyone who carries out works on a tree, which is not likely to destroy it, is also liable if convicted in the Magistrates Court to an unlimited fine.

3.8.28 In addition to directly carrying out unauthorised works on protected trees, it is an offence to cause or permit such works.

3.8.29 If it is claimed that works are exempt from the usual requirements of the legislation, it is for the defendant to prove that the exemption applies.

3.8.30 Whenever a tree has been removed in contravention of the legislation, or because it is dead, dying or dangerous, there is an automatic duty on the landowner to plant a replacement tree of a suitable size and species at the same place as soon as reasonably possible (unless that requirement is waived by the Council). The replacement tree is then subject to the same protection as the tree that was lost.

3.8.31 If the landowner fails to comply with this requirement, the Council may serve a Tree Replacement Notice within a period of four years to ensure compliance. A Tree Replacement Notice can be appealed to the Planning Inspectorate. If the Notice is not complied with the Council may carry out the replanting works and impose a charge on the land.

## APPENDICES

### A1: Background Documents

1. City and County of Swansea Local Development Plan, 2019 - Policy ER11  
<https://www.swansea.gov.uk/article/48659/Adopted-Local-Development-Plan-LDP>
2. The Town and Country Planning Act 1990 (as amended)  
<http://www.legislation.gov.uk/ukpga/1990/8/contents>
3. The Town and Country Planning (Trees) Regulations 1999 <http://www.legislation.gov.uk/uksi/1999/1892>
4. 'TPO's A Guide to the Law and Best Practice', 2000  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/14956/tposg\\_uide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14956/tposg_uide.pdf)
5. National Policy: Planning Policy Wales, Edition 11, 2021  
[https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11\\_0.pdf](https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf)
6. Planning Guidance (Wales) Technical Advice Note (Wales) 10. Tree Preservation Orders, 1997  
<http://gov.wales/topics/planning/policy/tans/tan10/?lang=en>
7. Protected Trees – Guidance on Tree Preservation Orders, 2013 <https://gov.wales/protected-trees-guidance-tree-preservation-orders>
8. Tree Evaluation Method for Preservation Orders (TEMPO), 2009 <http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>
9. City and County of Swansea – Trees, Hedgerows and Woodland Supplementary Planning Guidance, 2021  
<https://www.swansea.gov.uk/treespg>
10. City and County of Swansea – Biodiversity and Development Supplementary Planning Guidance, 2021  
<https://www.swansea.gov.uk/biodiversityspg>
11. 'Well-managed highway Infrastructure', 2016  
<http://www.ukroadsliaisongroup.org/en/codes/>
12. 'Veteran Trees: A guide to good management'. Helen Read, 2000 [www.woodlandtrust.org.uk](http://www.woodlandtrust.org.uk)



13. 'Trees in the Townscape: A Guide for Decision Makers', 2012. TDAG <https://www.tdag.org.uk/trees-in-the-townscape.html>
14. 'Trees in Hard Landscapes: A Guide for Delivery', 2014, TDAG. <http://www.tdag.org.uk>
15. Valuing Urban Trees in the Tawe Catchment 2016. Forest Research <https://www.forestresearch.gov.uk/research/i-tree-eco/i-tree-eco-projects-completed/i-tree-eco-tawe-catchment/>
16. Wildlife and Countryside Act 1981 (as amended) [www.legislation.gov.uk/ukpga/1981/69](http://www.legislation.gov.uk/ukpga/1981/69) 47. Conservation of Habitats and Species Regulations (HM Government, 2017) [www.legislation.gov.uk/uksi/2017/1012/contents/made](http://www.legislation.gov.uk/uksi/2017/1012/contents/made)
17. Trees Species selection for Green Infrastructure, (Trees and Design Action Group, 2018) <http://www.tdag.org.uk/species-selection-forgreen-infrastructure.html>
18. i-Tree Eco Tawe Catchment, 2016 <https://www.forestresearch.gov.uk/research/i-tree-eco/i-tree-eco-projects-completed/i-tree-eco-tawe-catchment/>
19. Environment (Wales) Act (Welsh Government, 2016) <https://gweddill.gov.wales/topics/environmentcountryside/e/consmanagement/natural-resources-management/environment-act/?lang=en>
20. Countryside and Rights of Way Act, 2000 <http://www.hwa.uk.com/site/wp-content/uploads/2017/09/NR.4.3C-Countryside-and-Rights-of-Way-Act-Section-6.pdf>
21. Planning Guidance (Wales) Technical Advice Note (Wales) 5 Nature Conservation and Planning, 2009 <https://gov.wales/sites/default/files/publications/2018-09/tan5-nature-conservation.pdf>
22. Forestry Act, 1967 [https://www.congreso.es/docu/docum/ddocum/dosieres/sleg/legislatura\\_10/spl\\_77/pdfs/30.pdf](https://www.congreso.es/docu/docum/ddocum/dosieres/sleg/legislatura_10/spl_77/pdfs/30.pdf)
23. Hedgerow Regulations, DEFRA, 1997 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/438652/hedgerow\\_guide\\_part\\_1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/438652/hedgerow_guide_part_1.pdf)
24. Well-being of Future Generations (Wales) Act, 2015 <https://www.futuregenerations.wales/about-us/future-generations-act/>

25. City and County of Swansea Corporate Plan, 2018-2022  
<https://archive.swansea.gov.uk/corporateimprovementplan>
26. City and County of Swansea, Central Area – Regenerating our City for Wellbeing and Wildlife, 2021  
<https://www.swansea.gov.uk/article/9580/Swansea-Central-Area-Regenerating-our-City-for-Wellbeing-and-Wildlife>
27. City and County of Swansea Welsh Index of Multiple Deprivation, 2019  
<https://www.swansea.gov.uk/article/11000/WIMD-2019>
28. Highways Act, 1980  
<https://www.legislation.gov.uk/ukpga/1980/66>
29. Occupiers Liability Act 1957 and 1984  
<https://www.legislation.gov.uk/ukpga/Eliz2/5-6/31/contents> and  
<https://www.legislation.gov.uk/ukpga/1984/3/contents>
30. Health and Safety at Work, etc Act, 1974  
<https://www.hse.gov.uk/legislation/hswa.htm>
31. The Management of Health and Safety at Work Regulations, 1999  
<https://www.legislation.gov.uk/uksi/1999/3242/contents/made>
32. Future Wales – the National Plan, 2021  
<https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>
33. Woodlands for Wales, 2009  
<https://naturalresources.wales/media/2985/woodlands-for-wales-strategy.pdf>
34. Swansea Local Biodiversity Action Plan, 2005  
<https://www.swansea.gov.uk/article/9566/Swansea-Local-Biodiversity-Action-Plan>

## A2: General Contacts

Welsh Government	<a href="http://gov.wales/topics/planning/policy/?lang=en">http://gov.wales/topics/planning/policy/?lang=en</a>
The Planning Inspectorate	<a href="http://planninginspectorate.gov.wales/splash?orig=/">http://planninginspectorate.gov.wales/splash?orig=/</a>
Planning Portal Wales	<a href="https://www.planningportal.co.uk/wales_en/">https://www.planningportal.co.uk/wales_en/</a>
Natural Resources Wales	<a href="mailto:enquiries@naturalresourceswales.gov.uk">enquiries@naturalresourceswales.gov.uk</a>
Ancient Tree Forum	<a href="http://www.woodland-trust.org.uk/ancient-tree-forum">www.woodland-trust.org.uk/ancient-tree-forum</a>
Arboricultural Association	<a href="http://www.trees.org.uk">www.trees.org.uk</a>
Chartered Institute of Ecology and Environmental Management (CIEEM)	<a href="https://cieem.net">https://cieem.net</a>
Royal Forestry Society (RFS)	<a href="http://www.rfs.org.uk">www.rfs.org.uk</a>
Royal Horticultural Society (RHS)	<a href="http://www.rhs.org.uk">www.rhs.org.uk</a>

