

BICESTER TOWN COUNCIL



MEETING OF ENVIRONMENT COMMITTEE

Ref: ENV03/1920

MONDAY 30th September 2019
at
7.00pm

**THE GARTH
LAUNTON ROAD
BICESTER
OX26 6PS**

Circulation:

Town Mayor: Councillor Jason Slaymaker

Committee Members

**Cllr Jason Slaymaker – Chairman
Cllr Zoe McLernon – Vice Chairman
Cllr Nick Cotter
Cllr Harry Knight
Cllr Nick Mawer
Cllr Richard Mould
Cllr Robert Nixon
Cllr Lynn Pratt
Cllr Les Sibley
Cllr Alex Thrupp**

Substitute Members

**Cllr Sean Gaul
Cllr Dan Hallett
Cllr James Metcalf
Cllr Dan Sames
Cllr Fraser Webster**

Other Circulation

**Cllr Lawrie Stratford – OCC
Cllr Michael Waine – OCC
Cllr Tom Wallis – CDC
Cllr Lucinda Wing – CDC
Bicester Library
Bicester Advertiser
Bicester Review
Oxford Mail**



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Oxon, OX26 6PS

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Friday 20th September 2019

Sir/Madam

To all Members of the Environment Committee

You are hereby summoned to attend a meeting of the Environment Committee to be held on **Monday 30th September 2019 at The Garth, Launton Road, Bicester OX26 6PS** to commence at **7.00pm**.


Samantha Shippen
Chief Officer

Members of the public and press are welcome to attend in accordance with the Public Bodies (Admission to meetings) Act 1960.

Copy Attached	Agenda item No	AGENDA
✓	1	APOLOGIES FOR ABSENCE
	2	DECLARATIONS OF INTEREST Councillors are reminded to declare any interests on any item on this agenda in accordance with Bicester Town Council's Code of Conduct.
	3	MINUTES OF ENVIRONMENT COMMITTEE To confirm the minutes and RESOLUTIONS of the following Environment Committee meeting: ENV02/1920 – 5th August 2019
	4	PUBLIC SESSION In accordance with Standing Orders 1 d-f, members of the public may make representations, ask questions and give evidence in respect of any item of business included in the agenda. Time allocated shall not exceed 10 minutes. No member of the public shall speak for more than 2 minutes.

Copy Attached	Agenda item No	AGENDA
✓	5	ADDITIONAL GRAVE SPACES Committee is asked to consider the attached report.
✓	6	GRIT BINS Committee is asked to consider the attached report.
✓	7	GROUND MAINTENANCE - SERVICE LEVEL AGREEMENT Committee is asked to consider the attached report.
✓	8	MACHINERY AND MAINTENANCE EQUIPMENT Committee is asked to consider the attached report.
✓	9	PROCESS FOR BOOKING OPEN SPACES Committee is asked to consider the attached report.
✓	10	TREE MANAGEMENT POLICY Committee is asked to consider the attached report
✓	11	FORWARD PLAN Committee is asked to review and comment on the forward plan.
	12	DATE OF NEXT MEETING: 3rd December 2019 CLOSE OF MEETING:

Minutes of a meeting of the Bicester Town Council Environment Committee held on **Monday 5th August 2019** at **The Garth, Launton Road, Bicester OX26 6PS**.

Present:

Cllr Jason Slaymaker - Chairman
 Cllr Zoe McLernon
 Cllr Richard Mould
 Cllr Robert Nixon
 Cllr Lynn Pratt
 Cllr Dan Sames
 Cllr Les Sibley
 Cllr Fraser Webster

In Attendance:

Chris Johnson – Operations Manager
 Julie Trinder – Administration Officer

Minute No.	Agenda No.	
145/1920	1	APOLOGIES FOR ABSENCE RESOLVED that apologies were received from Cllr Cotter, Cllr Knight and Cllr Mawe. Cllr Sames substituted for Cllr Mawe and Cllr Webster substituted for Cllr Knight.
146/1920	2	DECLARATIONS OF INTEREST No declarations of interest were received.
147/1920	3	MINUTES OF THE ENVIRONMENT COMMITTEE RESOLVED to confirm the minutes of the following Environment Committee meeting held on : ENV01/1920 4th June 2019
148/1920	4	PUBLIC SESSION A member of public was in attendance and gave a brief overview of Bure Park Juniors Football club.
149/1920	5	ALLOTMENT INSPECTION POLICY AMENDMENT RESOLVED that Committee AGREED the amended inspection policy in respect of ward members being advised of date and implement immediately.

Minute No.	Agenda No.	
150/1920	6	BURE PARK FC - STORAGE CONTAINER RESOLVED that Committee SUPPORT: 1. Bure Park FC with their continual development and grant permission to install the container at Pingle Field. Subject to planning permission being obtained. 2. BTC officers to guide and support the club through the appropriate planning process.
151/1920	7	GARTH PARK MEMORIAL BIN RESOLVED that Committee AGREED to purchase a new memorial bin to match the recently installed bench located in Garth Park.
152/1920	8	GARTH PARK FLORAL BEDDING AREAS RESOLVED that Committee AGREED: 1. To purchase the plants using quotation number 3 (£9059.62) due to cost and partner supplier recommendation. 2. To recommend to the finance committee to approve the budget cost spend. 3. To recognise the advice, support and work given from Graham Philpot with a gift. Recommend spending up to £50 to come out the Bloom budget. 4. To pass on thanks to Continental Landscapes for their contribution they have given in preparation for the regional and national bloom judging.
153/1920	9	GROUND MAINTENANCE UPDATE RESOLVED that the Committee NOTED: 1. Overall the contractors are performing to an acceptable standard. 2. Operations Manager chasing a programme/schedule of winter works to address areas such as woodlands and pathway. 3. Members were asked to continue to support Officers and advise on areas which appear to be out of contract specification. 4. That the wild flower area at Bure Park schedule be amended/reviewed for future years.
154/1920	10	RESOLVED to confirm the minutes of the following Events Working party held on: BE01/1920 16th May 2019 BE02/1920 23rd July 2019
155/1920	11	SKATE PARK OFFICIAL OPENING RESOLVED that Committee AGREED: 1. That an official opening of the skate park be organised. 2. A task and finish working party is established. 3. A budget be allocated to facilitate the event from the earmarked reserve. 4. That Officers be delegated the authority to organise the event in consultation with the task and finish working party.

Minute No.	Agenda No.	
156/1920	12	5. Elected members for the Task and Finish working party are: Cllr McLernon, Cllr Mould, Cllr Nixon, Cllr Sibley and Cllr Slaymaker. FORWARD PLAN RESOLVED to: • ADD time scale and funding from next year's budget to Wheelchair Swing.
157/1920	13	DATE OF NEXT MEETING: Monday 30th September 2019 - 7pm CLOSE OF MEETING: 8.05pm

ENVIRONMENT COMMITTEE MEETING

MONDAY 30TH SEPTEMBER 2019

ADDITIONAL GRAVE SPACES

Committee Chairman: Cllr Jason Slaymaker

Contact Officer: Chris Johnson – Operations Manager
01869 252915 chris.johnson@bicester.gov.uk

Ward Affected: South

1. BACKGROUND INFORMATION:

- 1.1. Bicester Town Council has a shortage of grave space within its owned Cemetery located at Old Place Yard, Bicester.
- 1.2. It has approximately 2 years grave space remaining before alternative measures will need to be considered.
- 1.3. Further investigations have been explored and with the removal of 16 trees in the new section it would provide a minimum of 21 extra grave spaces.
- 1.4. The additional grave spaces would be single depth.
- 1.5. The additional grave spaces would give approximately 6 months additional time.
- 1.6. The trees earmarked for removal have no tree preservation orders.

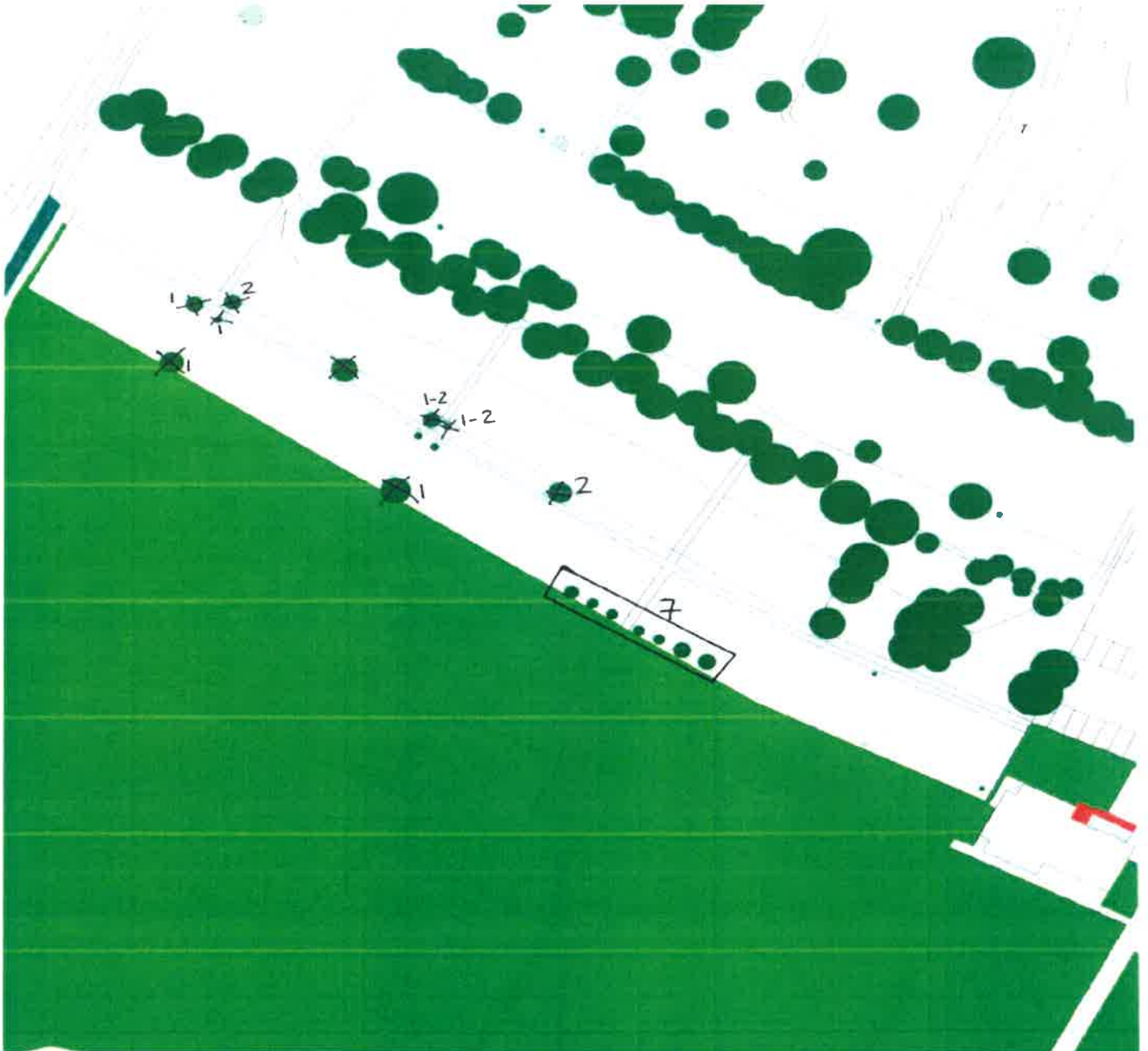
2. SUPPORTING DOCUMENTATION:

- 2.1 Map showing trees earmarked for removal.

3. RECOMMENDATION:

- 3.1 To remove the trees highlighted on the map to provide further grave spaces within the new section of the Cemetery.

Appendix 2.1



ENVIRONMENT COMMITTEE MEETING

MONDAY 30TH SEPTEMBER 2019

GRIT BINS

Committee Chairman: Cllr Jason Slaymaker

Contact Officer: Chris Johnson – Operations Manager
01869 252915 chris.johnson@bicester.gov.uk

Ward Affected: All

1. BACKGROUND INFORMATION:

- 1.1. All salt bins need to be requested through Oxfordshire County Council.
- 1.2. All new salt bin requests will be subject to an assessment process which may result in the request not being supported by Oxfordshire County Council.
- 1.3. Each bin costs £250 plus VAT and covers supply, installation and first fill.
- 1.4. Salt in the bins are intended for use on the public highway only, and bins have been sited in their location for a specific reason. It could be a criminal offence for it to be used for other than its intended use.
- 1.5. The bins supplied will not have locks on them: the salt is meant for public use to be spread on the highway, so locking them would defeat the object.
- 1.6. The amount of salt required to treat an area is much less than you think. As a guide 20g/m² (about a heaped tablespoon) should be sufficient to clear and protect a 1m² area of footway or carriageway surface.
- 1.7. Oxfordshire County Council will fill highway salt bins once if requested, but not on regular demand, unless there are specific circumstances for this to be undertaken.
- 1.8. Oxfordshire County Council will refill highway salt/grit bins once a year on request. They will aim to do this during the summer months.
- 1.9. Details of the current plotted locations can be found on the Oxfordshire County Council website <http://www.oxfordshirevoyager.com/network/map.aspx?maplayers>

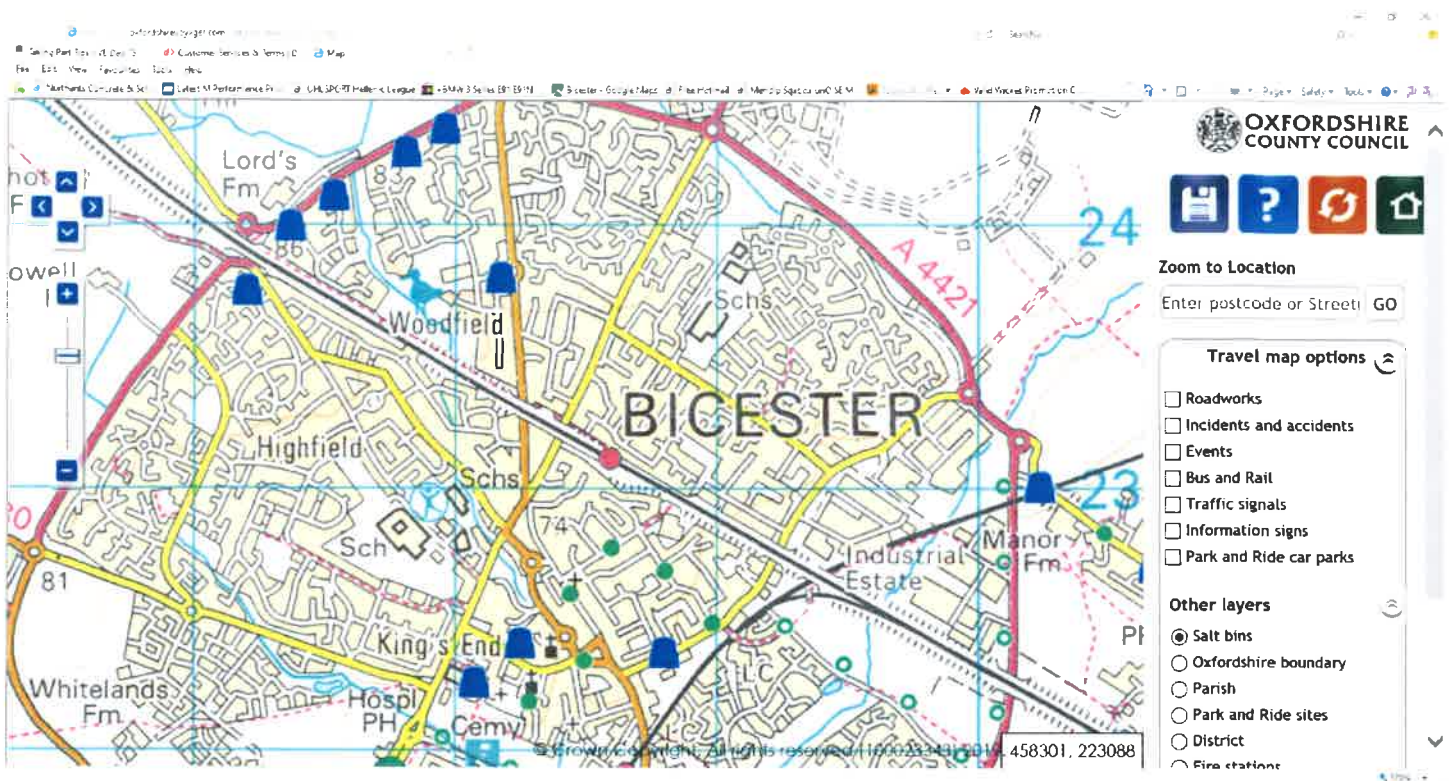
2. SUPPORTING DOCUMENTATION:

- 2.1 Example map with grit bin locations.

3. RECOMMENDATION:

- 3.1 To note the process for grit bins across the County.

Appendix 2.1



ENVIRONMENT COMMITTEE MEETING

MONDAY 30TH SEPTEMBER 2019

GROUNDS MAINTENANCE – SERVICE LEVEL AGREEMENT

Committee Chairman: Cllr Jason Slaymaker

Contact Officer: Chris Johnson – Operations Manager
01869 252915 chris.johnson@bicester.gov.uk

Ward Affected: All

1. BACKGROUND INFORMATION:

- 1.1. Bicester Town Council has now been presented with the service level agreement for the grounds maintenance contract which is dated from 1st April 2018 to 31st March 2024.
- 1.2. Cherwell District Council are requesting the document is signed and sealed at the earliest opportunity with any suggested corrections or changes.
- 1.3. Suggested areas for change/review include:
 - Frequency for performance meetings e.g. quarterly
 - Seasonal performance updates provided to BTC
 - Recording, monitoring and reporting CDC Officer time (landscape and Arboricultural)
 - Request support for initiatives such as 'Britain in Bloom'
 - Clear charges for further items such as copies of contracts and SLA's
 - Update Officer titles e.g. Town Clerk – Chief Officer
 - Timescales to be inserted with annual dates at which CPI will be calculated. This will assist with annual BTC budgeting
 - Systems such as purchase order number for tree works e.g. bulk work orders
 - Service changes procedure
 - Invoice payments – On time, enquiry periods and flexibility following any issues raised
 - Future sla/contract works section
- 1.4. Members are asked to provide comments and suggestions on the draft service level agreement.

2. SUPPORTING DOCUMENTATION:

- 2.1 Draft service level agreement.

3. RECOMMENDATIONS:

- 3.1 To approve the draft service level agreement with any further recommendations to be incorporated.
- 3.2 To instruct officers to incorporate changes and sign/seal the grounds maintenance service level agreement.

Appendix 2.1

Dated

2018

CHERWELL DISTRICT COUNCIL

-and-

BICESTER TOWN COUNCIL

SERVICE LEVEL

AGREEMENT

relating to the

provision of landscape services

in respect of the period 1 April 2018 – 31 March 2024

THIS SERVICE LEVEL AGREEMENT is made the day of 2018

BETWEEN:

- (1) **CHERWELL DISTRICT COUNCIL** of Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA (the "District Council"); and
- (2) **BICESTER TOWN COUNCIL** of The Garth, Launton Road, Bicester, Oxfordshire, OX26 6PS (the "Town Council").

WHEREAS

The District Council has agreed to provide the Town Council with the Services hereinafter described (the "Services") for the period and upon the terms and for the consideration hereinafter mentioned.

1. INTRODUCTION

- 1.1 This Agreement is intended to guide the working relationship between the two parties in regard, amongst other things, to the management and administration of a Landscape Maintenance contract (the "LM Contract") dated 1 April 2018 and made between the District Council (1) and Continental Landscapes Limited (the "Landscape Contractor") (2) insofar as the LM Contract is concerned with landscape maintenance activities on land owned by the Town Council or land on which the Town Council has assumed responsibility. It will also form the basis for the recharging of costs for the Services provided by the District Council as hereinafter described.
- 1.2 The Services to be provided by the District Council will include a professional advisory and management service to the Town Council based on the items of work and sites included in the LM Contract. The Landscape Contractor shall carry out all the direct works under the supervision and instruction of the District Council's Landscape Officers. Where certain specialist tasks and hard construction work is required a specialist contractor may be appointed with the approval of the Town Council and will be supervised and instructed by the District Council's Landscape Officers.
- 1.3 Under the review and tendering of the LM Contract the Town Council has agreed its terms and conditions, the technical specifications, the sites/features to be included and the quantities and rates as tendered. Although the District Council may be precluded by law from negotiating changes to the LM Contract that alter significantly the quantity or scope of the services delivered under it, the quantities of measured work may be determined by the Town Council and sites and measured areas may be added or subtracted from the LM Contract on the understanding that (a) reasonable periods of notice shall be given for such changes to be made and that (b) they will not have a major effect on the viability or composition of the LM Contract.
- 1.4 Words denoting the singular shall include the plural and vice versa, words denoting the masculine gender shall include the feminine gender and vice versa and words denoting persons shall include corporations.

- 1.5 Reference to a Clause shall be deemed to be reference to a clause of this Agreement and reference to a Sub-Clause shall be deemed to be a reference to a sub-clause of the clause to which the reference appears.
- 1.6 In this Agreement, clause headings are included for ease of reference only and shall not affect this Agreement or the interpretation hereof.

2. ORGANISATIONAL REPRESENTATION

- 2.1 The District Council shall be represented by the Street Scene & Landscape Manager, and he will be assisted by the Landscape and Arboricultural Officers. The Street Scene and Landscape Manager shall lead on contract and budget issues, while day to day matters will be addressed by the Landscape and Arboricultural Officers.
- 2.2 The Town Council shall be represented by the Chief Officer who shall lead on contract and budget issues and may delegate as necessary to other Town Council members of staff.

3. SCOPE OF SERVICE

3.1 Generally

- 3.1.1 In consideration of the Town Council paying to the District Council the charges for the Services as set out in this Agreement the District Council hereby agrees to provide the Services during the period specified in Clause 3.5.
- 3.1.2 The District Council will provide the Services expeditiously and diligently and with all reasonable skill and care expected of a professional service provider skilled and experienced in the provision of services of the type being provided hereunder in accordance with the provisions of this Agreement.

3.2 Professional Officer Advice

The District Council shall provide the Town Council with professional advice on Landscape and Arboricultural matters. The District Council's Landscape Officers will attend regular performance review meetings with the Town Council's Officers/Members to discuss contract issues, standards of service, workmanship and annual budgets. Client meetings will be attended as reasonably required by the Town Council. It is also anticipated that more informal meetings will take place between officers on a regular basis.

3.3 Officer Allocation

- 3.3.1 It is anticipated that the Landscape Officer for the south of the District will spend on average 14 hours and 48 minutes each week attending to landscape issues arising from or connected with this Agreement. This time is stated as an average as it will vary per week according to seasonal issues and the precise needs of the service. In carrying out his duties the Landscape Officer shall receive all necessary managerial and administrative support from the District Council.

- 3.3.2 It is anticipated that the Arboricultural Officer for the south of the District will spend on average 11 hours and 6 minutes per week addressing arboricultural issues arising from or connected with this Agreement. This time is stated as an average as it will vary per week according to seasonal issues and the precise needs of the service. In carrying out his duties the Arboricultural Officer shall receive all necessary managerial and administrative support from the District Council
- 3.3.3 The support of the Street Scene & Landscape Manager will also be available to advise on budgets, contract issues, and to attend meetings of the Town Council.
- 3.3.4 The Town Council will provide such officer support and assistance with the District Council's entry into the 'Britain in Bloom' contest as the District Council may reasonably require.
- 3.3.5 Without prejudice to the generality of clause 3.2, under the landscape service:
- The Landscape Officer will carry out routine inspections of landscape maintenance standards on landscape features owned by the Town Council;
 - The Landscape Officer will provide a proactive service by evaluating and advising the Town Council on a suitable programme to complete any improvement or other soft landscape works, based on priority rating and target area; and
 - All quotations for landscape works, approved by Bicester Town Council, will be issued on a Variation Works Order and managed by the Landscape Officer.
- 3.3.6 Without prejudice to the generality of clause 3.2, under the arboricultural service:
- The Arboricultural Officer will provide a proactive service by carrying out ongoing routine inspections, the frequency of which will be determined by the tree condition and target area;
 - The Arboricultural Officer will evaluate the recommendations and advise the Town Council on a suitable programme to complete the identified works, based on priority rating and target area;
 - The Arboricultural Officer will review evidence and provide advice to Bicester Town Council on any subsidence investigations in relation to trees on their land; and
 - All quotations for tree works, approved by Bicester Town Council will be issued on a Tree Works Order and managed by the Arboricultural Officer.

3.4 LM Contract Documentation

- 3.4.1 The District Council shall provide the Town Council (on the first occasion free of charge) with copies of the following documentation connected with the LM Contract:
- ◆ Contract Conditions,
 - ◆ Technical Specifications,
 - ◆ Inventory of Sites, Features, and Tasks,
 - ◆ Bill of Quantities, Schedule of Rates and Day Rates,
 - ◆ Digitised copies of maps for area's belonging to the Town Council, to be updated annually.

- 3.4.2 These documents shall remain the property of the District Council and may not be copied or passed to a third party without the District Council's written permission which, if given, shall be on such terms as the District Council may determine in its absolute discretion.

3.5 Duration of Services

The Services will be provided by the District Council to the Town Council from 1 April 2018 until 31 March 2024.

3.6 Contract Area

The contract area is deemed to be all sites included within the Inventory of Sites, Features, and Tasks, and all tasks/operations tendered within the LM Contract.

3.7 Contract Management

- 3.7.1 The District Council's Officers will monitor and manage the LM Contract through site inspections and contract instructions to ensure reasonable compliance by the Landscape Contractor with the requirements of the LM Contract.
- 3.7.2 The District Council's Officers are authorised to enter upon Town Council land at all times in order to inspect and execute work on behalf of the Town Council. For the purpose of carrying out their contracted duties the Landscape Contractor is also authorised to enter upon those Town Council sites that are included within the schedule of sites in the LM Contract.
- 3.7.3 The District Council through its contract with the Landscape Contractor shall provide all the plant and equipment and materials required for the normal operation of the contract and maintenance service in relation to Town Council sites. Certain materials may be supplied by other specialist suppliers i.e. the floral bedding and floral baskets.
- 3.7.4 Where issues arise regarding the contract and maintenance service the District Council's representatives shall take initiatives to overcome them and achieve continuity of service without compromising public safety, contract standards or agreed costs and timescales. Any substantial implications for costs and timescale shall be reported to the Town Clerk for agreement before works are instructed
- 3.7.5 The District Council will hold formal monthly contract meetings with the Landscape Contractor. Any Town Council issues will be raised at these meetings and copies of those minutes will be provided to the Town Council.

3.8 Scheduled Work

3.8.1 The conditions, specifications, frequencies, rates and standards of the work scheduled to be undertaken by the Landscape Contractor in relation to:

- ◆ Grass maintenance. (Including amenity and wild flora areas)
- ◆ Horticultural maintenance. (Including rose and shrub beds and hedgerows)
- ◆ Floral Provision. (Floral baskets, bedding etc.)
- ◆ Chemical applications (Mainly to highway kerbs and channels)
- ◆ Cleansing operations. (Clearance of litter from landscape areas.)

are set out in the LM Contract.

3.8.2 The Town Council agrees to pay, after deduction of any grant due, 50% of the District Council's costs of maintaining Highway grass verges under the delegated Agency Agreement between the District Council and Oxfordshire County Council.

3.9 Variation Order Work

3.9.1 If the Town Council should require any additional work to be provided by the Landscape Contractor then the cost to the Town Council of such work shall be agreed between the District Council and the Town Council before any instruction in connection therewith is issued by the District Council to the Landscape Contractor. Areas covered by this arrangement will be:

- ◆ Arboricultural (Tree) operations. (Schedule of Rates),
- ◆ Landscape development works. (Schedule of Rates/Day Rates),
- ◆ Specialist works carried out by specialist contractors (One-Off Quote),
- ◆ Material Purchases (One-Off Quote).

3.9.2 Whilst the District Council will use all reasonable endeavours to secure the carrying out of Variation Order Work by the Landscape Contractor, the District Council does not warrant that such Variation Order Work will be undertaken by the Landscape Contractor.

3.10 Variations to the Services

Each party shall have the right at any time to request the other party to agree a variation to the Services provided by the District Council hereunder.

Following such request, the District Council shall prepare a written proposal describing the variation to the Service and the costs of the variation, which shall be a fair and reasonable adjustment of the sum specified in clause 5.2.

The parties shall then enter into negotiations regarding the variation proposal.

Neither party shall be obliged to proceed with any variation to the Services until a proposal is agreed between them in writing and unless and until such agreement is reached the District Council shall continue to provide the Services in accordance in all respects with the provisions of this Agreement.

3.11 Termination of the Services

3.11.1 Notwithstanding any other provision contained herein, this Agreement may be terminated:

- ◆ by the District Council forthwith on giving notice in writing to the Town Council if the Town Council shall fail to pay any sum due under the terms of this Agreement (otherwise than as a consequence of any default on the part of the District Council) and such sum remains unpaid for 30 days after written notice from the District Council that such sum has not been paid (such notice to contain a warning of the District Council's intention to terminate); or
- ◆ by either party forthwith on giving 21 days notice in writing to the other if the other commits any material breach of any term of this Agreement (other than any failure by the Town Council to make any payment hereunder in which event the provisions of Sub-Clause 3.11.1 above shall apply) and (in the case of a breach capable of being remedied) shall have failed, within 28 days after the receipt of a request in writing from the other party to do so, to remedy the breach (such request to contain a warning of such party's intention to terminate).

3.11.2 In the event of early termination of the LM Contract for any cause or reason whatsoever this Agreement shall forthwith determine and everything herein contained shall cease and be void but without prejudice to the rights and remedies of either party against the other in respect of any antecedent claim for breach of contract and the District Council shall have no liability to pay compensation to the Town Council for any resulting loss save an obligation to refund all or part of any sums paid by the Town Council for Services arising after the date of termination aforesaid.

4. COMMUNICATIONS

4.1 Reporting Mechanism and Instructions

4.1.1 It is expected that all day to day matters relating to the Services shall be reported to the District Council's Landscape Officer, Arboricultural Officer or Street Scene & Landscape Services Manager. Reporting will be either verbal, by telephone, email or formal written instruction, depending upon the nature and content of the instructions and their potential consequences. All instructions and permissions given by the Town Council shall be given and confirmed in writing and the District Council shall notify the Town Council in writing when for any reason they are unable to comply with a given notice.

4.1.2 If, for any reason, the Town Council is not satisfied with the Landscape Contractor's performance, this should be reported immediately to the District Council's Landscape Officers who will inspect and take the necessary corrective action. Although the monitoring of performance by the Town Council's staff / Members is welcomed it is essential that they do not instruct the Landscape Contractor's staff directly.

4.2 Protocol for Emergency Instruction

4.2.1 In the event of an emergency and should the Town Council's officers be unable to contact the District Council's Officers, they may contact the Environmental Services Administration Team directly. Should a situation arise out of normal office working hours (Late evenings, weekends, Bank Holidays) when the Town Council's officers, after failing to contact the District Council's Officers, feel that they have no alternative they should utilise the Council's emergency out of hours number as provided. Examples of this would include:

- ◆ If they find that the Landscape Contractor has failed to carry out work previously instructed and required urgently for a special or organised event.
- ◆ If they find that a site or work that the District Council is responsible for has been left in a state that may be a hazard to the public.

4.2.2 In the very exceptional circumstance where the Town Council are not able to get a response from the Landscape Officers in an emergency and feel they have no alternative but to instruct the work themselves through some other contractor, they may do so and charge the cost of such work back to the District Council. The District Council will require a full written report on the matter and evidence that the Town Council obtained a reasonable cost for such work

5 FINANCIAL MANAGEMENT

5.1 Basis of Charge

5.1.1 The District Council shall present the Town Council with annual cost estimates which shall be updated by Consumer Prices Index (CPI) inflation and in line with any agreed increase or decrease in the Services required.

5.1.2 The charge for the Services are based upon the Employee, Premises, Supplies and Services, Agency and Contracted costs and the Support Services charged to the Town Council. For clarification:

- ◆ Employee costs include salaries, training, car / travelling, telephones, PPE etc. and employee related insurance for Landscape Officers employed directly on providing the Services to the Town Council. This is charged on the basis of the proportion of each Landscape Officer's time allocated to supporting the Services to the Town Council.
- ◆ Premises costs are the proportionate cost of office accommodation for the Landscape Officers directly employed on the Town Council's work. Again this is proportionate to the amount of time each Landscape Officer spends on the Services to the Town Council.
- ◆ The Contracted costs are based upon the direct costs charged to the District Council by the Landscape Contractor engaged on the Town Council's work. This will be determined by the Sites, Features, Tasks included within the LM Contract. Any additional order work or material purchases will be highlighted separately on the invoice breakdown detail.