Landscape Institute	<a href="http://www.landscapeinstitute.org">http://www.landscapeinstitute.org</a>
Tree Advice Trust	<a href="http://www.treehelp.info/">http://www.treehelp.info/</a>
The Tree Council	<a href="http://www.treecouncil.org.uk">www.treecouncil.org.uk</a>
The Woodland Trust	<a href="https://www.woodlandtrust.org.uk/">https://www.woodlandtrust.org.uk/</a>
Wildlife Trust of South & West Wales	<a href="https://www.welshwildlife.org/">https://www.welshwildlife.org/</a>
Coed Cymru	<a href="https://coed.cymru/index.html">https://coed.cymru/index.html</a>
Glamorgan Gwent Archaeological Trust (GGAT)	<a href="http://www.ggat.org.uk/">http://www.ggat.org.uk/</a>
Health and Safety Executive	<a href="https://www.hse.gov.uk/">https://www.hse.gov.uk/</a>
Lle- A Geoportal for Wales	<a href="https://www.swansea.gov.uk/article/9566/Swansea-Local-Biodiversity-Action-Plan">https://www.swansea.gov.uk/article/9566/Swansea-Local-Biodiversity-Action-Plan</a>
Trees for Cities	<a href="https://www.treesforcities.org/">https://www.treesforcities.org/</a>
The Institute of Chartered Foresters,	<a href="https://www.charteredforesters.org/">https://www.charteredforesters.org/</a>
Consulting Arborist Society (CAS)	<a href="http://www.consultingarboristsociety.co.uk">www.consultingarboristsociety.co.uk</a>
British Standards Institute	<a href="http://www.bsi-global.com">www.bsi-global.com</a>
Chartered Institute for Archaeologists	<a href="https://www.archaeologists.net/codes/cifa">https://www.archaeologists.net/codes/cifa</a>

## Council Contacts

Enquiry	Department/Service	Contact
General	Swansea Council	01792 636000 <a href="mailto:contact@swansea.gov.uk">contact@swansea.gov.uk</a> <a href="http://www.swansea.gov.uk/tpo">http://www.swansea.gov.uk/tpo</a>
Trees in Parks & Open Spaces	Parks & Cleansing Home Farm	01792 280210 <a href="mailto:parks.section@swansea.gov.uk">parks.section@swansea.gov.uk</a>
TPOs, Conservation Areas, and Development	Planning and City Regeneration City and County of Swansea Council, Civic Centre, Oystermouth Road, Swansea, SA1 3SN	Tel: 01792 636000 Email: <a href="mailto:planning@swansea.gov.uk">planning@swansea.gov.uk</a> or <a href="mailto:protectedtrees@swansea.gov.uk">protectedtrees@swansea.gov.uk</a> Web: <a href="http://www.swansea.gov.uk">www.swansea.gov.uk</a>
Trees and the Public Highway or footpaths	Highways Department	<a href="https://www.swansea.gov.uk/highwayproblems">https://www.swansea.gov.uk/highwayproblems</a>
Trees affecting Council Housing Properties – report to District Housing Office	Sketty and Gower Townhill Town Centre Blaenymaes Gorseinon Morrison	01792 516810 01792 513926 01792 650486 01792 534060 01792 897700 01792 601720
Trees in Cemeteries	Bereavement Services	01792 636481 <a href="mailto:bereavementservices@swansea.gov.uk">bereavementservices@swansea.gov.uk</a>

Trees in Schools	Education Department/Facilities Management	Grounds Maintenance officer; 07880 182718 Facilities Management; 01792 636207
Trees on Public Rights of Way	Countryside Access Team	<a href="mailto:Countryside.access@swansea.gov.uk">Countryside.access@swansea.gov.uk</a>
Trees on Local Nature Reserves/Wildlife sites	Nature Conservation Team	<a href="mailto:Nature.conservation@swansea.gov.uk">Nature.conservation@swansea.gov.uk</a>

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## **A3: Legislative Context**

**National Policy:** The Council has a legal duty to consider trees under the provisions of the following legislation:

### **A3.1 Town and Country Planning Act, 1990 (as amended) Sections 197 and 198**

This relates to the preservation of trees and woodlands and ensuring that trees are fully considered when planning for new development. The Council has a duty to consider all trees in the planning process, i.e. including those which are not protected. It must ensure, whenever appropriate, that in granting planning permission for any development adequate provision is made through the imposition of conditions for the preservation or planting of trees; and to protect trees with Tree Preservation Orders (TPOs) where other threats are identified Under Section 211 of the Act. Trees in Conservation Areas are subject to similar controls as trees to which a TPO applies.

### **A3.2 The Town and Country Planning (Trees) Regulations, 1999**

Prescribes the form of TPOs and the procedure for their making, confirmation, variation and revocation. Consent of the local planning authority is required before any tree protected by the Order may be cut down, topped, lopped, uprooted, damaged or destroyed.

### **A3.3 The Forestry Act, 1967**

Requires a felling licence from Natural Resources Wales (NRW) for the felling of growing trees, subject to various exceptions including trees in gardens, churchyards, orchards or public open space, as well as trees that are diseased, under a certain diameter or volume. A licence is not required for enabling works carried out by a statutory undertaker or where planning permission has been granted for a development.

### **A3.4 The Hedgerow Regulations, 1997**

Aims to secure the retention of important countryside hedgerows by controlling their removal through a system of notification. There is a presumption in retaining and protecting important hedgerows but there are strict criteria and values that must be met including being at least thirty years old and valuable from an archaeological, historical, landscape or wildlife perspective.

### **A3.5 Well-being of Future Generations (Wales) Act, 2015**

The Strategy has been prepared with full consideration of the Council's duties to work towards Wales' seven shared wellbeing goals and to contribute to the sustainable management of natural resources in relation to the retention and

removal of trees and the expansion of tree canopy coverage. In accordance with the Act in exercising its function the Council will seek to maintain and enhance biodiversity and promote ecosystem resilience. When carrying out any works to trees the Council will fully consider the effects on wildlife, minimise any adverse impact and ensure that all works are compliant with relevant legislation.

#### **A3.6 Environment (Wales) Act, 2016**

This Act introduced legislation to help secure healthy, resilient and productive ecosystems in Wales for the future, whilst still meeting the challenges of creating jobs, housing and infrastructure. Of particular relevance are the following Parts:

- a) Part 1 Sustainable Management of Natural Resources:** Central to the Act is the need to adopt a more integrated approach to managing natural resources in order to achieve long-term sustainability. It provides a framework to ensure that managing natural resources in a sustainable manner will be a core consideration in decision making. It also sets out responsibilities for Welsh Government, Natural Resources Wales (NRW), Local Authorities and all public authorities, including a Biodiversity Duty to help reverse the decline and secure the long term resilience of biodiversity in Wales. This duty links to and is further underpinned by the Resilience Goal of the Well-being of Future Generations Act. The Biodiversity Duty requires Local Authorities *“to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing, promote the resilience of ecosystems so far as consistent with the proper exercise of those functions”*.
- b) Part 2 Climate Change:** Provides the Welsh Ministers with powers to put in place statutory emission reduction targets, including at least an 80% reduction in emissions by 2050 and carbon budgeting to support their delivery. This sets a clear pathway for decarbonisation and provides certainty and clarity for business and investment. Consideration of tree retention and planting will help meet the requirements of this part of the Act. Swansea Council has set itself the target of being a net zero Carbon Council by 2030.