- ◆ The District Council's Support Service Costs. These are essential to effective working of the Services, the Landscape Officers and the management and operation of the LM Contract. They include relevant insurances, IT systems, stationary, postage, mobile and office phones, public enquiry service, accountancy, payroll and health and safety services charged proportionately to the Town Council's work.

5.2 Cost of Service

- 5.2.1 The cost of the Services for 2018/2019 is **£305,749.13** plus VAT, which shall be paid at the rate and in the manner for the time being prescribed by law.
- 5.2.2 The Town Council acknowledges and agrees the cost for the Services specified in clause 5.2.1 only covers scheduled work for the sites included in the inventory at 1 April 2018. It shall be recalculated by the District Council each year having regard to:
- ◆ Any LM Contract inventory amendments (new or deleted sites/features/tasks) ordered by the Town Council or made with its consent
 - ◆ Any Variation Order Works ordered by the client
 - ◆ Any Material Purchases ordered by the client
 - ◆ Any Default Notices issued
 - ◆ Inflation Increases

5.3 Invoicing

- 5.3.1 The District Council shall throughout the period referred to in clause 3.5 invoice the Town Council, and the Town Council shall pay, for all costs connected with the provision of the Services under this Agreement on a quarterly basis, and payment shall become due within 30 days of the date of such invoice.
- 5.3.2 A full breakdown indicating the costs incurred by the District Council as a result of providing the Services on behalf of the Town Council will be produced prior to sending the invoice. This will show:
- ◆ Direct Management Costs
 - ◆ Direct Contractor Costs
 - ◆ Direct Material Purchase Costs
 - ◆ Support Service Costs

6. INTEREST

If and whenever any sum due under the provisions of this Agreement shall at any time remain unpaid after a period of 30 days from the date of any invoice issued under clause 5.3, a further additional sum by way of interest on the amount due calculated on a day to day basis at an annual rate of 4 per cent higher than the seven day LIBOR ruling from time to time from the date upon which sum first became payable until paid shall be paid to the party to whom the said outstanding sum is due.

7. ASSIGNMENT AND SUB-CONTRACTING

The District Council shall not assign this Agreement or any part thereof nor sub-contract the carrying out of the Services or any part thereof without the prior written consent of the Town Council, such consent not to be unreasonably withheld or delayed.

8. COMPLAINTS AND DISPUTE RESOLUTION

8.1 Complaints

- 8.1.1 The Town Council will notify the District Council in writing of any reasonable and non-vexatious complaint it may have in relation to the provision of the Services as provided for in this Agreement.
- 8.1.2 Where such complaint is made the District Council will conduct an investigation into the complaint and provide an initial response to the Town Council within 5 working days of receipt of notification of the complaint and a full response within 20 working days.
- 8.1.3 Where such complaint is deemed by the Town Council acting reasonably to be urgent the District Council shall respond within three working days or sooner where matters of public health are concerned.
- 8.1.4 Where such complaint is upheld the District Council will take all necessary remedial action within 10 working days if the complaint is deemed by the Town Council to be urgent or if it concerns matters of public health.
- 8.1.5 If such complaint cannot be resolved then the parties shall refer the dispute to the procedure in Clause 8.2.

8.2 Dispute Resolution

- 8.2.1 Any disputes or differences arising between the parties hereto in respect of any matter arising out of or connected with the subject matter of this Agreement shall be referred to the District Council's Chief Executive (or other officer of the District Council nominated by him) and the Town Council's Chief Officer (or other officer of the Town Council nominated by him) who shall between them attempt to resolve the dispute. In the event that any dispute is not resolved by the District Council's Chief Executive and the Town Council's Chief Officer (or their nominated officers), the provisions of Clause 8.2.2 of this Agreement will operate.

- 8.2.2 Save as otherwise herein expressly provided and subject to the provisions of Clause 8.2.1 any disputes or differences arising between the parties hereto as between their respective rights duties or obligations or to any other matter or thing in any way arising out of or connected with the subject matter of this Agreement shall be referred to the determination of a single independent assessor acting as an expert and not as arbitrator to be agreed upon by the parties or failing agreement to be a person nominated by the President for the time being of the Law Society and the decision of the said assessor shall be final and binding on the parties hereto.

9. NOTICES

Any notice to be given hereunder shall be in writing and shall be sufficiently served if delivered by hand and receipted for by the recipient or sent by the Recorded Delivery Service addressed in the case of the District Council to its Chief Executive at Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA or in the case of the Town Council to its Town Clerk at the Town Council's offices at The Garth, Launton Road, Bicester, Oxfordshire, OX26 6PS or to such other addresses as either party may from time to time notify to the other in accordance with the provisions of this Clause 9.

10. INDEMNITY

- 10.1.1 Subject as hereinafter provided, the District Council will fully indemnify and keep the Town Council indemnified from and against all costs, claims, losses, damages, penalties or other liabilities which at any time hereafter are suffered or incurred by the Town Council and which arise directly from the District Council's performance or non-performance of the Services.
- 10.1.2 The annual aggregate liability of the District Council under this Agreement for all and any claims (excluding liability for death or injury to persons caused by the District Council's negligence) arising in each year of the Agreement beginning 1 April 2018, whether in contract, tort, breach of statutory duty or otherwise, shall be limited to £300,000.00 (three hundred thousand pounds).
- 10.1.3 The District Council shall not be liable to the Town Council for any loss of profit, loss of revenue, business interruption, or any indirect or consequential losses incurred by the Town Council, whether caused by negligence, breach of duty (statutory or otherwise), breach of contract or otherwise and whether or not such losses were foreseeable at the time of entering into this Agreement.

11. INSURANCE

The District Council will ensure that its Landscape Officers are insured and are appropriately trained to carry out the Services in accordance with the provisions of this Agreement.

IN WITNESS whereof this Agreement has been executed by the parties hereto as a Deed and delivered on the day and year hereinbefore written.

THE COMMON SEAL of CHERWELL)
DISTRICT COUNCIL was hereunto)
affixed in the presence of:-)

.....
Authorised Signatory

THE COMMON SEAL of BICESTER)
TOWN COUNCIL was hereunto affixed)
in the presence of:-)

.....
Chief Officer

ENVIRONMENT COMMITTEE MEETING

MONDAY 30TH SEPTEMBER 2019

MACHINERY AND MAINTENANCE EQUIPMENT

Committee Chairman: Cllr Jason Slaymaker

Contact Officer: Chris Johnson – Operations Manager
01869 252915 chris.johnson@bicester.gov.uk

Ward Affected: All

1. BACKGROUND INFORMATION:

1.1. The Town Council maintenance team operates a service across all areas using a wide range of ground maintenance equipment.

1.2. Some of the equipment used with the team has now become surplus to requires due to reasons such as:

- High running costs
- Out of date specification
- Unsafe for operatives
- Not efficient

1.3. Most of the equipment has now been replaced with newer models offering safe working practices with greater efficiencies.

1.4. The list of equipment includes the following:

- Port Agric Roller Mower Topper
- Bear cat Chipper
- Mounted Chain Harrows
- BCS 740 Tracmaster Rotovator
- Billy Goat
- John Deere Ride on
- Hayter Ride on

1.5. The equipment has been valued by local grounds maintenance suppliers PA Turney and would purchase the equipment from the Town Council in the form of a credit on our account.

1.6. The credit of the machinery could go towards servicing/repair costs or any new items of machinery required by the team.

1.7. It is not advised to sell these items on privately.

2. FINANCIAL INFORMATION:

2.1 Valued costs from PA Turney:

• Port Agric Roller Mower Topper	£500.00
• Bear cat Chipper	£400.00
• Mounted Chain Harrows	£250.00
• BCS 740 Tracmaster Rotovator	£450.00
• Billy Goat	£100.00
• John Deere Ride on	£1,000.00
• Hayter Ride on	£1,500.00

Total Account Credit Cost: £4200.00

3. RECOMMENDATION:

- 3.1 Move on the listed equipment to PA Turney and credit the Bicester Town Council account for future service, repair and equipment requirements.

ENVIRONMENT COMMITTEE MEETING

MONDAY 30TH SEPTEMBER 2019

PROCESS FOR BOOKING OPEN SPACES

Committee Chairman: Cllr Jason Slaymaker

Contact Officer: Chris Johnson – Operations Manager
01869 252915 chris.johnson@bicester.gov.uk

Ward Affected: All

1. BACKGROUND INFORMATION:

- 1.1. The Town Council owns and leases a number of open spaces across the Town which can be used for numerous recreational purposes.
- 1.2. The areas are maintained via a contract with Cherwell District Council and the sports pitches are preserved by BTC maintenance team
- 1.3. Most of the open spaces can be hired out for activities ranging from fairgrounds to charity fun runs.
- 1.4. All applications are dealt with on an individual basis to ensure the site is suitable for the proposed activity taking place on the desired site.
- 1.5. All bookings require an application prior to permission and fee being agreed.
- 1.6. BTC has a tariff of charges for open space hire.
- 1.7. Charity/non-profit events will not normally be charged. Charges may apply for areas such as damage or staff requirements.
- 1.8. Garth Park is the only area where permission for any activity is normally restricted due to the following reasons:
 - Size of the park cannot accommodate large scaled activities as well as being open to the main public.
 - Parking provision is limited.
 - Control of users e.g. personal fitness trainers.
 - Not suitable for many requests/activities.
 - Locked gate provision.
 - A fair stance for all to adhere to.

2. SUPPORTING DOCUMENTATION:

- 2.1 Open spaces application form.

3. RECOMMENDATION:

- 3.1 To note the process for booking the Bicester Town Council open spaces.

Appendix 2.1

Hire of Parks and Open Spaces

Application Form

**BICESTER**
TOWN COUNCIL**Please note:**

- This form must be completed in black ink and CAPITAL LETTERS
- This application must be made a minimum of ten weeks in advance of the date of hire.
- Applicants must be over eighteen years of age.
- You must complete this form as fully as you can; the more information we have, the easier it is for us to assess your application.

PROPOSED NAME OF EVENT:**SECTION 1: Hirer's details**

Name:	
Organisation:	
Position held:	
Address:	
Phone (home):	
Phone (mobile):	
Phone (work):	
Fax:	
Email address:	

Second contact

Name:	
Organisation:	
Position held:	
Address:	
Phone (home):	
Phone (mobile):	

Phone (work):

Fax:

Email address:

SECTION 2: Key information about the hire

What type of event or activity do you want to hold?

Which park or open space do you want to hire (full address required)?

When do you want to hire the park or open space?

Access date/time:

Open date/time:

Close date/time:

Vacate date/time:

How many people do you expect to attend (including maximum attendance at anyone time)?

What is the purpose of the event or activity?

If it is to raise money for a charity, please give details (including registered charity number)?

Circle either yes or no to indicate if the following will be taking place as part of the proposed event:

RULE	DESCRIPTION	YES/NO
A	Will there be any plays/theatre taking place at the event?	Yes / No
	If yes, please give details:	
B	Will you be showing any films/cinema at the event?	Yes / No
	If yes, please give details:	
C	Will you be holding any sporting activities at the event?	Yes / No
	If yes, please give details:	
D	Will there be any form of live music at the event?	Yes / No

	If yes, please give details:	
E	Will there be any form of recorded music at the event?	Yes / No
	If yes, please give details:	
F	Will there be any dance performances at the event?	Yes / No
	If yes, please give details:	
G	Will there be any activities similar to E, F or G above?	Yes / No
	If yes, please give details:	
H	Will there be facilities for making music?	Yes / No
	If yes, please give details:	
I	Will there be facilities for dancing?	Yes / No
	If yes, please give details:	
J	Will there be any activities similar to I or J above?	Yes / No
	If yes, please give details:	
K	Will there be supply of alcohol?	Yes / No
	If yes, please give details:	
L	Will there be any entertainment of an adult nature? E.g. activities involving nude physical nature or obscene language.	Yes / No
	If yes, please give details:	

SECTION 3: Site and safety

Please circle either yes or no to indicate, if you plan to carry out any of the following activities and provide as much information as possible in the 'details' section.

DO YOU PLAN TO:	YES/NO	PLEASE PROVIDE DETAILS
Erect tents and/or marquees	Yes / No	
Use heavy equipment	Yes / No	
Bring vehicles onto the site	Yes / No	(give number and type, or specify if heavy machinery)
Install power (electricity)	Yes / No	
Let off fireworks	Yes / No	
Have novelty rides	Yes / No	

		(if you are having a funfair at your event it is your responsibility to administer appropriately)
Erect side shows and/or stalls	Yes / No	
Entry charge/restricted access	Yes / No	
Provide car parking	Yes / No	

SECTION 4: Environmental health

Please circle either yes or no to indicate, if you plan to carry out any of the following activities and provide as much information as possible in the 'details' section.

DO YOU PLAN TO:	1 YES/NO	PLEASE PROVIDE DETAILS
Provide toilet facilities	Yes / No	
Have live music and/or dancing	Yes / No	
Use amplification equipment	Yes / No	
Have a licensed bar	Yes / No	
Sell food/let a food concession	Yes / No	
Cook food on site	Yes / No	
Water requirement	Yes / No	

SECTION 5: Other

Please circle either yes or no to indicate, if you plan to carry out any of the following activities and provide as much information as possible in the 'details' section.

DO YOU PLAN TO:	YES/NO	PLEASE PROVIDE DETAILS
Provide your own security	Yes / No	(please confirm numbers/qualifications and locations)
Hold arena displays	Yes / No	
Sell any items	Yes / No	
Use amplification equipment	Yes / No	

Hire equipment from BTC	Yes / No	
Use animals for rides	Yes / No	
Hold an animal show	Yes / No	
Use animals for displays	Yes / No	
Hold sporting activities	Yes / No	
Use the Council's sport pitches	Yes / No	
Have areas marked out	Yes / No	

SECTION 6: To support your application

For your application to have a better chance of success, you should also send the following. Bicester Town Council must receive these documents at least 28 days prior to the event date.

Please circle either yes or no in the box on the right if you have included these items.

ADDITIONAL INFORMATION DOCUMENTS	INCLUDED
Details of how your proposed event will be funded (to show expenditure and income)	Yes / No
A site map showing the proposed event layout	Yes / No
Details of your proposed suppliers and caterers (including cleaners and cleaning schedule)	Yes / No
A copy of your security plan	Yes / No
The proposed programme for the event (and programmes from previous events if applicable)	Yes / No
Safety plan to include emergency procedures and named responsible person(s)	Yes / No
A risk assessment (and method statements where applicable)	Yes / No
A copy of your license to sell alcohol relevant to the site (where applicable)	Yes / No
A copy of your Temporary Event Licence (if required)	Yes / No
Copies of insurance documents	Yes / No
Two references	Yes / No

SECTION 7: References

Please enter the details of two referees who can confirm your event management experience. One must be a referee for the site manager on the day(s) of the event. The referees must be independent of your organisation.

Referee 1:

Name:	
Organisation:	
Position held:	
Address:	
Phone (home):	
Phone (mobile):	
Phone (work):	
Fax:	
Email address:	

Supporting statement

Referee 2:

Name:	
Organisation:	
Position held:	
Address:	
Phone (home):	
Phone (mobile):	
Phone (work):	
Fax:	

Email address:

Supporting statement

2 SECTION 8: Signature of agreement

I/We have read the Council's terms and conditions for the hire of a park or open space, and agree to comply with and be bound by them if this application is approved.