#### **A3.7 Future Wales: The National Plan 2040, 2021**

Seeks to create a National Forest by increasing woodland cover in Wales by 2000ha per annum from 2020-2040 in order to build the resilience of ecosystems and meet decarbonisation targets

#### **A3.8 National Policy: Planning Policy Wales (PPW) Edition 11, 2021**

PPW guidance in relation to trees, woodlands and hedgerows is set out below and this strategy is the local authority tree strategy referred to in paragraph 6.4.25:

- 6.4.24 *Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.*
- 6.4.25 *Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.*
- 6.4.26 *Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.*
- 6.4.27 *The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans.*

#### **A3.9 Technical Advice Note (TAN) 10: Tree Preservation Orders, 1997**

TAN 10 supplements PPW and states that TPOs should be considered where provision should be made for the preservation of trees or woodlands in the interest of amenity (para 14). TPOs should be made where the removal of trees and woodlands would have a significant impact on the environment and its enjoyment by the public. TPOs cannot be made on bushes, shrubs or hedgerows (however they can be made on trees within hedgerows).



**Local Policy:** There are a number of local plans strategies and policies which should be read in conjunction with this Strategy and are signposted below. This Strategy is intended to complement not duplicate the provisions of these documents.

**A3.10 Delivering a Successful and Sustainable Swansea: The City and County of Swansea Corporate Plan, 2018/22**

This includes a corporate objective: '*Maintaining and enhancing Swansea's Natural Resources and Biodiversity*'. One of the steps listed to implement this objective is to: 'Develop and adopt a Council tree policy' i.e. produce this Strategy.

**A3.11 Swansea Local Development Plan (LDP) 2010-2025, Feb 2019**

This sets out the Council's policy in relation to the protection of trees from development, the most relevant policy and amplification of which is set out in A3.14. Its main purpose is to prevent the adverse effects of development on trees of public amenity or natural/cultural heritage value or which provide important ecosystem services.

**A3.12 Trees Hedgerows and Woodland Supplementary Planning Guidance (SPG), Oct 2021**

This SPG supplements the Swansea LDP and provides information on how trees, hedgerows and woodlands are dealt with through the planning system. The SPG relates to all trees, hedgerows and woodland, not just those which are protected. It provides guidance and advice on how to incorporate trees into development, how to secure the retention of trees on development sites and advice on tree and shrub planting. It also includes the Council's tree replacement standards.

**A3.13 Swansea Central Area: Regenerating our City for Wellbeing and Wildlife, Feb 2021**

Published jointly by Swansea Council and NRW this strategy aims to bring more nature into Swansea City Centre, work towards doubling Green Infrastructure by 2030 and also to increase tree canopy coverage within the City Centre to 20-25% by 2044. Green Infrastructure (GI) is the network of multifunctional green (and blue/water) spaces, corridors and environmental features which surround, thread through, shape and help form the County's settlements and wider countryside. GI is regarded as a single resource to be safeguarded, enhanced and managed to deliver a wide range of environmental, economic and quality of life benefits for the community. A forthcoming Swansea Green Infrastructure Strategy will provide a strategic framework for the protection, accessibility and improvement of existing open spaces and to increase the provision – including tree canopy coverage - where there is currently a deficiency. Under the provisions of an emerging Council Green Fairness Policy, which promotes the concept of Green Health, actions identified to promote green fairness in areas of high deprivation include planting of street trees and trees in open spaces where feasible as part of the provision of a high quality multifunctional GI and natural greenspace.

### A3.14 Swansea Local Development Plan Tree Policy

#### ER 11: TREES, HEDGEROW AND DEVELOPMENT

Development that would adversely affect trees, woodlands and hedgerows of public amenity, or natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran Trees merit specific protection and development will not normally be permitted that would result in:

- i. Fragmentation or loss of Ancient Woodland;
- ii. The loss of an Ancient or Veteran Tree;
- iii. Ground damage, loss of understorey or ground disturbance to an area of Ancient Woodland or Ancient or Veteran Tree's root protection area;
- iv. A reduction in the area of other semi natural habitats adjoining Ancient Woodland;
- v. Significant alteration to the land use adjoining the Ancient Woodland;
- vi. An increase in the likely exposure of Ancient Woodland, Ancient or Veteran Tree to air, water or light pollution from the surrounding area;
- vii. Alteration of the hydrology in a way that might impact on Ancient Woodland, Ancient or Veteran Trees;
- viii. Destruction of important connecting habitats relating to Ancient Woodland;
- ix. Destruction of Plantations on Ancient Woodland Sites (PAWS); and/or
- x. Development in close proximity to Ancient Woodland and Ancient and Veteran Trees

Where the Council considers it necessary, planning applications for development proposals on sites containing, or adjacent to, trees will be required to provide: a tree survey; an arboricultural impact assessment; an arboricultural method statement; and/or tree protection plan. Where trees are to be replaced a scheme for tree replacement must be agreed prior to the commencement of development, including details of planting and aftercare.

The amplification in support of the policy states:

*2.9.67 National Planning Policy and Guidance provides for the protection of trees and woodlands. Throughout the County it is estimated that over 50,000 trees are protected by individual/group orders, area orders or woodland orders. This is in addition to trees in Conservation Areas whilst hedgerows are protected by separate legislation.*

- 2.9.68 *In recognition of the importance of trees to the County, the Plan seeks to ensure that suitable trees, whether they are protected by legislation or not, are retained and protected on any development site. Further information relating to the protection of trees on development sites is provided in SPG. NRW i-tree Eco assessment provides useful information on the ecosystem services provided by trees. Where appropriate, planning conditions or Tree Preservation Orders will be used to protect important trees and woodlands. The Council will pursue appropriate enforcement action against unauthorised works to protected trees.*
- 2.9.69 *The circumstances in which further information in support of a planning application will be required are outlined in the policy. These documents must be in accordance with the current British Standard BS5837 and have regard to the long term impact of the proposed development on the trees as they grow and wherever possible seek to avoid future conflict, such as that caused by over-hanging branches, shading and dominance.*
- 2.9.70 *Planning Permission will normally only be granted where the trees on the site are fully protected in the long term, or appropriate replacement trees will be planted when the removal of a tree or trees is unavoidable. The removal of trees would only be acceptable where there is no other alternative location for the development; and the need for and benefits from the development, outweighs the importance of the tree or trees.*
- 2.9.71. *Replacement trees will be planted in accordance with British Standard BS8545. Tree Preservation Orders (TPOs) will normally be placed on the replacement trees.*
- 2.9.72 *Planning Conditions, Article 4 Directions and/or Planning Obligations will be used to secure any necessary mitigation/compensation/enhancement measures in relation to trees and development proposals.*
- 2.9.73 *New tree or mitigation planting will be designed to achieve maturity and to ensure that there is an ongoing contribution to amenity with negligible negative impacts. New landscape schemes will follow the principles set out in “Trees in the Townscape: A Guide for Decision Makers and be delivered using guidance in “Trees in Hard Landscapes: A Guide for Delivery”.*