Applicant's signature:

Date:

For and on behalf of (organisation):

Please return this form and supporting documentation to:

Chris Johnson

Operations Manager

Bicester Town Council

Launton Road

Bicester

Oxon

OX26 6PS

Or email to: chris.johnson@bicester.gov.uk marking your email '**PARK / OPEN SPACE HIRE APPLICATION**'

OFFICE USE ONLY:

Date received:

By:

Application acknowledged by:

Date:

Application response date:

By:

ENVIRONMENT COMMITTEE MEETING

MONDAY 30TH SEPTEMBER 2019

TREE MANAGEMENT POLICY

Committee Chairman: Cllr Jason Slaymaker

Contact Officer: Chris Johnson – Operations Manager
01869 252915 chris.johnson@bicester.gov.uk

Ward Affected: All

1. BACKGROUND INFORMATION:

- 1.1. Bicester Town Council is responsible for over 6000 tree, principally those positioned on land owned by the BTC.
- 1.2. Bicester's tree are of immense environmental and aesthetical value to the Town and its residents. The care of these trees are vital as they brighten up streets, provide habitat for wildlife and help to reduce climate change.
- 1.3. BTC recognises these benefits, seeking to preserve healthy trees and encourage the planting of new trees where possible. Whilst the majority live and grow without incident, a number of trees located in densely populated areas pose challenges and risks that need to be managed now and in the future.
- 1.4. BTC currently has no tree management policy but the introduction of a management would show how we intend to increase the number of trees in Bicester, how we manage the tree stock effectively, and how we reduce the risk that certain trees pose to the public.
- 1.5. The overall aim of the tree policy is to ensure that BTC's tree stock is retained, enhanced and increased in the most proactive manner whilst ensuring the health, safety and well-being of the public and property.
- 1.6. A tree policy should not cover trees in private ownership which are outside Bicester Town Councils. Trees in private ownership are the responsibility of the private landowner. The policy also does not cover Tree Preservation Orders, Conservation Areas which is administered by Cherwell District Council.
- 1.7. BTC undertakes a rolling 5 year inspection programme of its trees in partnership with CDC. This information is held on a database of trees and plotted on a geographical information system. The inspection programme is designed to assess the trees' condition and health whilst highlighting any work that may be required to ensure the tree is retained in the best possible condition.
- 1.8. The inspection programme is essential to satisfy BTC insurers both past and present. The inspection will rate the tree in a low, medium and high category relating to the required works.

- 1.9. BTC have a service level agreement with CDC for arboricultural services. The arboricultural officer inspect the trees as per requirements and make works recommendations and give a quotation.
- 1.10. Quotations are made through the current contract schedule of rates. These costs currently offer good value for money.
- 1.11. The need for a tree policy will assist in the process of new build estates across the Town. It will give a clear status of what we will and wont accept when handing over the ownership of trees to BTC.
- 1.12. A policy will give clear direction will give developers and planners as clear picture as to what BTC expect for new planting schemes.
- 1.13. A tree policy will give BTC the clear direction to address regular residential complaints such as:
 - Blocking light
 - Television or satellite signals
 - Residents do not '*like*' the tree
 - Leaf or fruit drop
 - Unproven allegations of subsidence or direct damage
 - Perceived threat
 - The tree's size; '*its got too big*'
 - The tree '*moves in the wind*'
 - Bird droppings
 - Individuals medical conditions

2. SUPPORTING DOCUMENTATION:

- 2.1 Example tree policy – Salisbury City Council
- 2.2 Example tree policy – Wiltshire Council
- 2.3 Example tree policy – Great Aycliffe Town Council

3. RECOMMENDATION:

- 3.1 To instruct the officer to start working on a tree policy for Bicester Town Council and bring back to the Environment Committee once completed.
- 3.2 Members to forward suggestions to the officer at the earliest opportunity.



Tree Policy

Policy Number	Version	Author	Doc No.	PDF No.	Date Published	Review Due	Review Team
CS023	2	DB	50282		12 Nov '15	1 Nov '18	Man
CS023	1	DB	50282	51471	1 July '15	1 July '18	Man

Distribution

Internal: All SCC Staff

Index:

	Topic	Page
1	Responsibilities of Salisbury City Council	4
2	Tree Risk Management System and Risk Zones	5
3	Tree Risk Assessment	6
4	Guidance - Requested Tree Works	9
5	Standard of Works - Appointment of Contractors	14
6	Tree Planting and Young Tree Maintenance	16
7	Appendix One – Schedule of Areas Managed by Salisbury City Council	19
8	Appendix Two – Tree Inspection Matrix	20

Introduction:

This Policy is intended to act as a point of reference for the public, Councillors, officers and professionally interested people to enable informed discussion and to establish a clear, consistent and more structured approach to the issues affecting trees.

The Policy has been designed for the following purposes:

- To establish the responsibility of Salisbury City Council in relation to its tree stock
- To identify and subsequently adopt a tree risk management system
- To provide officers and members of the public with advice and guidance in relation to requested remedial tree works
- To adopt best practice with regards to the appointment and subsequent management of council arboricultural contracts/contractors
- Tree planting objectives and maintenance

1. Responsibilities of Salisbury City Council:

- 1.1 If a tree fails and causes injury or damage its owner could be held negligent if they omitted to take sufficient care of the tree. Trees are a potential liability and SCC, as a landowner, has a duty of care 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.
- 1.2 The Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999 also apply to this situation. Failure to comply with this legislation could lead to the Health and Safety Executive (HSE) taking criminal action against the Council. Section 3 of the Act places a duty on the Council to take reasonable care for the health and safety of third parties. The Regulations effectively require the Council to have an adequate management system to ensure health and safety.
- 1.3 The need for Councils to carry out tree surveys has been recognised for some time. Government guidance in the form of circulars requires Local Authorities to regularly inspect trees under their control and/or management.

Putting risk into perspective:

- 1.4 This policy aims to accord with the *'Common Sense Risk of the management of trees'* - guidance on trees and public safety in the UK for owners, managers and

advisors - 2011 as published by the National Tree Safety Group (NTSG). A pdf of this document can be obtained by visiting www.nts.org.uk it also aims to accord with HSE publication SIM01/2007/05 *Management of risk from falling trees or branches*. Both documents endorse the sensible, proportionate, reasonable and balanced management of the risk from trees. The law does not expect owners to maintain their trees in completely safe condition, but risk needs to be evaluated and controlled.

Industry Best Practice:

- 1.5 Best practice now strongly favours a risk-based system of tree management relying on a programme of regular inspection and the prioritisation of potential hazards.
- 1.6 In the event of a tree failure causing loss, such a system is recognised as a reasonable method of management. It should also provide the basis of a robust defence in the event of litigation.

2. Tree Risk Management System:

- 2.1 The Council will adopt a proactive approach to managing its trees and undertake regular and routine inspections of all trees on Council managed land.
- 2.2 The main aim of the Council is to have in operation a reasonable, defensible and proactive tree management system that conserves and enhances the tree population on the land for which it is responsible.
- 2.3 In order to implement the new system effectively, the land SCC is responsible for has been divided into areas, and each area will be routinely and systematically inspected. These areas are distinct packages of land such as Victoria Park, Churchill Gardens etc. (See Appendix 1) for the complete list of Salisbury City Council Managed areas.

Risk Zones:

- 2.5 It is essential that all areas for which SCC is responsible are categorised in relation to the risk they represent. This is in conformity with industry best practice and is a significant step in ensuring a defensible system of tree management is implemented.

Areas will be categorised as High, Medium or Low Risk, dependant on their location:

- **High Risk Zone Areas** - of high density pedestrian and vehicle use or areas frequented by vulnerable age groups including major roads, areas near to schools, car parks, playgrounds and busy parks.
- **Medium Risk Zone Areas** - of medium density pedestrian and vehicle use including estate roads and green spaces, allotments, major woodland paths,

- **Low Risk Zone Areas** - of low density pedestrian and vehicle use including woodlands, minor roads, isolated green spaces

2.6 When inspection is undertaken priority for works will take into consideration the *Risk Zone* the tree is located in and the priority of the works will be adjusted accordingly.

Tree Risk Assessment:

2.7 Each individual or group of trees on all land SCC is responsible for will be inspected to determine their general condition and health. Hazards will be identified and recorded. Where necessary, remedial works will be specified and prioritised accordingly. See also Appendix Two.

There will be three types of inspection:

1. Informal Observations of trees contribute to wider management and tree safety. They are essentially those day-to-day observations of trees made by employees who have a good local knowledge of the trees and location and see them during the course of their working day.

To be undertaken by:

People with good local knowledge and familiarity with local trees who are not tree specialists, but rather those closely associated with a site, such as the parks team, who understand the way the site is used (areas most and least frequented) and the extent of the danger, should a tree be found that is clearly failing. Reports of problems by staff or members of the public are a fundamental part of the SCC risk management process.

2. Formal Inspection of a tree is when a specific visit to a tree or group of trees is made with the sole purpose of performing an inspection that is not incidental to other activities. From Salisbury City Council's perspective the formal inspection process would assess the overall condition of the tree/s. It provides a useful, cost-effective means of inspecting the SCC tree stock which is an important means of identifying when further action is needed, including tree surgery or further detailed inspection.

To be undertaken by:

People who have a good general knowledge of trees and the ability to recognise normal and abnormal appearance and growth for the locality. This includes an ability to recognise obviously visible signs of serious ill health or significant structural problems where tree failure, could result in serious harm. They also need to know when to request a detailed inspection. In practice these inspections will be undertaken by Parks Officers (following suitable training) and SCC appointed tree surgeon/s.

3. Detailed inspection of a tree should be applied for individual, high-value trees giving high-priority concern in well-used zones. The detailed inspection is normally prioritised according to the level of safety concern. Detailed inspections are therefore reserved for trees valued for their heritage, amenity or habitat and which are suspected of posing a high level of risk, as already identified through a previous formal or informal assessment.

To be undertaken by:

An appropriately competent person, experienced in the field of arboricultural investigation. The inspector must be suitably qualified and experienced and carry appropriate professional indemnity and public liability insurance.

2.8 The frequency of inspections will be as per **fig one** below and **Appendix Two** the **Tree Inspection Matrix**

2.9 The frequency of future inspections will be determined by the age and condition of the tree and its location within a high, medium or low risk zone. For example a high risk tree may be inspected annually and a tree with negligible risk inspected five or more years after initial survey.

Fig one

Tree Risk Zone	Informal Inspection Frequency	Formal Inspection Frequency	Detailed Inspection Frequency
High	On going	2 years	As required
Medium	On going	4 years	As required
Low	On going	6 years	As required

Inspection Records:

2.10 The results of tree inspections will be recorded on the council data management system. Customer enquiries will also be recorded on this system, which will provide a clear audit trail of the enquiry and action taken.

2.11 Each particular job will be categorised and will reflect on the urgency of the situation, the degree of inconvenience being caused and the best time of year for the work to be undertaken.

The following categories will be used when prioritising tree works:

PRIORITY	RESPONSE	DESCRIPTION
Urgent	Up to 1 week	EMERGENCY tree work requiring an immediate response to remove a hazard – Access to tree location may be restricted until work can be completed.
High	Within 12 weeks	Work to be classified as ESSENTIAL, associated with mitigation of a danger. The Council will endeavour to ensure that works will be undertaken within 12 weeks of the inspection.
Mod/High	Within 6 months	Work to be classified as DESIRABLE. The Council will endeavour to ensure that work will be undertaken within 6 months of the inspection. These will be works associated with the mitigation of nuisance such as branches brushing against buildings in normal winds.
Moderate	Within 12 months	Non-essential maintenance work including cyclical pruning, cultural pruning and pollarding where work.
Mod/Low	Within 24 Months	Non-essential maintenance work. Needs to be undertaken at the appropriate time of year to ensure the longer term health of the tree.
Low	Only to be done if budget allows.	Work classified as NON ESSENTIAL or NON DESIRABLE.

3. GUIDANCE - REQUESTED TREE WORKS

- 3.1 It is important to remember that people rarely contact the Council when they are happy about local trees. Only when trees become an apparent problem are comments made, and therefore a distorted picture of peoples' perception of trees develops. It is important to seek alternatives to felling or severe pruning when conflicts arise, so that the trees can remain for the silent majority who value them.
- 3.2 It is not always necessary to remove or severely prune a tree because it is causing a problem. Often, there are other options available and these need to be considered first. Furthermore, the Council is not legally required to mitigate all tree related nuisances, and to do so would not be practicable with the resources available.
- 3.3 This section looks at some of the most common issues associated with urban trees and how these can be mitigated or overcome. The aim of the following policies is to ensure the Council is meeting its legal obligations in respect of trees on its land and strike a balance between removing problem trees and retaining trees in good health.

Tree Safety:

- 3.4 Where there is a clear and foreseeable threat to the personal safety of residents or visitors, or to property, that is directly related to the condition of a tree, action will be taken to minimise that risk.
- 3.5 Risk that is an indirect consequence of a tree (e.g. slippery leaves on the pavement in autumn) will not be dealt with through pruning or felling other than in exceptional circumstances and where other options (such as clearing the leaves) are not available.
- 3.6 Unfounded fear of a tree (e.g. due to the height or size of the tree) will not normally result in action to prune the tree unless there has been a recent change in circumstances.

Emergency Tree Work:

- 3.7 The 1987 gale highlighted the fact that in bad weather even the healthiest of trees can become hazardous. Salisbury City Council has an established procedure for prompt action in such emergencies, to ensure that everything possible is done to protect road users, residents and property.
- 3.8 Dangerous or fallen trees reported to the Council will be inspected by a trained officer within two hours from the initial call in order to assess the risk, determine the extent of the hazard and implement health and safety measures where necessary. Removal of the hazard identified will be prioritized based on the risk to the public and the tree contractor engaged to undertake the work.

- 3.9 Where it is not possible to immediately undertake the works (e.g. for safety reasons or due to fallen electricity cables) a Council Officer will liaise with the relevant WC highway officers and emergency services to ensure the site is safe until such time as the hazard can be removed.

Council Owned Trees that Overhang Neighbouring Properties:

- 3.10 The Council has no legal obligation to prune overhanging trees unless they are causing direct damage to an adjacent property or are dangerous. The Council will not prune trees that overhang neighbouring properties unless the trees are dangerous or are causing an actionable nuisance. This reflects the Council's position as an owner of thousands of trees and the resources available.
- 3.11 Adjacent landowners are entitled to prune encroaching tree branches or roots back to the boundary of their property providing that the works do not unbalance the tree or do other damage to it. Legally, they are required to retain the prunings and offer them back to the Council, but the Council is not obliged to accept them.
- 3.12 Where access to the Council's land is required in order to undertake tree works, the adjacent landowner must seek the permission of the Council to enter their land. This will not be unreasonably refused.
- 3.13 It is a requirement that all Contractors working on Council land are suitably qualified to undertake the proposed work. It is also a requirement that adequate public liability insurance is in place and that appropriate risk assessments and method statements have been completed. The Council will request evidence of this before permitting access.

Obstruction of Roads, Cycle ways, Footpaths and Street Furniture:

- 3.14 The Council will maintain its trees to provide the statutory clearance for pedestrians and vehicles over footways and roads respectively, so as to maintain a free and unobstructed passage.
- 3.15 The Council will ensure that branches shall be reduced back where they are touching streetlights, road signs and other street furniture, so as to maintain vehicular and pedestrian safety.

Pruning Trees for Light Improvement:

- 3.16 A common complaint about urban trees is that they block light from properties or shade gardens. However, the seriousness of this effect is variable and often removal of the tree will have little effect on the amount of sunlight reaching the house or garden. An example of this is where the house is north facing and the tree is small or at a distance.

3.17 There is no right to light under the law and therefore the Council has no legal obligation to abate this perceived nuisance. However the Council will consider taking action (pruning or felling) in the following circumstances:

- Trees over 12m in height – distance between base of the tree and the window of the nearest habitable room is less than 5m
- Trees smaller than 12m high – distance between base of the tree and the window of the nearest habitable room is less than half the height of the tree.
- Where the separation between the edge of the tree canopy and a vertical line through that window is less than 2m. A 'habitable room' means a dining room, lounge, kitchen, study or bedroom but specifically excludes WCs, bathrooms, utility rooms, landings and hallways.
- It is recognised through the preparation of the Equalities Impact Assessment that there are exceptional circumstances in which this approach needs to be more flexible. Where it can be established that the presence of trees is causing a detriment to the health of residents, further consideration will be given to the management approach of trees. This consideration will also take in to account the quality and importance of the tree in question. This approach is important as the presence of trees also has a beneficial impact on other residents and the reduction in the number or size of trees may have a greater impact than on just one original enquirer.

3.18 Where a situation falls within these guidelines cases will be prioritised according to proximity and account will also be taken of the orientation of the affected window. The results of any consultation exercise may modify decisions if it appears that any work would be by and large unpopular with the rest of the community.

Pruning Trees to Improve Television and Radio Reception:

3.19 Interference with television or satellite reception causes frequent complaints. Interference is worse when leaves are on trees and in bad windy and rainy weather. Satellite reception is more sensitive to interference than television reception. There has been an increase in these complaints in recent years with the advent of this new technology and increased numbers of subscribers.

3.20 There is no right to good reception and in many cases it is possible to resolve issues of poor reception by finding an engineering solution.