- 2.9.74 Ancient Woodland is defined as land that has had a continuous woodland cover since accurate maps were first produced. It is a valuable and irreplaceable resource having been present in the landscape over some time Ancient Woodland is rich in wildlife and more likely to support protected and priority species and to contain special features of importance for biodiversity. It is also more likely to contain features of historical and archaeological importance. Their rarity and importance means that these areas should be protected. Direct loss of ancient woodland must be avoided. A minimum buffer of 15 metres should be provided between Ancient Woodland and most forms of development. This is necessary to provide essential root and understorey protection (as required in BS5837:2012) and to protect the important Ancient Woodland habitat from indirect damage, such as trampling, fly-tipping, encroachment of invasive features and vegetation clearance resulting from the new development. Ideally, the buffer should be planted with woodland edge species or left as natural grass to increase or maintain ecological connectivity and create a transitional habitat i.e. an ecotone providing resilience for this sensitive and highly valued habitat. Where possible opportunities should be taken to restore plantations on Ancient Woodland sites to native tree cover. Plantations on ancient woodlands (PAWS) are sites believed to have been continuously wooded for over 400 years, but currently have a canopy cover of at least 50% non-native conifer tree species. Critically, such areas support Ancient Woodland soil systems and have the potential to be restored to an Ancient Woodland habitat.*
- 2.9.75 All areas of Ancient Woodland known at the time of the Plan's preparation are shown on the Constraints Map. However this is only a provisional list and all development sites that support woodland will need to be assessed for Ancient Woodland status. NRW will be consulted on any proposals that may give rise to potentially damaging operations.*
- 2.9.76 An Ancient Tree is one that has passed beyond maturity and is old or aged. A Veteran Tree may not be old but because of its environment or life experiences has developed the valuable features of an Ancient Tree. Ancient and Veteran Trees are of prime importance because of their rarity and function within an ecosystem. Individual Ancient and Veteran Trees often have local or national significance, due to their age, size or condition. They are also of importance to sustain a range of nationally and internationally protected species. In order to provide the necessary protection a buffer of 15x the diameter of the stem of Ancient and Veteran Trees when measuring at 1.5m from ground level will be required for most forms of development, as endorsed by the Arboricultural Association*
- 2.9.77 There is currently no comprehensive inventory of Ancient and Veteran Trees within Wales. The required tree survey in support of development proposals will detail whether a site contains or is adjacent to any trees which could be considered to be Ancient or Veteran.*

## A4 Benefits of Trees

Swansea is one of the greenest cities in Wales, as identified through the i-Tree Eco, Tawe Catchment Study Area (2016). However, it was found to have a low proportion of large trees compared to previous studies conducted in the UK, and would benefit from more medium and large sized trees. The study revealed more trees could be planted, as there is up to 24% of urban space available within the catchment area to plant trees or shrubs.

### A4.1 Financial

A4.1.1 The 530,000 trees in the Tawe Catchment Study Area alone are estimated to be worth £1.72 million per annum to the local economy. Trees in the Tawe catchment:

- Intercept an estimated 252 million litres of water every year, equivalent to an estimated £333,900 in sewerage charges avoided
- Remove an estimated 136 tonnes of airborne pollutants each year, worth more than £715,500 in damage costs
- Remove an estimated 3,000 tonnes of carbon from the atmosphere each year (this amount of carbon is estimated to be worth £671,000), and store an estimated 102,000 tonnes of carbon estimated to be worth £23.1 million
- Have a replacement value of £234 million
- Have an asset value of £816 million - an evaluation based on public amenity

### A4.2 Economic

A4.2.1 Trees bring substantial economic benefits to an area, with studies showing that they:

- Increase property values by 5-18%, and this growth increases proportionately with the tree growth <sup>1 2 3 4</sup>
- Make development sites more valuable when they are set within mature landscapes <sup>3</sup>
- Create a positive perception of 'place' for potential property buyers, be it home owners or commercial investors
- Improve the health and well-being of local populations within urban areas, reducing healthcare costs <sup>6</sup>
- Contribute to retail areas performing better - people are more productive, with job satisfaction increased. Customers are prepared to pay more for parking and goods (9-12% for some products) in landscaped shopping areas
- Improve the environmental performance of buildings by reducing heating and cooling costs, thereby cutting bills
- Provide a potential long-term renewable energy resource <sup>7</sup>
- Provide a cost-effective and sustainable alternative to 'grey' infrastructure provision in tackling storm-water run-off

- Reduce, through shading, the degradation of tarmac surfacing and frequency of replacement
- Reduce green space maintenance costs
- Add to tourism and recreational revenue
- Can enhance the prospect of securing planning permission if existing trees are protected and the new tree-planting design is imaginative

### A4.3 Social/ Cultural

A4.3.1 Trees also have significant social and cultural benefits as they:

- Create a sense of place and local identity
- Provide focal points and landmarks
- Can increase pride and social cohesion in the local area <sup>8 9 10</sup>
- Have a positive impact on crime reduction <sup>11 12</sup>
- Promote spiritual well-being, due to their stature, strength, and endurance, e.g. putting people in touch with nature and reducing depression and anxiety
- Provide a source of recreation, entertainment and quiet enjoyment, offering opportunities to unwind and de-stress, and provide families with a pleasant environment within which to spend quality time together
- Have a positive impact on people's physical and mental health, e.g. less skin cancer and improve patient recovery times. Studies show that children living in areas with more street trees have lower prevalence of asthma
- Encourage exercise that can counteract heart disease and Type 2 diabetes
- Offer a rich outdoor learning classroom for all, especially when part of a natural wooded environment.
- Help children concentrate at school where they can be seen from the classroom
- Give a link to heritage

### A4.4 Environmental

A4.4.1 Trees deliver considerable environment benefits as they:

- Remove carbon dioxide to create a carbon sink, i.e. help tackle climate change by trapping carbon<sup>3 5</sup>
- Transpire, reflect sunlight and provide shade, in combination to reduce the 'urban heat-island effect' making streets and buildings cooler in summer <sup>13</sup>
- Remove dust and particulates from the air <sup>14 15 16</sup>

- Reduce traffic noise by absorbing/deflecting sound
- Reduce wind speeds
- Provide food and shelter for wildlife thus helping to increase biodiversity <sup>17 18 19 20 21 22 23 24</sup>
- Create new habitat links across towns and to the countryside, and strengthen existing wildlife corridors
- Create attractive greener landscapes/hide eyesores
- Reduce the effects of flash flooding by slowing the rate at which rainfall reaches the ground <sup>25</sup>
- Help to improve soil quality when planted on despoiled and degraded ground
- Create organic matter on the soil surface from their leaf litter and, with their roots increasing soil permeability that results in:
  - Reduced surface water run-off from storms (every 5% increase in tree cover reduces run off by 2%)
  - Reduced rainwater soil erosion and sedimentation of streams
  - Increased ground water re-entry that is otherwise significantly reduced by paving
  - Lesser amounts of chemicals transported to streams
  - Reduced wind erosion of soil

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## Annex: Background Information

### A5: Working Practices

This annex provides amplification to the protocols included in the strategy and current working practices.