The Council will only consider requests to prune trees to improve reception where all the following conditions are true:

- Efforts have been made to find an engineering solution to the problem and have not been successful
- The work required is consistent with good arboricultural practice and will not unduly affect the amenity or health of the tree
- The work required can be executed within financial resources available

Pruning to Prevent General Nuisances:

3.21 The Council will not fell or prune Council owned trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of their control.

3.22 There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be social problems associated with living near trees.

Examples of such problems are:

- Falling leaves, sap, fruit, nuts, bird droppings or blossom.
- Reduction or increase of moisture to gardens.
- Suckers or germinating seedlings in gardens.
- Leaves falling into gutters, drains or onto flat roofs.
- The build-up of algae on fences, paths or other structures

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

As with leaves, honeydew is not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with honeydew.

Pruning for Clearance of Overhead Power Cables and Telecommunications Equipment:

Overhead Power Cables

3.23 In accordance with Schedule 4 of the Electricity Act 1989, electricity suppliers are empowered to remove obstruction to their equipment. This applies where any tree is or will be in such close proximity to an electric line or electrical plant that it will:

- Obstruct or interfere with the installation, maintenance or working of the line or plant
- Constitute an unacceptable source of danger to the public

3.24 In both the above cases routine cyclical pruning of trees would enable the Council to proactively manage trees to reduce the risk of obstructions to overhead power and telecommunications equipment.

Pruning to Prevent Direct Damage to Property:

3.25 The Council will cut back trees from properties where they touch windows, walls, roofs or gutters. This will ensure that damage to property such as aerials, tiles or gutters is avoided.

3.26 Cases of direct root damage will be considered on an individual basis. A balance will be struck between the nuisance experienced by individuals and the benefits offered by the tree to the wider community.

3.27 The Council will not normally take action in response to complaints that Council trees are damaging drains. Trees do not have the capacity to break into a sound drain, but they will ruthlessly exploit any existing fault. The removal of one tree will not prevent other vegetation from exploiting the same opportunity.

3.28 The Council's presumption is that the appropriate way to deal with tree root blockage of drains is to ensure that the drains are watertight.

High Hedges:

3.29 When a complaint is received about a hedge on Council land, Council Officers will apply a recognised formula, devised by the British Research Establishment (BRE) and approved by the Department of Communities and Local Government, to determine if the hedge is in breach of the Act. If, as a result, the hedge is found to be too high it will be reduced in height or removed dependant on the individual circumstances of the case.

Tree Protection Order/Tree Conservation Area:

Tree Protection Orders (TPO's) are administered by the Local Planning Authority, Wiltshire Council, and are made to protect trees that bring significant amenity benefit to the local area.

All types of tree, but not hedges, bushes or shrubs can be protected, and a TPO can protect anything from a single tree to all trees within a defined area or woodland. Any species can be protected, but no species is automatically protected by a tree preservation order.

A TPO is a written order, which in general, makes it a criminal offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by that order, or to cause or permit such actions, without the authority's permission.

SCC does not own or manage any tree which are protected by TPO's because parish council owned trees are not covered by this legislation and are deemed to be managed by a responsible owner.

Trees not protected by a TPO may be in a tree conservation area. SCC must give written notice to the Wiltshire Council of any proposed work, describing what we want to do, at least six weeks before the work starts. This is called a 'section 211 notice' and it gives the Wiltshire Council an opportunity to consider protecting the tree with a TPO.

SCC does not need to give notice of work on a tree in a conservation area less than 7.5 centimetres in diameter, measured 1.5 metres above the ground (or 10 centimetres if thinning to help the growth of other trees).

Some areas of SCC owned parks and open spaces are TCAs, for example Queen Elizabeth Garden's, whilst others are not, for example Victoria Park

4. STANDARD OF TREE WORK – APPOINTMENT OF CONTRACTORS:

4.1 It is important to ensure that Salisbury's trees are maintained to a high standard. Poor tree pruning can not only look unsightly, but also reduce the life expectancy of a tree or lead to it becoming hazardous. Tree surgery is not only specialised and skilled work, but also can be dangerous. Staff who are involved in this work require training to protect themselves and the public.

4.2 Tree planting is also a specialised task and requires proper consideration. All too often trees are planted in poorly prepared pits with inadequate protection and maintenance.

Tree Maintenance Contracts:

4.3 The City Council will prepare and regularly review technical specifications for tree work that require the highest standards of arboriculture and compliance with the most up-to-date health and safety legislation.

4.4 The Council will identify approved contractors, who have achieved the highest standards of safety and technical expertise. All contractors will need to be Arboricultural Association Accredited or be committed to achieving this accreditation over a three-year period from the start of their contract with Salisbury City Council.

Standards of Work:

4.5 The Council will ensure that all work will be carried out to modern safety and technical standards.

4.6 Documentation needs to be regularly updated to ensure that the standards set are up to date with current best practices. The accepted standard for tree work at present is BS 3998 British Standard Recommendations for Tree Work (1989). This will be used as a guide for the specification of tree work.

4.7 The accepted standards for tree planting and nursery stock are: BS3936, BS 4043, BS 4428 and BS 5236.

Training:

- 4.8 Appointed Contractors will be required to have achieved LANTRA/NPTC qualifications for the area of work in which they are engaged.
- 4.9 Tree officers will receive appropriate training and regularly update skills through Continuing Professional Development (CPD) Courses.

Insurance:

- 4.10 Contractors employed by the Council will be required to obtain Employee and Public Liability Insurance to a value of £10 million

Health and Safety:

- 4.11 All contractors employed by Salisbury City Council are required to achieve the appropriate standards of health and safety and demonstrate compliance with these standards as part of their work operations. Contractors are required to complete generic and on-site risk assessments for all operations, and complete method statements for more complex operations.

Protecting Wildlife:

- 4.12 Precautions are to be taken to avoid disturbance of nesting birds and bat roosts in accordance with the Wildlife and Countryside Act 1981.
- 4.13 Contractors working for Salisbury City Council are required to inspect trees and hedges thoroughly before commencement of work and also look thoroughly in the immediate proximity of the works; this should be noted down as part of the Risk Assessment done before the start of every job.
- 4.14 If nesting birds are found to be present then the tree work will not commence and will be rescheduled for later in the year. If Bats are found roosting in a tree scheduled for removal then the Council is legally required to obtain advice from qualified persons before starting work.
- 4.15 The above will limit and may prohibit certain tree pruning or felling work during spring and summer. Birds will nest in trees and shrubs between March and August each year, while bats will use roost sites in trees between April and September, depending on weather conditions. Some species may hibernate in large old trees, during the winter months.

Monitoring Tree Contractors:

- 4.16 The Council will regularly monitor contractors to ensure standards of work and health and safety are being maintained. An annual review of all Contractors will take place to ensure that they have adequate insurance in place, standards of health and safety have been achieved and that staff are adequately trained for the work in which they are engaged.

All contractors are required to comply with the following, when working on the public highway:

- New Roads and Street Works Act 1991
- Street Works and Road Works Code of Practice

Working near to Power Cables:

4.17 A shutdown of overhead power lines is required when working close to high voltage power lines and cables. Contractors will comply with HSE and Arboricultural and Forestry Advisory Group guidance note 804.

5. TREE PLANTING AND YOUNG TREE MAINTENANCE:

- 5.1 From time to time trees have to be felled. However, these trees need to be replaced or the tree population will continue to decline. Replanting trees is essential to maintain and help the urban tree population grow.
- 5.2 It is important to ensure that for every tree felled, at least one tree is planted in its place and is properly cared for. The size and scale of replacement planting should reflect both the trees removed and the situation.
- 5.3 Trees in urban areas are usually present either because a conscious decision was made to plant them or because they self-seeded in parks and gardens and were allowed to grow and mature.
- 5.4 A certain amount of natural regeneration can and does occur in areas such as designated nature conservation sites, but the possibilities for this kind of regeneration in a populated urban area are clearly limited. Either way, no previous planting strategy has been devised for Salisbury and new planting has been on a random basis.

Objectives of Tree Planting:

Retention: Ensuring the retention, wherever practicable or desirable, of trees on Council land.

Enhancement: To increase the tree cover and species diversity in those areas of the City that are lacking in trees

Continuous Tree Cover: To undertake the management of the existing stock ensuring that there is a continuous programme of tree replacement throughout the City, ensuring that there is a mixed range of age and species.

Species Selection: Planting, where appropriate, large indigenous or exotic species to create skyline features.

Conservation: Encourage nature conservation through tree planting so that across the City there is a measurable increase in the conditions suitable for wildlife to colonise areas where before it had limited foothold opportunities.

Publicity and Promotion: Increase the level of public awareness of the tree resource by encouraging public involvement in decision making and planting schemes.

Sponsorship: To encourage members of the public, businesses and other groups to sponsor trees via the introduction of a Tree Donation Scheme.

5.6 When devising planting schemes it will be the Council's policy to: -

- Replace mature trees lost through natural wastage (disease, senility etc.) and those that have out-grown their environment so that in these areas the existing tree populations do not decline
- Take into account any visual landscape factors so that the species chosen will, when mature, have a significant impact in enhancing the character of the area without compromising any existing views, sightlines etc.
- Allow for the planted tree to be the eventual successor to any existing trees that are either nearing maturity or in decline;
- Achieve a species mix so that in the event of a future disease affecting one particular species (as happened with Dutch Elm disease) no one area or park suffers from excessive loss due to a single species being the dominant tree.

Site Selection:

5.7 The 'right tree for the right place' will minimise conflict and maintenance in the future. For example, a cherry tree with a wide crown may not cause any problems in a small open space. However, if planted in a narrow grass verge it will cause obstruction and will require regular maintenance to remove low branches. Not only does an inappropriate tree have a less beneficial effect on the landscape, but it also leads to more complaints and costs more to maintain.

Maintenance of Young Trees:

5.8 Care and maintenance of young trees is vital. Care taken in the early stages can avoid expensive maintenance at a later date. It will also increase the number of trees that we can expect to survive to maturity.

5.9 When trees are first planted they are at their most vulnerable. They are more likely to die within their first 5 years than at any other time in their life. Research indicates that 75% of urban trees are destined to die through malpractice such as strimmer damage or strangulation by failure to remove tree ties.

5.10 Salisbury City Council will adopt a management regime to all young trees that ensures the best chance for their long term survival.

5.11 All new planted trees will be watered for the first year after planting and young trees will be inspected annually during the first three years and maintenance work undertaken where appropriate. Maintenance will include:

- Loosening of tree ties
 - Mulching
 - Removal of stakes and ties when the tree has become established
- 5.12 The cost of tree planting can be significantly reduced if local residents agree to implement some of the maintenance tasks described above. Often, trees planted at the request of nearby residents have the best chance of survival, as the resident will keep watch on the tree and either undertake remedial works or inform the Council of problems

Appendix One – Schedule of Areas Managed by Salisbury City Council

1. Bishopdown open Space
2. Churchill gardens
3. Churchill Industrial estate open space
4. West wood Allotments
5. West wood open space – around Harlequins football ground
6. Barnard's Folly- area in front of SCC Bemerton Centre
7. Portway sports ground
8. Hill top – carries on from Bishopdown open space
9. Hudson's Field – Rugby and Caravan Club area
10. St Francis Road crescent
11. Stratford Road – near cycle track off Portway
12. Primrose farm – adjacent to Fisherton Allotments - Boardwalk
13. Fisherton Farm Allotments 1,2 &3
14. Fisherton Recreational ground – (where poplars replaced)
15. Coldharbour allotments – next to Fisherton rec.
16. Ashley Road Open Space (in front of fire station)
17. Butts/Warwick Allotments – next to athletics track
18. Victoria Park
19. Devizes Road Cemetery – both sides of track
20. Skew bridge
21. Middle street open space Harnham
22. Wiltshire Road Allotments Harnham
23. Parsonage Green open space – Harnham
24. Warres Trust Allotments next to Parsonage Green open space Harnham
25. Queen Elizabeth Gardens
26. Lush House Car park
27. Chiselbury Grove Wood Land off of Radcliffe Road adjacent to Harnham Slope
28. Old Blandford Road open space – runs parallel to the Blandford Road just up from Chiselbury
29. Meyrick Close – off Andrews Way
30. New Bridge Road open Space
31. Maltings Island – in front of Playhouse
32. Maltings – play area plus grass
33. St Edmunds Arts Centre
34. Wyndham Open space
35. Bourne Hill Gardens
36. The Green Croft
37. Wain-a-Long Road open space – off London Road Roundabout
38. Crematorium
39. London Road Cemetery
40. Bishop Down Sports Field
41. Tunnel Allotments
42. St Marks Open Space – near Tunnel entrance
43. London Road Allotments
44. Milford Hollow
45. Mill Road Open Space – on corner near Churchfields
46. Bemerton Folly
47. Harnham Slope
48. Lower Bemerton Recreational Space
49. St John's church yard – Lower Bemerton plus small chapel area.

- 50. St Clements Church Yard
- 51. St Thomas's Church Yard
- 52. St Martins Church Yard
- 53. Riverside walk by Witherspoons
- 54. Hudson's Field

Appendix Two – Tree Inspection Matrix

Tree Risk Zone	Informal Inspection Frequency	Formal Inspection Frequency	Detailed Inspection Frequency
High	On going	2 years	As required
Medium	On going	4 years	As required
Low	On going	6 years	As required
Informal observations of trees contribute to wider management and tree safety. They are essentially those day-to-day observations of trees made by employees who have a good local knowledge of the trees and location and see them during the course of their working day. May be undertaken by: People with good local knowledge and familiarity with local trees who are not tree specialists, but rather those closely associated with a site, such as the parks team, who understands the way the site is used (areas most and least frequented) and the extent of the danger, should a tree be found that is clearly failing. Reports of problems by staff or members of the public are a fundamental part of our risk management process.			
Formal inspection of a tree is when a specific visit to a tree or group of trees is made with the sole purpose of performing an inspection that is not incidental to other activities. From Salisbury City Council's perspective the formal inspection process would assess the overall condition of the tree's. It provides a useful, cost-effective means of inspecting our tree stock which is an important means of identifying when further action is needed, including tree surgery or further detailed inspection. May be undertaken by: People who have a good general knowledge of trees and the ability to recognise normal and abnormal appearance and growth for the locality. This includes an ability to recognise obviously visible signs of serious ill health or significant structural problems were tree failure, could result in serious harm. They also need to know when to request a detailed inspection.			
Detailed inspection of a tree should be applied for individual, high-value trees giving high-priority concern in well-used zones. The detailed inspection is normally prioritised according to the level of safety concern. Detailed inspections are therefore reserved for trees valued for their heritage, amenity or habitat and which are suspected of posing a high level of risk, as already identified through a previous formal or informal assessment. May be undertaken by: An appropriately competent person, experienced in the field of arboricultural investigation. The inspector must be suitably qualified and experienced and carry appropriate professional indemnity and public liability insurance.			



Tree Management Policies

**Management of Trees on Council Owned
and Maintained Land**

Management of Trees on Council Owned and Maintained Land

Contents

1.0 Introduction	4
2.0 Tree Management Policy	4
3.0 Common Law Right on Encroaching Trees.....	5
4.0 Dangerous Trees Requiring Urgent Action.....	6
5.0 Dangerous Tree Requiring Action but not an Imminent Danger	7
6.0 Overhanging Trees and Trees Touching Building	7
7.0 Tree Too Big / Tall	7
8.0 Tree Protection - Tree Preservation Orders and Conservation Areas	8
8.1 Tree Protection - Tree Preservation Orders	8
8.2 Tree Protection - Trees in Conservation Areas	9
9.0 High Hedge	9
10.0 View	10
11.0 Light	10
12.0 Carriageway Obstruction Due to Trees.....	11
13.0 Danger to Highway (private tree)	11
14.0 Danger to Land Other Than Highway (private tree).....	12
15.0 Pavement - Obstruction	13
19.0 Street Light - Obstruction	15
22.0 Trenching Works Adjacent to Trees	16
23.0 Tree Next to a Building Site or Proposed Development.....	16
24.0 Personal Medical Complaint	16
25.0 Crime and Anti-Social Behaviour	17
26.0 Vandalism / Felling Council Trees Without Consent.....	17
27.0 Theft of Timber / Wood	18
28.0 Bird Droppings	18
29.0 Blossom	19
30.0 Fruit, Berries, Nuts	19
31.0 Poisonous berries.....	19
32.0 Pollen	20
33.0 Ivy and Climbing Plants	20
34.0 Leaves / Foliage	21

35.0 Sap	21
36.0 Wildlife - Wild Animal / Insect Pest	22
37.0 Utility Cables - Overhead Lines	22
38.0 Tree and TV/Satellite/Telephone/Broadband Reception	22
39.0 Ancient, Veteran and High Value Specimen Trees	23
40.0 Subsidence damage to property (tree-related)	23
41.0 Direct Damage Caused By Trees	24
42.0 Why Was a Tree Pruned / Felled?	24
43.0 Reporting Tree Matters	25
44.0 Acknowledgements	25

1.0 Introduction

This policy sets out how the Council manages trees on council owned or maintained land. The council recognises that trees are an important feature of our urban and rural landscape providing a whole range of multi-functional contributions to environmental, social and economic sustainability.