#### A5.1 Duty of Care

- i) 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 Swansea Council as a responsible landowner, has a duty of care under Health and Safety Executive (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.
- ii) The Occupiers Liability Act 1957 and 1984 puts on occupiers of land a duty of care to all visitors and/or trespassers. The Act requires the Council as a landowner and occupier to take reasonable care to maintain its land in such a condition that it does not harm any person or damage any property.
- iii) Under the provisions of the Health & Safety at Work Act, 1974 and the Management of Health and Safety at Work Regulations, 1999 failure to comply with this legislation could lead to the 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.
- iv) The need for Councils to carry out tree surveys has been established for some time. Government guidance in the form of Circulars 90/73 and 52/75 requires Local Authorities to regularly inspect trees adjacent to Highways. Additional guidance on tree risk has been published by the National Tree Safety Group, 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)
- v) Since October 2018, Highway Authorities have also needed to manage their tree inspection following guidance from Well-managed Highway Infrastructure, 2016 published by the UK Roads Liaison Group (UKRLG). Well-managed Highway Infrastructure sets out strategic guidance on tree inspections and training.

## **A5.2 Responsibilities**

The responsibility for health and safety lies ultimately with the Council's Chief Executive Officer. However, the site or area managers are responsible for day to day compliance with tree legislation.

## **A5.3 Management/ Inspection**

- i) A management/inspection regime enables the Council to meet its duty of care under the provisions of the Health and Safety at Work Act (HSAW) 1974, Management of Health and Safety at Work Regulations 1999 and the Occupiers Liability Act 1957 & 1984 in relation to tree risk.
- ii) There is however a potential conflict between the Council's conservation role and its obligations under the HSAW Act. Many of the Council managed sites have TPO, Conservation Area and SSSI status; they also provide habitat for several species of bat, dormouse, otter, badger, birds and rare flora such as lichens. Accordingly, tree risk assessments are undertaken following a risk benefit analysis approach whereby the ecological and aesthetic benefits of a tree are also be considered.
- iii) The management/inspection regime is carried out by the Council's Tree Services Unit. The Unit forms part of the Parks Service in-house contractor who were historically solely responsible for the tree stock within the control of the Regeneration Department's portfolio. This responsibility has been extended to cover inspection of trees adjacent to the Highway and on Highways land. Other Council departments such as Housing, Cemeteries and Schools arrange for ongoing tree risk assessments by the Tree Services Unit.
- iv) Departments responsible for land not listed above will need to arrange for suitable tree inspection to be carried out by the Tree Services Unit or Private Consultants.

## **A5.4 Tree Management System**

- i) To assist with the management of the tree stock and to meet the Council's duty of care, a tree management system has been in operation since 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 suitably qualified inspectors (ideally a minimum of QCF Level 2 qualification and LANTRA Professional Tree Inspection) experienced in arboriculture (the care and management of amenity trees) to carry out the tree inspections and any work arising from them.

- ii) Due to the volume of the Council's tree stock, interim inspections by Level 1 inspectors will be required to supplement the formal inspections by Level 2 qualified staff.
- iii) At present the assessed risk from trees is defect led (based on tree defects found during the surveys). Where trees with significant defects are being considered for retention a Quantified Tree Risk Assessment (QTRA) will be carried out to aid management proposals. A recognised risk assessment system such as QTRA allows risks to be suitably prioritised and enables trees to be retained where there is only a low risk to the public.

### **A5.5 Site Specific Assessment**

- i) It is an objective of the Strategy that each Council owned site will in due course have a site-specific assessment (Tree Risk Document) which will include where appropriate:
  - Details of responsible site manager
  - Site use / description of tree stock
  - Specified tree inspection frequency
  - Interim survey procedure (when and by whom)
  - Details of basic tree inspection training either delivered in house or externally:  
<https://www.lantra.co.uk/awards/product/lantra-awards-technical-award-basic-tree-survey-and-inspection>
  - Reporting procedure and hierarchy for observed hazards
  - Adverse weather procedure (closure, tree checking following extreme weather). Adverse weather will be considered wind speed in excess of 47mph, force nine on the Beaufort scale, strong gale.
  - Log of tree defects

### **A5.6 Survey Zones**

- i) Surveys are carried out with a mix of zones and cycles (see table below) to allow effective use of resources and to inform the frequency and type of survey to be used. The zones and cycles will be set up and reviewed by the Tree Services Unit and responsible site managers.

<b>Target &amp; Occupancy,</b>	<b>Description</b>	<b>Minimum Inspection Regime</b>
Risk Zone 1. Very High Target Occupancy (Constant use)	A-roads with large trees, town centre, very large or very old trees in lower risk areas, heavily used play areas and show grounds, monitored trees	Inspected every year and reactively by Level 2.  Walk through surveys recording individual trees on Ezytreev
Risk Zone 2. High Target Occupancy (Frequent use)	A-roads with smaller trees, schools, monitored trees	Inspected every 2 years and reactively by Level 2.  Walk through surveys recording individual trees on Ezytreev
Risk Zone 3. Medium Target Occupancy (Intermittent use)	B-roads, housing land, housing gardens, social services sites, cemeteries	Inspected every 3 years and reactively by Level 2.  Walk through surveys recording individual trees on Ezytreev
Risk Zone 4. Low Target Occupancy (occasional use)	C-roads, woodlands, cycle paths, Parks, lower use play areas	Inspected every 4 years and reactively by Level 2.  Walk through surveys recording individual trees and groups on Ezytreev
Risk Zone 5. Very Low Target Occupancy (very low use)	Often rural locations such as the outmost edges of large open spaces/reclamation sites and / or with young/small trees.	No formal inspection, inspected reactively.  Negative reporting (using Ezytreev).

- ii) 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.
- iii) In the event of a catastrophic event such as the 1987 storm where large numbers of trees are windthrown or damaged they will be attended to in the following priority order:
  - a) Main arterial routes including links to hospitals, fire stations, City Centre, etc
  - b) Other A roads, town centres
  - c) Schools, other public buildings
  - d) B roads
  - e) All other roads
  - f) Parks

#### A5.7 Competence of Inspectors

There are three categories of Inspectors:

- i. **Generalist Level 1** – A lay person with no specialist tree knowledge who has received training (National Training Organization for the Land Based Industries - LANTRA Basic Tree Inspection or in house) to observe and identify potential hazards to inform risk control decision, including recommending inspection by expert (Level 2 or 3).
- ii. **Competent Level 2** - An individual 'who has sufficient training, expertise and/or qualifications to identify tree hazards, assess the levels of risk and make appropriate management recommendations'. (Minimum Level 3 Arboricultural qualification, LANTRA Professional Tree Inspection and two years' relevant experience).
- iii. **Expert Level 3** – An individual 'with the highest skills and knowledge'.