How do we define a tree, and what does this policy cover?

In 2009 a High Court ruling concluded that with tree preservation orders there are no limitations in terms of size for what is to be treated as a tree; in other words, saplings are trees. However, other than that there is no legal definition of what constitutes a tree for more general purposes. The following definitions have therefore been formulated to provide the boundaries within which this policy operates.

Tree;

A tree typically has a single trunk growing in excess of 6m tall and bearing lateral branches. It has a more or less permanent shoot system supported by a single woody trunk. For the purposes of this Tree Policy, saplings will NOT generally be regarded as trees. In woodland a tree has a trunk of over seven inches, 180mm, in diameter.

Shrub;

A shrub is a woody plant smaller than a tree and distinguished from a tree by its multiple stems arising at or near the ground (rather than a single trunk); a shrub is usually less than 6m tall.

2.0 Tree Management Policy

Wiltshire Council will generally only undertake remedial works to trees where the trees pose an unacceptable level of risk to public safety or property i.e. if a tree is dead or dangerous or if the tree is causing damage to property. It is not reasonable to prune or remove healthy trees simply because of their size and proximity to buildings, roads or other infrastructure. Wiltshire Council will manage any risk through tree inspections and undertake any necessary works to abate hazards due to mechanical faults within the tree's structure, diseases or fungal infections and other conditions relating to tree health.

3.0 Common Law Right on Encroaching Trees

You have a Common Law right to remove (abate) the nuisance associated with trees encroaching onto your property. The following advice is given if you wish to exercise your Common Law right with respect to encroaching trees:

- a) You can only consider removing those parts of the tree from the point where they cross the boundary of your property. You have no legal right to cut or remove any part of a tree that does not overhang your property;
- b) You are strongly advised to consult a professional tree surgeon for guidance on how best to prune back encroaching trees, unless the works are such that you could do the works with hand secateurs or similar;
- c) Before you consider doing any works to a tree / trees you should find out who owns them and if they are protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, you will need to gain consent by making an application / give notice to the council. To find out if the trees are protected and guidance on how to apply for works if they are protected contact the following number:

Telephone: 0300 456 0114

Website: [Trees and hedges | Wiltshire Council](#)

You are advised to discuss with your neighbour your intention to prune encroaching branches. Legally you do not own the encroaching branches and you should first offer them to your neighbour and if your neighbour does not want the cuttings you should make appropriate arrangements to dispose of them yourself.

If the encroachment relates to a council owned tree, any cuttings must be disposed of appropriately; the council does not require nor expect to have these returned.

4.0 Dangerous Trees Requiring Urgent Action

Policy: If a council owned tree is in such a condition that it poses a very high risk to people or property and is considered to be an emergency situation, urgent action will be taken to make the tree safe.

Our response to this tree-related enquiry: If an emergency situation arises, urgent action will be taken to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or causing an obstruction requiring urgent attention, as outlined below.

Customer Advice:

1. If a tree poses an immediate and present danger urgent action will be taken to make the tree safe.
2. If a tree's condition could be described as any of the following, it may warrant urgent attention:
 - a) Snapped or blown over
 - b) Rocking at its base - roots are damaged
 - c) Uprooted but held up by another tree or building
 - d) Large branch has broken off, is hanging off or hung up within the tree
 - e) Completely blocking road, footpath, access to property
 - f) Fallen onto house or car
3. Signs to look out for which may mean that a tree is a risk to people or property but the risk does not require an emergency response include a tree which is:
 - g) Dead
 - h) Dying - few leaves in summer or dieback in the crown
 - i) Losing bark
 - j) Affected by mushrooms or other fungi growing on or near the tree
 - k) Affected by old splits and cracks in the trunk or large branches
 - l) Losing smaller branches which are falling from the tree
4. Trees can be made safe by pruning or felling. We employ the most cost effective approach. However, for certain High Value and Ancient / Veteran trees we would consider other options to reduce risk to an acceptable level including those which would reduce the likelihood;
 - a) Of the tree or parts of the tree failing
 - b) Of persons being close to the tree if it did fail

5.0 Dangerous Tree Requiring Action but not an Imminent Danger

Policy: If a tree is identified as dangerous, but the risk to the public is not high, then the tree will be made safe depending on the degree of risk identified at the time of inspection.

Our response to this tree-related enquiry: If not an emergency situation a site inspection will be undertaken and within 14 days the customer notified of what action is considered appropriate.

6.0 Overhanging Trees and Trees Touching Building

Policy: We will not prune or fell a tree in council ownership to alleviate overhanging branches. Where branches are causing damage by touching a building a site inspection will be made and the customer notified within 14 days of appropriate action.

Our response to this tree-related enquiry: site inspection is not required unless damage has been caused.

Customer Advice:

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right.

7.0 Tree Too Big / Tall

Policy: We will not prune or fell a council owned tree merely because it is considered to be 'too big' or 'too tall'.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. A tree is not dangerous just because it may be considered too big for its surroundings. Other problems would need to be shown such as those described in the Dangerous Tree policies for the council to consider it to be dangerous.

8.0 Tree Protection - Tree Preservation Orders and Conservation Areas

Tree Preservation Orders and protection of trees in a Conservation Area are enforced by the Local Planning Team's - Arboricultural & Landscape Officers. Before you consider undertaking any works to a council owned or maintained tree / trees you should find out if they are protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, you will need to gain consent by making an application / give notice to the council. To find out if the trees are protected and guidance on how to apply for works if they are protected customers can contact the following number:

Telephone: 0300 456 0114

Webpage: [Trees and hedges | Wiltshire Council](#)

8.1 Tree Protection - Tree Preservation Orders

A tree preservation order (TPO) is an order made by a local planning authority (LPA) in respect of trees or woodlands. The principal effect of a TPO is to prohibit the:

- 1) Cutting down,
- 2) Uprooting,
- 3) Topping,
- 4) Lopping,
- 5) Wilful damage, or
- 6) Wilful destruction

of trees without the LPA's consent. The cutting of roots, although not expressly covered in 1 - 4 above, is potentially damaging and so, in the Secretary of State's view, requires the LPA's consent.

Penalties for undertaking works to a Protected Tree without consent

Anyone who, in contravention of a TPO:

- 1) Cuts down, uproots or wilfully destroys a tree, or
- 2) Tops, lops or wilfully damages a tree in a way that is likely to destroy it is guilty of an offence. Anyone found guilty of this offence is liable, if convicted in the Magistrates' Court, to a fine of up to £20,000. In serious cases a person may be committed for trial in the Crown Court and, if convicted, be liable to an unlimited fine.

It is also an offence for anyone to contravene the provisions of a TPO otherwise than as mentioned above. For example, anyone who lops a tree in contravention of a TPO, but in a way that the tree is not likely to be destroyed would be guilty of this offence. In this case, the Magistrates' Court can impose a fine in the Magistrates' Court of up to £2,500.

8.2 Tree Protection - Trees in Conservation Areas

Under section 211 of the Town and Country Planning Act 1990, anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the LPA six weeks' prior notice (a 'section 211 notice').

Penalties for undertaking works to a Tree within a Conservation Area without consent

Anyone who cuts down, uproots, tops, lops, wilfully destroys or wilfully damages a tree in a conservation area without giving a section 211 notice (or otherwise in contravention of section 211) is guilty of an offence. The same penalties as those for contravening a TPO apply.

9.0 High Hedge

Customer Advice:

What is classed as a 'high hedge'?

1. A high hedge is defined in the Anti-social Behaviour Act 2003 as a barrier to light or access and is formed wholly or predominantly by a line of two or more evergreen or semi-evergreen trees growing to a height of more than 2 metres above ground level.
2. Please note individual trees and shrubs are not covered by this legislation.
3. A complaint can be brought under the Act by the owner or occupier of the property affected by the hedge. The property must be residential and the hedge must detract from the reasonable enjoyment of your home and garden.
4. There is a fee of £350 for the council to undertake an investigation. This fee is non-refundable and no investigation will take place without receipt of cleared funds.

Investigations are undertaken by the Local Planning Arboricultural & Landscape Officers, for more information refer to the planning website or contact the teams by telephone, the contact details can be found in the '[Tree Protection](#)..' section above.

Guidance on the Planning Webpage: [High hedges | Wiltshire Council](#)

10.0 View

Policy: We will not prune or fell a council-owned tree to improve the view from a private property.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. There is no legal right to a 'view'.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

11.0 Light

Policy: We will not prune or fell a council owned tree to improve natural light in a property. However please see customer advice below as there will be certain circumstances in which this might change.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. In law there is no general right to light with regard to vegetation. Any right to light would need to be established under the Prescription Act 1832, provided the light has been uninterrupted for at least 20 years. A legal right to light can be enjoyed only in relation to a specific opening (such as a window) in a building; there is no right to light in connection with open land, such as a garden.
2. If natural light is being blocked by the growth of a hedge then action may be taken to reduce the problem under the High Hedges Act, Part 8 of the Antisocial Behaviour Act, 2003 - See High Hedges
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

12.0 Carriageway Obstruction Due to Trees

Policy: Carriageways on minor or estate roads and on major routes including double-deck bus routes requires a minimum clearance of 6m over the carriageway - where reasonably feasible (associated with a street, road or highway).

Our response to this tree-related enquiry:

- a) **If an emergency situation** a tree contractor will be instructed to attend site within 2 days to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or a tree that is causing an obstruction requiring urgent attention, or
- b) **If not an emergency situation** a site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

Customer Advice:

If a privately-owned tree is causing an obstruction to a road, powers exist under the Highways Act 1980 to make the owner of the tree remove the obstruction. If they do not, the council will do this work and recharge the owner.

13.0 Danger to Highway (private tree)

Policy: If a tree in private ownership is shown to be a danger to highway users it will be identified for work to make it reasonably safe. The landowner will be contacted and instructed to make the tree safe under the Highways Act 1980. If it is necessary that the council undertake this work then the owner will be charged in full for the council's costs of carrying out the work outlined.

- a) **Or in an emergency situation** a contractor will be instructed to attend site within 1 hour to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or a tree that is causing an obstruction requiring urgent attention.
- b) **If not an emergency situation** a site inspection will be undertaken and the customer notified of what action is considered appropriate. The owner of the tree will be informed within 14 days of what works they are responsible for to make the situation safe.

14.0 Danger to Land Other Than Highway (private tree)

Policy: If a tree in private ownership is shown to be an imminent danger to non-highway land; the landowner may be contacted and instructed to make the tree safe (under the Local Government Miscellaneous Provisions Act 1976). If it is necessary that the council undertakes this work then the owner will be charged in full for the council's costs.

Our response to this tree-related enquiry:

- a) A site inspection will be undertaken in order to establish the imminence of the danger and the customer notified of what action is considered appropriate.
- b) If the tree fulfils the categories for level of risk and imminence of danger the council will notify the owner of the tree of what works they are responsible for to make the situation safe, they are given 21 Days in which to do this.

Customer Advice:

1. It is expected that private parties will take care of their own responsibilities and hence the council should not be considered as the first point of contact in attempting to resolve concerns about the danger posed by trees in private ownership.
2. The customer should take all reasonable steps to resolve the matter, without proceeding by way of a complaint to the council, therefore the customer is advised to put their concerns in writing to the tree owner.
3. The powers given in the Act to require a private individual or for the council to make safe a tree are discretionary and will only be used if there is an imminent threat to public safety.
4. The council can intervene under the Act if an owner of such trees fails to act in a reasonable timescale and will seek to recover the costs from the landowner or where a land owner cannot be traced the person who notified the council of the dangerous tree may be liable for the councils reasonable costs.
5. In this instance a person who wishes to notify the council of a dangerous tree where there is an imminent threat to public safety is expected to make the formal notification in writing.

15.0 Pavement - Obstruction

Policy: We will undertake work to a council owned tree to maintain a minimum (where reasonably feasible) 2.5 metres height clearance over a footpath associated with a street, road or highway (3 metres where there are cycling rights). Any works necessary to prevent an obstruction in the width of a footpath associated with the highway due to the presence of a council-owned tree would be considered on a case-by-case basis.

Our response to this tree-related enquiry:

- a) **If an emergency situation** a contractor will be instructed to attend site within an hour to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or causing an obstruction and requiring urgent attention.
- b) **If not an emergency situation** a site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

Customer Advice:

- 1) If a privately owned tree is causing an obstruction to a footpath associated with the highway, powers exist under the Highways Act 1980 to make the owner of the tree remove the obstruction.

16.0 Trip Hazard

Policy: We will undertake measures to make safe an unacceptable trip hazard in a street, road or highway and other council owned or maintained land caused by the growth of a council owned tree.

Our response to this tree-related enquiry:

- a) Trip hazards in a footway measured at an up stand greater than 20mm is classed as a priority 1 repair and shall be attended to within 24 hours.
- b) A site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

Customer Advice:

1. The customer is advised to report trip hazards in pavements or footpaths to the Highways Team via the My Wiltshire App: <http://wiltshire.mycouncilservices.com/>
2. There are a number of ways the council can repair a pathway on council-owned land that is being damaged by tree roots. Simply, the pavement surface can be 'built-up', or isolated roots may be pruned and the pavement surface repaired. Advice will need to be sought on what thickness of tree roots can be cut to effect a repair without affecting the stability of the tree, or its long term health.
3. For higher value trees it may be appropriate to consider the installation of a root barrier which, although more expensive, does prevent the problem re-occurring.
4. Removal of the tree is the last resort (although in some circumstances, where the tree is of low-value or easily replaced, removal may be the most appropriate solution).
5. Details of intervention criteria can be found on the council's website: [Maintenance inspections | Wiltshire Council](#)

17.0 Road - Sightlines Obstruction

Policy: We will undertake work to a tree in council ownership to maintain clear sightlines (where reasonably feasible) at junctions and access points (associated with a street, road or other highway).

Our response to this tree-related enquiry:

- a) **If an emergency situation** a tree contractor will be instructed to attend site to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or is causing an obstruction requiring urgent attention, or;
- b) **If not an emergency situation** a site inspection will be undertaken and the customer notified of what action is considered appropriate within 14 days.

Customer Advice:

Standards for visibility vary according to the class and speed limit in force. If a privately owned tree is causing an obstruction to the visibility at a road junction (sight line), powers exist under the Highways Act 1980 to make the owner of the tree remove the obstruction. If they do not, the council will do the work and recharge the owner.

18.0 Traffic Signal / Street Sign Obstruction

Policy: We will undertake work to a tree in council ownership to maintain clear sightlines (where reasonably feasible) for traffic signals and street signs (associated with a street, road or other highway).

Our response to this tree-related enquiry:

- a) **If an emergency situation** our contractor will be instructed to attend site to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or is causing an obstruction requiring urgent attention, or
- b) **If not an emergency situation** a site inspection will be undertaken within 14 working days of receipt and the customer notified of what action is considered appropriate.

Customer Advice:

- 1. If a privately owned tree is causing an obstruction to a traffic signal or street sign, powers exist under the Highways Act 1980 to make the owner remove the obstruction. If they do not, the council will do the work and recharge the owner.
- 2. For information about when council-maintained street trees are next due to be inspected and works issued as a result, see: [Maintenance inspections | Wiltshire Council](#)

19.0 Street Light - Obstruction

Policy: We will undertake work to a tree in council ownership to ensure that trees do not unduly obstruct street lights.

Our response to this tree-related enquiry:

1. A site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

Customer Advice:

1. If a tree in private ownership is shown to be causing an obstruction to street lights, the landowner will be contacted and instructed to remove the obstruction under the Highways Act 1980. If it is necessary that the council undertakes this work then the owner will be charged in full for the council's costs.
2. When the council puts in new street lighting or wishes to move a lighting column, consideration is made of the impact on existing trees. Similarly, when new trees are being planted, these are placed so they do not cause problems to existing streetlights.