#### A5.8 Types of inspection

Type	Description	Level of Inspector
Interim	Between formal tree inspections and after extreme weather events	Level 1

Drive by	Survey from moving vehicle to note obvious defects. One side of road observed by a passenger at 15mph with only trees being the subject of the inspection.	Level 1
Walk through	Survey of all trees from ground with defective trees noted for detailed inspection	Trained level 2 Inspectors
Detailed inspections	Inspection of individual trees in response to defects noted at a previous survey	Trained level 2 Inspectors or above
Specialist inspections	Inspection using specialist equipment such as resistograph / increment borer or Picus, to add to the detailed survey	Arboriculturist with experience of using the equipment Level 3

### A5.9 Remedial work

- i) Required mitigation work for identified hazards found during base line or annual surveys will be discussed and agreed between the inspector, site manager and any other relevant site advisor (e.g. Tree Officer (Planning) / Ecologist). Any discussion will explore the tangible benefits of the tree and inform the final management decision. Where there is a high habitat/ecological benefit any possibility of moving the target (e.g. moving a path / bench) will be preferred. Where the hazard cannot be reconciled by removing the target, tree work will be prescribed with the least negative impact possible.
- ii) Mitigation work will be given the following time scales, subject to budget availability and Ezytreev recording:
  - a. Urgent : Immediate (exclusion of people from an area may be appropriate pending urgent work)
  - b. Essential: within 1 Year
  - c. Desirable: At the discretion of the site manager
  - d. No work required

### A6: Ash Die Back Guidance

A6.1 Ash dieback is a fungal disease that affects all species of ash trees (*Fraxinus*). The disease has spread west across the country and is now affecting almost all parts of Wales. It is estimated that around 90% of ash trees will be killed by ash die back. The trees become brittle over time with branches breaking away from the main body of the tree. If they are not dealt with, the trees are at risk of collapsing, presenting an immediate danger to the surrounding area.

- A6.2 Swansea Council has put a system in place to manage the risk from trees infected by the disease. A programme of ash tree inspection and removal is underway and will take a number of years to complete. There are thousands of ash trees in Swansea and the only way to remove the risk posed by badly affected trees is to fell them. The decision to fell a tree will only be taken where it is strictly necessary and a risk has been identified. The focus will be trees on public land where there is the greatest danger of hurting people or damaging property – parks, schools, roadsides, etc. At times, the level of risk may not be immediately apparent, but all officers making a decision on the health of the tree are suitably qualified to make this assessment. This does not include the removal of healthy trees, nor the removal of infected trees where there is no risk to the public. Further detail can be found on the Council's [Ash dieback webpage](#).
- A6.3 The Council has developed an ash die back action plan following guidance in the Tree Council's Ash Die Back Toolkit document. The Council's Tree Services Unit will continue with their scheduled inspections but have already inspected Schools, Cemeteries, Highways verges, Social Services property, and community centres for ash die back specifically. Ash trees have been/will be assessed and given a category in accordance with the Ash Die Back Tool Kit. All trees in category 4 will be felled as soon as possible with category 3 trees felled in the most cost effective manner. The Action Plan cross cuts all Council Departments and infected ash will be removed where required. It is acknowledged that infected ash trees (and any other trees with defects) are not necessarily always a risk to the public. Trees at risk of failure but in inaccessible or low access areas will not always be removed so that resources can be directed to where risk is greater.
- A6.4 Some ash trees show good levels of resistance to the disease and should not be considered for removal. These trees are very important for the ecological value they retain in the environment and may help repopulate the species in the future.

### **Managing Ash Die Back for Biodiversity**

- A6.5 The widespread loss of Ash trees will result in loss of habitat for many other species, including a number of invertebrates, lichens and mosses which are wholly reliant on Ash and considered to be at significant risk from its loss from the landscape. Furthermore, there are a number of vascular plants which are closely associated with ash woodland and likely to be impacted by the loss of Ash from those habitats.
- A6.6 Following the measures outlined in protocol TW1 of the Council's Tree Management Strategy will help increase the resilience of the local natural environment and help mitigate against the loss of species reliant on Ash species for their survival. Managing the long-term impact of the loss of Ash as a key woodland species will require further consideration. This should include the retention of Ash where possible (to encourage the regeneration of naturally resistant trees) and restocking with a

diverse range of native trees, appropriate to the local area, with a view to maximising opportunities for ash associated species. The Forest Research Note on [Ecological Impacts of ash dieback and mitigation methods](#) provides a detailed account of the ecological value of Ash and outlines good woodland management methods to maintain woodland biodiversity.

A6.7 Further information can be found on the [Arboricultural Association](#) website. Any assessment should include consideration of whether there is a risk to people and whether that risk can be removed by limiting access to the area, an approach taken by the [Wildlife Trust of South and West Wales](#).

### **Relevant Legislation and Permissions**

A6.8 Management of trees with Ash dieback still require that the necessary permissions are in place before work is carried out. This includes:

**a) TPOs:** To check whether trees are covered by a TPO or fall within a Conservation Area, see [Tree Preservation Orders or contact Protected Trees on Protectedtrees@swansea.gov.uk](#).

**b) Felling Licence:** To check whether a felling licence is required contact Natural Resources Wales

#### **c) Biodiversity Protection**

A6.9 It should be stressed that biodiversity legislation must continue to be complied with whilst dealing with Ash dieback, and species consideration must be taken when planning felling works, particularly for protected and priority species. This will allow time for licence requirements to be met and for work to be planned for the right time of year.

A6.10 Furthermore, under Section 6 of the Environment (Wales) Act, 2016, public bodies in Wales have a statutory duty to maintain and enhance biodiversity and promote the resilience of ecosystems in the exercise of their functions. This would not prohibit the removal of Ash trees where there is a safety concern, however it does place a requirement for public bodies to adopt measures to minimise the impact on biodiversity wherever possible.



## **A7: Swansea Tree Replacement Standard**

A7.1 The following is extracted from Trees, Hedgerows and Woodlands Supplementary Planning Guidance adopted October 2021. For further details and explanations see <https://www.swansea.gov.uk/treespg>. Under legislation it is only applicable to development requiring planning permission, however other Council projects and proposals are expected to aspire to this standard as appropriate.

### ***What is the Tree Replacement Standard (TRS)?***

*A.1 The Swansea TRS supports the Council and the Applicant in the process of agreeing a Tree Replacement Scheme, to mitigate or compensate for the loss of individual and/or groups of Category A and/or B trees (as identified in a BS 5837:2012 Survey) as a result of development. This applies to both trees within and adjacent to the site.*

*A.2 The TRS does not apply to Category C or U trees; or trees of any category located within privately owned gardens.*

*A.3 TRS and Woodland: Where woodland is removed to facilitate a planning consent, the Council will have specific regard to the number of Category A or B trees identified in the BS Survey as being within the woodland area to be lost. It is important to note that application of the TRS does not substitute any requirement to undertake relevant parallel processes to establish appropriate integration, mitigation or compensation with regard to impact on the ecological, historic or archaeological value of the whole woodland proposed to be removed.*

### ***How to apply the TRS***

*A.4 Figure A.1 of the TRS provides a transparent method to calculate the number of replacement trees to be provided. The method seeks to mitigate the impact of loss of canopy cover, and not simply the number of tree stems lost.*

*A.5 The TRS will be expected, in the first instance, to demonstrate how replacement trees will be integrated into design and layout of the proposal.*

*A.6 In the exceptional circumstances where on-site provision cannot be achieved, Figures A.2 and A.3 of the TRS provide a transparent calculation of the financial contribution to be agreed, in order to secure the planting of appropriate off site replacement trees. The financial contribution will be used by the Council, to fund the planting of trees (by the Council or its contractors) to replace trees on Council owned land outside the boundary of the development site. The calculations reflect the differing costs of planting trees in open ground (Fig.A.2) and planting trees in hard standing (Fig.A.3).*

A.7 Figure A.4 gives a worked/hypothetical example of how the TRS should be applied.