20.0 Drains

Policy: We will not prune, fell a tree or cut the roots of a council owned tree to prevent roots entering a drain that is already broken or damaged.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. Tree roots typically only invade 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. If you are concerned about the condition of your drains then you are advised to contact your water and sewerage company.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

21.0 Nuisance Third Parties - private tree

Policy: The council has no authority to intervene in a dispute between neighbours. However, if the problem is due to a 'high hedge' information can be found on the Planning web page for guidance see the [High Hedges](#) section.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. The council cannot provide a mediation service so you should try to resolve a dispute between yourself and your neighbour amicably or seek advice from a solicitor or Citizens Advice.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

22.0 Trenching Works Adjacent to Trees

Policy: Consent from the council is required for any form of trenching works that is to be carried out, under or through a council owned or maintained trees root plate.

Our response to this tree-related enquiry: An agreement will be entered into between the trenching operators and the council whereby any works carried out must follow and adhere to industry best practice and guidance in the form of The National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees - Volume 4 (NJUG Vol. 4).

Where such an operation shall be undertaken within the 'Prohibited Zone' an arboricultural officer shall have to be consulted and where necessary undertake an onsite inspection.

23.0 Tree Next to a Building Site or Proposed Development

Policy: The council is not required to prune or fell a council owned tree to allow building works to proceed, whether planning consent was necessary or via permitted development. We expect that our trees are taken into consideration during the initial surveying/permission phase of the development and adequate protection is given to council owned trees during the development.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

24.0 Personal Medical Complaint

Policy: Requests to undertake work to a council owned tree because of a personal medical condition will be treated on a case-by-case basis and on advice from a qualified medical practitioner.

Our response to this tree-related enquiry: site inspection required depending on advice given by the complainants medical practitioner.

Customer Advice:

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

25.0 Crime and Anti-Social Behaviour

Policy: Where a council owned tree is associated with criminal activity and/or anti-social behaviour, measures to reduce the problem will be considered on a site-by-site basis.

Our response to this tree-related enquiry: site inspection will be undertaken. Customers will be informed that a site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

Customer Advice:

1. Where a tree is associated with criminal activity and/or anti-social behaviour, the Police should be contacted in the first instance.
2. Where a tree is associated with criminal activity and/or anti-social behaviour steps to reduce the problem will typically require the coordination of a number of agencies including the Police. Just pruning or felling a tree is not always the answer to the problem.

26.0 Vandalism / Felling Council Trees Without Consent

Policy: We will look into reports of vandalism or felling of a council-owned tree and address any damage wherever possible.

Our response to this tree-related enquiry: site inspection will be undertaken. Customers will be informed that a site inspection is required and notified within 14 days of what action is considered appropriate.

Customer Advice:

1. We encourage local communities to report incidents of vandalism or illegal felling of council trees and we have taken legal action where witnesses have been prepared to come forward.
2. The Police should be contacted on their non-emergency number: 101 and then reported to the council's customer services team on 0300 456 0100.

27.0 Theft of Timber / Wood

Policy: We will look into reports of theft of council-owned timber / wood and prosecute wherever possible.

Our response to this tree-related enquiry: site inspection will be undertaken. Customers will be informed that a site inspection is required and notified within 14 days of what action is considered appropriate.

Customer Advice:

1. We encourage local communities to report incidents of vandalism or illegal felling of council trees and we have taken legal action where witnesses have been prepared to come forward.
2. The Police should be contacted on their non-emergency number: 101 and the matter should be reported to the council's customer services team on 0300 456 0100.
3. You are not allowed to remove wood (or other parts of a tree) from parks or public open spaces without consent. Generally, we either remove cut timber from site or leave it in place as a wildlife habitat.
4. Unauthorised persons are not allowed to use a chainsaw or other tools and equipment in parks or public open spaces. If you see someone who may be removing wood without consent (i.e. a person not associated with a relevant sign-written vehicle and/or without clothing that clearly identifies who they are) or they are using a chainsaw then call the Police on their non-emergency number: 101 and the council's customer services on 0300 456 0100.

28.0 Bird Droppings

Policy: We will not generally prune or fell a council owned tree to remove or reduce bird droppings from trees, or remove bird droppings from private land.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Warm soapy water will usually be sufficient to remove the bird droppings as long as this is done promptly.
2. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law).
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law right](#).

29.0 Blossom

Policy: We will not prune or fell a council owned tree to remove or reduce blossom from trees or remove fallen blossom from private land.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. Tree blossom usually heralds the start of spring. Blossom is a natural occurrence, which cannot be avoided by pruning.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

30.0 Fruit, Berries, Nuts

Policy: We will not prune or fell a council owned tree to remove or reduce the nuisance of fruit, berries or nuts, or remove fallen fruit from private land. However, where fallen fruit is leading to significant anti-social behaviour problems we will consider measures to reduce the problem including whether a phased removal and replacement with alternative species is reasonable.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. Fruit trees such as apple, cherry and pear have the double benefit of spring blossom and autumn fruit. This makes fruit trees good for wildlife and a source of free food. Equally, where fruit trees are established but there is a significant anti-social behaviour problem we may consider phased removal and replacement.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

31.0 Poisonous berries

Policy: We have no general policy to remove trees bearing poisonous fruit or foliage (such as Yew trees), however where it is claimed or known that unsupervised young children or livestock are likely to be exposed to poisonous berries or foliage, such cases will be investigated and appropriate action considered.

Our response to this tree-related enquiry: site inspection will be undertaken subject to specific circumstances.

Customer Advice:

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

32.0 Pollen

Policy: We will not prune or fell a council owned tree to remove or reduce the release of pollen.

Our response to this tree-related enquiry: site inspection not required.

33.0 Ivy and Climbing Plants

Policy: We will not prune or remove Ivy (*Hedera helix*) or any other species of climbing plant from a tree to abate a nuisance e.g. bird nesting, pollen, fruit or for the purposes of light. The control of plants climbing on or over trees is not a routine aspect of crown maintenance.

Our response to this tree-related enquiry: site inspection not required, unless for safety purposes.

Customer Advice:

The control of plants climbing on or over trees is not a routine aspect of crown maintenance. They may, however, be removed or cut back if this is considered necessary in the light of any of the following circumstances:

1. The plant is hindering visual inspection of a tree that could be posing a risk to people or property because of suspected presence of weakened tree structures in areas of high footfall.
2. The plant is growing high into the crown of a tree, so as to increase its resistance to wind;
3. The plant is significantly weighing down a branch or a leaning tree;
4. The tree is otherwise likely to be smothered (e.g. by Clematis, Russian Vine or, occasionally ivy) especially if it is old and therefore unlikely to outgrow the climbing plant;
5. There is potential for dead stems of the plant to become a hazard.

34.0 Leaves / Foliage

Policy: We will not prune or fell a council owned tree to remove or reduce leaf / foliage fall or remove fallen leaves / foliage from private property.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. The loss of leaves / foliage from trees in the autumn is part of the natural cycle and cannot be avoided by pruning.
2. The maintenance of gutters is the responsibility of the owner/occupier and the council is not obliged to remove leaves that may have fallen from council owned trees. Where gutters are regularly blocked by fallen leaves owners/occupiers may wish to fit gutter guards to provide a low-maintenance solution.
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

35.0 Sap

Policy: We will not prune or fell a council owned tree to remove or reduce honeydew or other sticky residue from trees.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black. Where honeydew affects cars, warm soapy water will remove the substance, as long as this is done promptly.
2. Unfortunately, there is little that can be done to remove the aphids which cause the problem and pruning the tree may only offer temporary relief. Re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by greenfly and in some years greenfly are more common especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted we try to choose trees which are less likely to cause this problem.
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

36.0 Wildlife - Wild Animal / Insect Pest

Policy: We will not prune or fell a council-owned tree to remove or reduce incidence of perceived pests such as bees, wasps, or wild animals.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

37.0 Utility Cables - Overhead Lines

Policy: We will undertake work to a council owned tree to prevent damage to overhead lines/telephone wires, if damage is occurring to poles, OHL's or other utility equipment.

Our response to this tree-related enquiry: Site inspection required.

Customer Advice:

1. The local utility provider undertakes clearance work of their OHL's on a cyclical basis and should be contacted by the customer in the first instance.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

38.0 Tree and TV/Satellite/Telephone/Broadband Reception

Policy: We will not prune or fell a council owned tree to prevent interference with TV or satellite, telephone or broadband reception as there is no legal right to TV, satellite, telephone or broadband reception.

Our response to this tree-related enquiry: site inspection not required.

Customer Advice:

1. It maybe that your service provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or a means to boost the signal.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

39.0 Ancient, Veteran and High Value Specimen Trees

Policy: The council will seek to help prolong the life of council owned Ancient, Veteran and High Value trees through inspection, protection and as a last resort remedial works.

Our response to this tree-related enquiry: There are a number of threats to Ancient/Veteran trees; these shall be identified through an inspection if required.

Customer response:

1. Where Ancient, Veteran or High Value trees are in private ownership: the Council will when appropriate offer advice to land owners who are the guardians of an Ancient, Veteran or high value trees.
2. Management of ancient trees is sometimes needed to ensure that the threats identified do not cause loss of the trees.

40.0 Subsidence damage to property (tree-related)

Policy: We will prune or remove a council owned tree only where damage has been caused to buildings and other structures as a result of the action of council-owned or maintained trees. We vigorously defend claims of tree-related subsidence damage and require that the claimant and/or their representative supplies sufficient evidence to establish that the vegetation is responsible.

Our response rate to this tree-related enquiry:

a) Concerns about tree-related subsidence damage:

All concerns about tree-related subsidence damage involving a council owned tree will be acknowledged. In our response, we will advise that you need to notify your home insurer. In addition, we will advise you that the burden of proof lies with the claimant and should you wish to make a formal claim for damages or to formally notify us of your concerns about future damage you will have to supply supporting evidence.

We would then respond as detailed below:

b) Claims / Notice of alleged tree-related subsidence damage:

All claims or notice of claims against the council relating to a council-owned tree will be acknowledged within 14 working days of receipt. In our response, we will tell you what evidence we require so that we may assess your claim.

Customer Advice:

1. If you believe that your property is suffering subsidence damage due to the action of trees in council ownership (or that you are concerned about potential damage) then you should first contact your property insurer. You should discuss your concerns with your insurer to agree an appropriate course of action.
2. Should you, or those acting on your behalf, wish to make a claim for damages, or make formal representation of your concern about future damage, alleging that a council owned or maintained tree is causing (or may cause) subsidence damage to your property, then you should contact the council. Wiltshire Council will manage

your claim / notice in accordance with the 'Joint Mitigation Protocol'. The Protocol details the management of alleged subsidence claims where trees are implicated as being the cause of building movement. The Protocol seeks to establish best practice in the processing and investigation of tree-induced building damage including agreed standards of evidence and working timescale. In response to your claim / notice we will write to you (or your representative) and detail the level of evidence required to process your claim.

41.0 Direct Damage Caused By Trees

Policy: We will prune or fell a tree in council ownership to resolve a direct damage issue, a site inspection will be made and the customer notified within 14 days of appropriate action.

Our response to this tree-related enquiry: site inspection is required.

Customer Advice:

1. If you believe that your property is suffering damage due to the action of trees in council ownership then you should first contact your property insurer. You should discuss your concerns with your insurer to agree an appropriate course of action.
2. The burden of proof lies with the claimant and should you wish to make a formal claim for damages or to formally notify us of your concerns about damage you shall have to supply supporting evidence.
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

42.0 Why Was a Tree Pruned / Felled?

Policy: A response to the question of why trees have been felled will be given whenever possible.

Our response to this tree-related enquiry: Clarification of why a tree is to be or has been felled will be provided as necessary.

Customer Advice:

1. Tree removal is regrettable but necessary in some circumstances. The decision to remove a tree is not taken lightly; most trees that need to be are felled because the tree has become unsafe and there is no cost-effective solution to otherwise retain it.
2. Trees are pruned for a variety of reasons including the removal of damaged or poorly-formed branches, to reduce the likelihood of failure by taking 'weight' out of the tree and generally to keep a tree as healthy and attractive as possible.
3. Where tree works are undertaken we use the services of fully qualified, insured and experienced arboricultural contractors who are all Arboricultural Association Approved Contractors.
4. All tree work is carried out in accordance to the British Standard 3998:2010 Tree Work – Recommendations, unless otherwise specified by the councils - Tree & Woodland Officers.

43.0 Reporting Tree Matters

Customers are advised to report tree related matters via the My Wiltshire App

Register for the App: <http://wiltshire.mycouncilservices.com/register>

App Login: <http://wiltshire.mycouncilservices.com/>

44.0 Acknowledgements

Wiltshire Council would like to give special thanks to **Bristol City Council** for helping to produce this document.

Great Aycliffe Town Council



Tree Management Policy

Contents

INTRODUCTION	1
POLICY SCOPE.....	1
LEGISLATION.....	2
TREES ON GREAT AYCLIFFE TOWN COUNCIL OWNED / MANAGED LAND.....	3
INSPECTION OF TREES.....	3
TREE MAINTENANCE.....	3
PUBLICISING TREE FELLING / PRUNING.....	4
DEALING WITH TREE CARE	5
Obstructing / Overhanging Tree Branches.....	5
Shading and Loss of Light	6
Loss of View.....	6
Trees affecting reception (Television / Satellite / Solar Panels)	6
Overhead Cables / Telephone Wires	7
General / Minor Nuisances.....	7
Trees considered too big / too tall	8
Personal Medical Complaint	8
DAMAGE AND TREE ROOTS	8
Damage to walls and fences	8
Damage to paths.....	9
Damage to drains or water pipes	9
Trip Hazards	9
Subsidence	9
Heave	10
Trees in Conservation Areas.....	10
Forestry Commission (FC) Felling Licences	10

Birds.....	11
Bats.....	11
Restrictive Covenants.....	11
Crown lifting	12
Crown thinning	12
Crown Reduction	13
Topping	13
Pollarding	13
Dead Wooding or Crown Clean	13
Formative Pruning.....	13
Stump Grinding	14

INTRODUCTION

Great Aycliffe Town Council has adopted parts of Durham County Council's Tree Management Policy which are relevant in order to maintain a consistent approach to tree management in the Parish of Great Aycliffe.

Trees are a highly valued feature of the parish of Great Aycliffe; they make an enormous contribution to the character and beauty of our landscape and create /maintain environments rich in biodiversity. Great Aycliffe Town Council values its trees and recognises both the human and environmental benefits of having a healthy and sustainable tree population.

We also recognise that although trees are a positive feature, they can be the cause of a range of problems, from being a nuisance or inconvenience to potentially causing serious injury or even death. As a tree owner we have a direct responsibility for ensuring our trees do not pose a danger to the public or property and are managed appropriately. This policy sets out our approach to tree management.

We aim to inspect our tree stock at an appropriate frequency, depending upon number of pedestrians, vehicles and other targets either passing beneath or within falling distance of the tree, to ensure continued public safety. Following inspection the trees will be assigned a risk classification which will inform their prioritisation for maintenance works.

POLICY SCOPE

This policy applies to all trees under Great Aycliffe Town Council ownership / management, regardless of their location.

Although, we believe this policy to be as comprehensive as possible, we acknowledge it does not cover every situation. We reserve the right to exercise discretion in application of this policy when to do so would be in the best interests of the Council and its residents.

THE IMPORTANCE OF TREES IN THE URBAN AND RURAL LANDSCAPE

Trees are important features in the landscape. They help to create an attractive environment, making the Parish a better place to live, work, study and visit. They bring colour and contrast, screen unsightly structures, give privacy and soften the hard lines of streets and landscapes. Not only do trees have a visual quality, but they also enhance the environment in less obvious ways:

Great Aycliffe Town Council Tree Management Policy

- they improve air quality by filtering airborne dust, smoke and fumes;
- they absorb traffic noise in built-up areas and can help limit noise pollution;
- they reduce temperature extremes by providing shelter in hot weather and insulation in cold weather; trees adjacent to buildings can reduce air conditioning and heating costs;
- they act as a screen, increasing privacy in residential roads and gardens;
- they convert carbon dioxide to oxygen, increasing the quality of the air locally and helping to reduce the 'greenhouse effect';
- they provide food and habitat for birds and other wildlife, thus supporting nature conservation value and biodiversity;
- research has shown that trees provide many psychological and health benefits and have been shown to reduce stress significantly.

LEGISLATION

There is a range of legislation which has been considered during the development of this policy, for example:

The Forestry Act (1967) requires certain permissions and licences to be granted where felling of trees is proposed within a woodland setting. Great Aycliffe Town Council will ensure that any proposed felling is fully compliant with the requirements of the Forestry Act.