A.8 Applicants will be expected to demonstrate how the TRS has been applied to their proposal by submitting information that addresses the following:

- The relevant calculations undertaken, to be completed in accordance with the method at Figure A.1. All calculations will reflect information related to the trees on or adjacent to the site provided in a BS 5837:2012 Tree Survey.
- The number, location and specification of replacement trees to be provided on-site (as per Fig A.1).
- The number of, and justification for any trees which must be provided off-site.

The proposed species of replacement trees, which should include large growing species (where appropriate), and where replacement is on site should be chosen as part of the design layout

A.9 All calculations and information relating to the TRS should be provided within the appropriate documents supporting the application. For example within the DAS, or for larger applications, within a Landscaping Scheme, or Green Infrastructure Strategy.

### **Calculating the number of replacement trees required**

A.10 Figure A.1 provides the method by which the number of replacement trees required should be calculated. This method applies to both replacement of Category A and/or B trees on and off site.

#### **Figure A.1: Tree Replacement Calculation**

<i>Trunk Diameter of Category A and/or B Trees lost to development (measured in centimetres at 1.5 meters above ground level)</i>	<i>Number of Replacement Trees to be provided</i>
<i>Less than 15cm</i>	<i>0 - 1</i>
<i>15 - 19.9cm</i>	<i>1</i>
<i>20 - 29.9cm</i>	<i>2</i>
<i>30 - 39.9cm</i>	<i>3</i>
<i>40 - 49.9cm</i>	<i>4</i>
<i>50 - 59.9cm</i>	<i>5</i>
<i>60 - 69.9cm</i>	<i>6</i>

70 - 79.9cm	7
80+cm	8

### **Replacement Tree Planting – Off-Site**

A.11 Where it has been demonstrated that replacement cannot be achieved on site, or where removal of trees adjacent the site is required to facilitate development – the Council will request a financial contribution to secure the planting of an appropriate number of trees on council owned land. The number of trees required will be calculated in accordance with Figure A.1 above.

### **Trigger for Obligations for Financial Contributions**

A.12 The obligation to provide financial contributions to off-site replacement tree planting will only be triggered:

- Where trees qualify under categories A and B of BS 5837:2012, are felled as part of ‘major development’, and replacement planting is required on public land. OR
- Where woodland is removed to facilitate a planning consent. In this instance appropriate compensatory replacement planting will be based on significant trees identified in the BS survey. NB: The effects of the loss of the woodland as a whole will expected to be considered as a separate process where mitigation for loss of biodiversity should be the primary consideration.

### **Location of Tree Planting**

A.13 All tree planting will be located on public land and undertaken by the Council in order to ensure a consistent approach and level of quality, and to reduce the likelihood of new tree stock failing to survive.

A.14 Replacement tree planting will take place either on open ground; or in areas of hard standing, such as pavements (where a tree pit will be required)

### **Calculating Level of Financial Contribution**

A.15 The number of trees calculated as required (as per Fig A.1) are multiplied by the rates of financial contribution per tree as per Fig A.2 (re trees in open ground) and/or Fig A.3 (re trees in hard standing). A worked example is provided at Fig A.4.

A.16 The contribution covers the cost of providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the; new tree. Where planting can take place directly into open ground, the contribution will be lower than where the planting is in areas of hard standing. This is due to the need to plant trees located in areas of hard standing in an engineered tree pit.

A.17 The figures provided at Figures A.2 and A.3 below are an estimate based upon the Council’s recent contract costs. These figures provide a starting point for the purposes of establishing site viability and may be the subject of viability negotiations where appropriate. Individual sums will be index linked using RPI from the date they are formally agreed by the relevant parties to the date of payment.

**Figure A.2: Replacement Costs for Trees in Open Ground** (no tree pit required)

Amount	Criteria
<p>For 1 Replacement Tree: £1925</p> <p>For 5+ Replacement Trees – a reduction applies of -£625</p>	<p>The “open ground” figure will apply in the following circumstances:</p> <p>a) Where development results in the loss of Category A and B, Council owned trees in open ground.</p> <p>b) Where development results in the loss of Category A and B trees on the development site, AND is unable to provide replacement tree planting on site, in numbers shown in Figure A.1.</p> <p>In both these cases the Council will provide replacement tree planting in the nearest appropriate area of open space.</p>



## **A8: Tree Planting Checklist and Protocol (Right Tree in the Right Place for the Right Reason)**

A8.1 Planting trees has many benefits, such as helping wildlife, providing shade, reducing pollution and noise levels as well as creating an attractive environment. The Council has staff who have the necessary knowledge and skills, and who are working to increase tree canopy in suitable locations. Anyone internal or external to the Council with sites in mind for planting should contact Parks or the Nature Conservation Team in the first instance.

A8.2 There are many considerations when finding the right place to plant trees, some are obvious whilst others are less so, as outlined below:

- **Soil:** The soil can be acidic, alkaline, compacted and/or polluted, so the tree has to be able to survive the soil it is planted in.
- **Wet or dry:** Species need to be carefully selected to suit the site condition.
- **Single species planting:** Avoid planting large numbers of the same species. If there is a disease such as ash die back then all of the trees in that location will be affected.
- **Shade or sunny:** Trees need light to grow, but some more than others. Species need to be carefully selected to suit site conditions.
- **Exposure:** Most trees will not grow on a windy open hill top and a coastal site may have too much salt in the air.
- **Habitat and species:** Other habitats and species are valuable in their own right and may be protected by legislation. So, for example, planting in heathland or where orchids grow should not be carried out. Some species/habitats are only visible at certain times of the year so their presence may not be immediately apparent.
- **No trees:** If a site currently has no trees on it, then it is possible that the ground is not suitable for planting. For example, it could be too polluted or compacted or have another use.
- **Service:** Underground and over-ground services such as cables, pipelines and pylons can restrict planting opportunities. For example, deep rooted trees cannot be planted over a gas main and trees that grow tall cannot be planted under pylons.
- **Nuisance:** People do complain about trees for many reasons, including leaves blocking gutters and being a slip hazard, blossom (e.g. cherry) sticking to cars making cleaning difficult, sap (from aphids) damaging cars and attracting wasps. People also 'worry' that a tree might fall over and cause damage. Consultation with local residents is essential before considering any planting scheme.
- **Anti-social behaviour:** This includes fruit/nuts being thrown at property, cars and people, groups congregating under a tree, fruit being taken without permission (trespass). Trees can be a source of hiding place for undesirable activities and damage/vandalism can also occur to existing trees and those newly planted (stakes and fencing as well as the trees).

- **Property Damage:** Roots can damage property if planted too close, as can falling branches and trees themselves. Trees can also 'dry' out previously wet ground leading to soil cracking and subsidence.
- **Common complaints.** Often linked to tree damage/vandalism, this includes causing too much shade, shade encouraging growth of algae, blocking views, loss of light (there is no right to light), producing pollen causing hay fever, seeds growing in gardens, bird mess, noisy roosting birds and interfering with TV signal.
- **Existing land use:** Land may be used for grazing for example and trees will reduce the area available for stock to feed. Avoid planting in locations where there is an existing deficiency in open space provision for recreational purposes.
- **Future land use:** There may be plans in place for the future of the site which would mean the trees would have to be removed at a later date e.g. planning permission for housing. Planting should only be undertaken where long-term benefits can be delivered.
- **Future management:** Until newly planted trees become established there will be ongoing maintenance costs. Funding for planting trees also needs to make provision for these costs and establish who will look after planted trees in the future, replace failed trees and keep the height to an agreed limit.
- **Access:** Many footpaths have a legal status and must be kept clear of newly planted trees. Permissive paths should also be left unplanted.
- **Ownership:** Landowners permission is needed before any tree planting can be carried out.
- **Archaeological interest:** Some sites have archaeological interest. Consultation should be undertaken with experts to ensure that archaeological interest is not impacted by planting. In Swansea the contact is the Glamorgan Gwent Archaeological Trust (GGAT).
- **Geological interest:** Sites of importance in geological terms may be adversely impacted by planting.
- **Historic interest:** Landscaped Gardens, Conservation Areas, Historic Parks and Common Land may all have restrictions on tree planting. Also need to consider whether the land a registered Village Green.
- **Connectivity:** Reconnecting fragmented habitats helps to restore biodiversity
- **Adjacent/nearby sites of importance for wildlife:** The value of some wildlife-rich sites can be impacted by tree planting even if it is not directly on that site, for example, seeds could spread and germinate on a grassland. Where there is a highly protected/designated site nearby consultation should be carried out with the experts caring for those sites to ensure that its value won't be affected by proposals.

## Swansea Council - Tree Planting Protocol and Consultation Process Flowchart

### Report Summary

Site Overview: ***Description of site and context***

Proposal: ***Outline what is the purpose of planting a tree here, what is it that are we trying to gain? For example, to help alleviate flooding / surface water run-off, improve water quality, carbon sequestration, create microclimates to deal with summer cooling, wind break etc? Consider is this the right tree in the right place? i.e. connectivity, climate change, ecosystem resilience. Is it an area of high deprivation?***

Main constraints: ***From site assessment***

Justification for planting: ***Conclusions drawn from above***

### Site Assessment

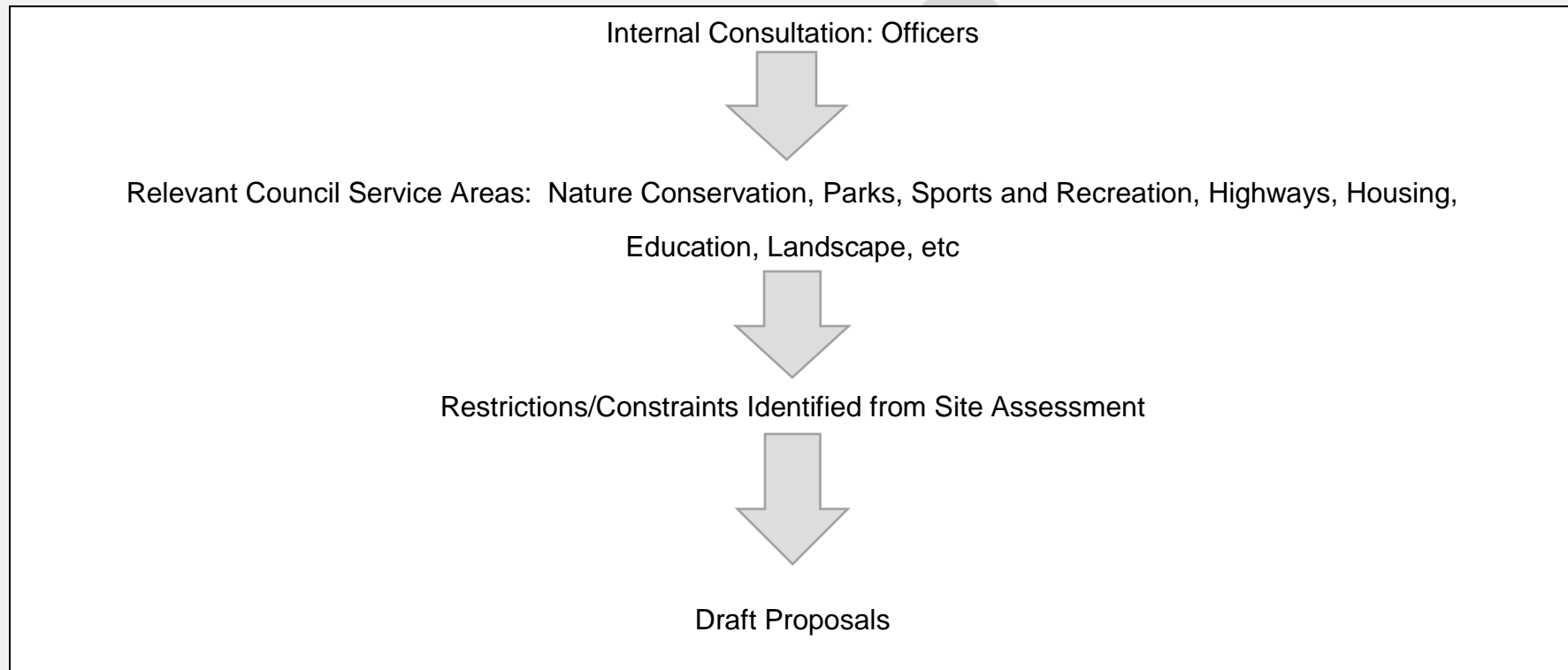
Check	Outcome	Comments
Soil - Condition/Type		
Ground - Wet/Dry		
Exposure – wind		
Exposure – sun/shade		
Other trees nearby		



Nearby trees lost to disease, age class etc		
Trees likely to cause disturbance i.e. root damage, branch overhang, block light/view, leaf litter - blockages/slip hazards, blossom/hay fever)		
Ecology of area <ul style="list-style-type: none"> <li>- Priority or other habitat</li> <li>- Species</li> <li>- Constraints</li> </ul>		
Ecological connectivity <ul style="list-style-type: none"> <li>- Existing</li> <li>- Potential</li> </ul>		
Nearby designated sites <ul style="list-style-type: none"> <li>- SSSI</li> <li>- SINC</li> </ul>		
Justification of selected tree species		
INNS in area		
Green/Blue Infrastructure <ul style="list-style-type: none"> <li>- Connectivity</li> <li>- Nearby GI assets</li> <li>- Issues to be tackled with GI (AQ, NFM)</li> <li>- Proximity to water body (blockages, WQ etc)</li> </ul>		
Future potential GI scheme in area		

Future land use Potential development area?		
Underground/Overground Services – water, gas, electric, internet		
Traffic impeding		
Site accessibility		
Landowner consent		
Heritage, Geological, Archaeological Interest. CADW consent		
WIMD – area of deprivation		
Anti-social behaviour		
Partnership collaboration		
FOG/Voluntary group		
Nearby school		
Planting method (contractors, volunteers, in-house etc.)		
Current maintenance of area		
Establishment assistance (i.e. mulching, watering etc.)		
Future maintenance & monitoring		
Grant criteria met		

## Consultation Process Flowchart



Internal Consultation: Members



Relevant Cabinet Members- Parks, Biodiversity, Leisure, etc



In principle support obtained



Local Ward Member(s) approval



Draft proposals revised

External Consultation



Friends of/Voluntary Groups/Community Councils, etc



Draft Proposals Revised (Reconsultation with Members if any material changes)



Public Consultation (on site and through Comms)



Final Design produced

Sign off



Seek final approval from Ward Member(s)



Seek final approval From Cabinet Member(s)



Notify relevant Service areas, e.g. Parks, Housing



Proceed to Planting Stage, tender works, etc