The Town Council recognizes that Tree Preservation Orders (TPOs), in respect of trees or woodland, which is considered to have a significant impact on the amenity of a local area.

In addition to those trees protected by a Tree Preservation Order, the Town & Country Planning Act (1990) also makes special provision for trees in conservation areas (Aycliffe Village).

The Wildlife & Countryside Act (1981, as amended CROW Act 2000) states that it is illegal to intentionally or recklessly damage or destroy the nest of a wild bird while that nest is in use or being built.

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting / nesting site is a criminal offence which can lead to imprisonment.

The Hedgerow Regulations (1997) introduced powers allowing important rural native hedgerows to be protected.

TREES ON GREAT AYCLIFFE TOWN COUNCIL OWNED / MANAGED LAND

We have a responsibility to maintain trees within our ownership / management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance. All enquiries regarding trees on Great Aycliffe Town Council land should be directed to the Council on 01325 300700 or info@great-aycliffe.gov.uk.

INSPECTION OF TREES

We work to a risk-based approach to tree management: a programme of inspection identifying and prioritising potential hazards. The cycle of inspection for trees will be set according to their location and area of risk.

Highways trees are considered to be highest priority. The inspection cycle is determined by a number of factors including road category, traffic use, incident history, local knowledge and the presence and frequency of trees. Tree defects likely to cause a hazard are identified and the appropriate work is undertaken to remove the hazard.

TREE MAINTENANCE

Tree maintenance is currently mostly 'reactive' in nature and conducted in response to reports received by the council concerning specific trees. In future, a greater level of tree maintenance work will be conducted as a result of information gathered during pro-active tree inspections. However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and normally originates from the following:

- programmed and routine inspections by a qualified tree inspector/consultant.
- ad-hoc inspections by the Works Manager, Environment Officer or Team Leader following enquiries, reports and service requests;
- reports from Customers;
- enquires from County and Town Councillors;
- reports from utility companies;
- cyclic maintenance;
- emergency works (e.g. resulting from high winds).

The following categories will be used when prioritising tree works:

Great Aycliffe Town Council Tree Management Policy

Priority	Response
Priority 1: Urgent Public Safety	From within 24 hours to one week depending upon the risk
Priority 2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year
Priority 3: Desirable	12 months where possible
Non-priority	No action proposed

A tree could warrant immediate attention if, for example:

- it has snapped or blown over;
- it is rocking (roots are damaged);
- it is uprooted but held up by another tree or building;
- a large branch has broken off or is hanging off the tree;
- it or its branch is blocking the road or footpath;
- it or its branch is blocking access to property;
- it has fallen on to a structure, such as a building or car.

A tree may be a risk to people or property but does not require immediate attention if: for example

- it is dead;
- it is dying (few leaves in summer or dieback in the crown);
- its bark is loose and falling off;
- mushrooms or fungi are growing on or near the tree;
- old splits and cracks are in the trunk or large branches;
- smaller branches or twigs are falling from the tree.

Trees will be made safe via pruning or felling and we would use the most cost effective approach. However, for certain High Value trees we would consider other options to reduce the risk to an acceptable level. This would include options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

PUBLICISING TREE FELLING / PRUNING

Where works are minor such as pruning (including repeat cyclical pruning of trees) or involve removing trees that are less than 15 cm diameter (6 inches) at a height of 1.3 metres, we will not publicise the works.

Great Aycliffe Town Council Tree Management Policy

Where works are more impacting, for example, felling larger trees, carrying out works to a veteran tree or a tree with a Tree Protection Order (TPO), we will erect an informative site notice on or very close to the affected tree. If more than one tree at the same location are affected it may be more appropriate to erect a site notice including a map / schedule. We will also tell 10 houses opposite and either side by letter (if applicable), copying in the relevant residents' association / community groups as they are known to us and the ward councillors.

If a tree scheme (felling, pruning or planting) is judged to be more impacting on the local area we will consider more publicity as appropriate.

Where a competent officer has determined that the tree should be felled on public safety grounds there will be no public consultation and no right of objection.

DEALING WITH TREE CARE

While works are sometimes necessary to ensure that trees are in a safe and healthy condition.

We receive many requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment and enjoyment of the Parish by local residents and visitors. Many of the complaints received involve minor or seasonal issues that are generally considered to be foreseeable or social problems associated with living near trees, which can often be minimised through careful pruning and careful species selection when planting.

In all cases, consideration will be given as to whether the tree in question meets the necessary criteria for protection.

To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, our policy in relation to the more common types of request is outlined below.

Obstructing / Overhanging Tree Branches

Tree branches can cause obstructions to public footpaths, roadways / signs, streetlights and open spaces. Appropriate pruning to eliminate hazards caused by obstructive branches will normally be acceptable, providing efforts are made to retain the shape of the tree.

We will undertake work to trees in Council ownership / management to maintain a minimum 5 metres clearance over roads and 2.4 metres over formal footpaths.

We will not prune trees that overhang neighbouring properties unless the trees are dangerous or causing an actionable nuisance (i.e. touching the walls, roofs, windows, gutters, garage etc). This will ensure that damage to property such as aerials, tiles or gutters is avoided.

Great Aycliffe Town Council Tree Management Policy

Adjacent Landowners do have a common law right to prune back tree branches to **their boundary**, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

Shading and Loss of Light

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered. However we will consider taking action (pruning or felling) in the following circumstances:

- if the height of the tree is more than 12metres and the distance between the base of the tree and the window of the nearest habitable room is less than 5metres;
- if the height of the tree is less than 12 metres and the distance between the base of the tree and the window of the nearest habitable room is less than half the height of the tree (where the separation between the edge of the tree canopy and a vertical line through that window is less than 2metres).

A 'habitable room' is a dining room, lounge, kitchen, study or bedroom but not a WC, bathrooms, utility room, landing or hallway.

Where elderly, infirm or disabled persons who spend a significant amount of time within their home are affected by loss of light, or it can be established that the presence of trees is detrimental to the health of such residents, further consideration will be given to the management approach to trees. This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.

Loss of View

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape or townscape. Historical records may be used to determine the level of management required. Pruning of trees for highway sight-line requirements will be dealt with on a case by case basis.

Trees Affecting Reception (Television / Satellite / Solar Panels)

Pruning in the short term may help improve television reception. However in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a booster. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

Great Aycliffe Town Council Tree Management Policy

Similarly we will not prune or fell a tree in our ownership / management to improve natural light to a solar panel. Whilst we recognise the need for renewable energy sources, trees are also important in tackling climate change.

Overhead Cables / Telephone Wires

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, we will encourage utility operators to adopt the most appropriate long term solution, giving consideration to tree health, local tree cover and visual amenity.

Problems caused by branches interfering with privately owned telephone wires can usually be eliminated through appropriate pruning and tree removal would not usually be considered.

We will not prune or fell a tree in our ownership / management to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

General / Minor Nuisances

We will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems are:

- falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- insects associated with trees (spiders, wasps, flies etc);
- reduction or increase of moisture to gardens;
- suckers or germinating seedlings in gardens;
- leaves falling into gutters, drains or onto flat roofs;
- the build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with these issues alone.

We would not normally prune or fell a tree under our ownership / management that bears poisonous fruit / foliage (such as laburnum or yew).

Great Aycliffe Town Council Tree Management Policy

However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate and take action, where appropriate.

Trees considered too big / too tall

We will not prune or fell a tree under council ownership / management because it is considered to be 'too big' or 'too tall' for its surroundings.

Personal Medical Complaint

We will normally not prune or fell a tree under our ownership/management where a request has been made to do so because of a personal medical complaint. However, where it can be established that the presence of a tree is causing a detriment to the health of residents further consideration will be given to the management approach of trees.

DAMAGE AND TREE ROOTS

Many tree conflicts arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

Root invasion in gardens Tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners do have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

Most species of deciduous tree will re-sprout from the stump when cut down. Many species will produce a new growth shoot from a root if it becomes exposed to sunlight through ground erosion. Some species readily produce shoots from their buried roots as a way to regenerate and this is often stimulated by stresses, such as heavy pruning or felling. Numerous tree species (including Cherry and Poplar) are therefore likely to produce vigorous root suckers as a response to being felled. Poisoning a stump to prevent such suckering is not always successful since application of herbicide onto a stump face often only affects the stump and the upper roots.

Tree felling or branch pruning in response to root invasion in gardens would not normally be appropriate, as such works are likely to worsen existing problems. The pure encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

Damage to walls and fences

It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees.

Great Aycliffe Town Council Tree Management Policy

This can be achieved in a number of ways (for example installing a section of railing or bridging foundations around the base of a tree). Therefore where trees are considered to be causing damage to walls or fences, we will only consider tree removal if the walls or fence is irreplaceable and of exceptional importance e.g. a retaining wall or of historical interest, or if there is a risk to public health in leaving the tree which cannot otherwise be mitigated. If a damaged wall or fence was constructed after planting of the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account.

Damage to paths

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude they can be root pruned, or the path relaid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths or footpaths, we will not normally consider tree removal except where there is a risk to public health which cannot otherwise be mitigated.

Damage to drains or water pipes

There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense. Tree removal will not normally be considered.

Trip Hazards

We will make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership / management.

Installation of drop kerbs

We will consider felling or pruning the roots of a tree under our ownership / management to allow the installation of a drop kerb. Each case will be considered on an individual basis.

Subsidence

While we recognise our responsibilities for the trees in our ownership / management, we will expect any claim against our own trees to be supported by sufficient evidence to show that the tree in question is a contributory factor in the subsidence. Where this evidence is provided, we will obtain expert specialist advice to verify submitted evidence as necessary. We will therefore require the following information in order to consider a claim associated with tree related subsidence:

- description of type of damage;
- indication of seasonal movement;
- levels and distortion survey;
- visual evidence of damage;
- depth of foundations demonstrated from excavated trial holes;

Great Aycliffe Town Council Tree Management Policy

- analysis of soil type under foundation;
- presence and identification of trees roots.

We will not normally subject our trees to regular heavy pruning to deal with suspected damage. Instead we will where feasible opt for removal and replacement planting with an alternative species that is less likely to cause future problems.

Heave

When a tree is removed in a clay sub-soil, the soil will rehydrate and swell in volume. The expansion may lift the foundations and cause cracking to the property. This is known as 'heave'. This is more likely to occur if the removed tree was mature and had a high water demand such as an oak tree. No liability, at present, falls upon a local authority for damage due to heave resulting from tree removal where this is requested by the third party.

PROTECTED TREES

Tree Preservation Orders (TPO's)

A TPO is a legal document made, administered and enforced by the local planning authority, to protect specified trees and woodlands with public amenity value.

A TPO prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission.

The Town Council recognizes its responsibilities in regard to its trees that are protected by TPOs.

Trees in Conservation Areas

It is an offence to cut down, prune, lop, top, uproot or wilfully damage or destroy a tree in a conservation area without giving prior written notice to Durham County Council.

If a tree has a stem diameter greater than 75mm (3") measured 1.5m from the ground level, six weeks notice must be given of any tree works that are proposed. This enables Durham County Council to assess the proposed works and if necessary serve a Tree Preservation Order. If no decision is received within six weeks then consent is gained by default.

The Town Council recognizes its obligations when undertaking works to trees in conservation areas (Aycliffe Village).

Forestry Commission (FC) Felling Licences

A felling licence from the Forestry Commission may be required to fell more than five cubic metres of timber per calendar quarter. Contact the Forestry Commission.

OTHER FACTORS CONSTRAINING WORK TO TREES

Birds

Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent major tree work involving tree removal / reduction and hedge cutting operations should not normally be undertaken during bird nesting / breeding season, which is considered to be from 1st March to 31st July.

Bats

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting / nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

For further information and advice regarding trees and wildlife contact should be made with the Durham County Council's Ecology Team on 03000 267 134 or email: ecology@durham.gov.uk.

Restrictive Covenants

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

VANDALISM AND DAMAGE TO COUNCIL OWNED/MANAGED TREES

Vandalism is an increasing pressure on trees. Usually it is young newly planted trees that are damaged; however, mature trees are often damaged too. There are various ways in which vandalism can be counteracted, but none of these is 100% effective against determined attack.

The main methods of deterring vandals are to plant large numbers of very young trees, known as whips, or to plant larger robust trees depending on the site. Another method is to put guards or fencing around trees, but these have to be large enough and strong enough to offer real protection.

This latter approach tends to be the most expensive method and only appropriate in very high profile positions. In the long run, increasing environmental awareness within schools and communities should help reduce vandalism. There are cases where trees we own / manage have been irrevocably damaged or removed without permission. We will investigate any reports of vandalism / damage to trees in our ownership / management, and try to repair any damage where we can.

Where possible, we will take legal action against the person(s) causing the damage.

BIOSECURITY / PEST & EPIDEMIC MANAGEMENT

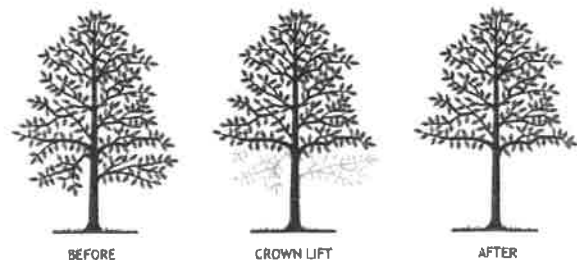
Biosecurity is a set of precautions that aim to prevent the spread of pests, pathogens or invasive species. The threat to trees from these has never been greater and as a large landowner we undertake to follow best practice and specific advice which is regularly published by the Forestry Commission. Attendances to high risk sites are subject to risk assessment and we employ measures to minimise pest or disease spread.

TREE PRUNING TECHNIQUES

We will seek to ensure that tree works are carried out to the highest standards. In carrying out tree works, we and any third party working on trees over we have a responsibility, will ensure that pruning conserves the overall amenity value, form and shape of the tree and all tree works must be carried out in accordance with British Standard 3998 – Recommendations for Tree Work. Particular pruning specifications may or may not be appropriate for trees of different ages, species, health and condition, or even between trees of the same species depending on their condition, age and environment. Clear and acceptable pruning objectives are necessary in advance of approval of a pruning specification. The pruning objectives may require implementation of one or more of the following operations:

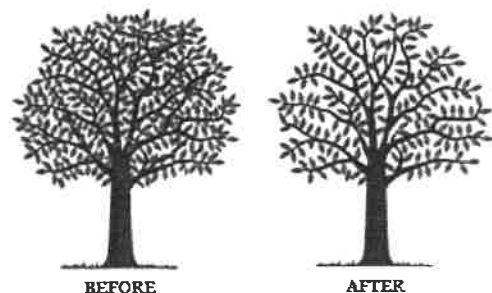
Crown lifting

The removal of the lowest branches of a tree so that the remaining lowest branches are at a specified height, usually 2.4m over a footpath and 5m over a road. This operation is undertaken for a number of reasons, such as to allow access under a tree; to clear branches from low structures; or to allow light under the canopy.



Crown thinning

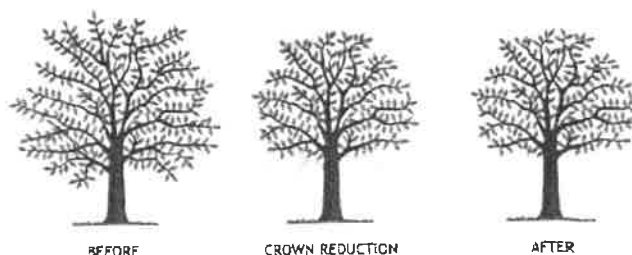
The removal of a specified proportion of branch material from the interior of the crown without affecting the shape of the tree. This operation is usually undertaken to reduce crown density; form a healthy branch structure by removing dead; diseased, damaged, crossing and rubbing branches, and allow more light through the canopy. Many tree species evolve a canopy density for adaptive reasons and crown-thinning can increase turbulence and cause drought stress and branch failures. For this reason, crown thinning is usually only acceptable when carried out as part of crown cleaning or balancing works.



Crown Reduction

Reducing the overall size of the crown area by a specified percentage by pruning back the leaders and branch terminals to lateral branches that are large enough to assume the terminal roles (at least one third the diameter of

the cut stem). Crown reduction up to a maximum of 15-20% may be acceptable to semi-mature trees providing cuts do not exceed 5-7cm and where shaping and restricting size and spread is essential. Crown reduction of mature or older trees is not normally acceptable as it can severely affect tree health and may lead to the death or decline of the tree and is generally only acceptable as management of last resort.



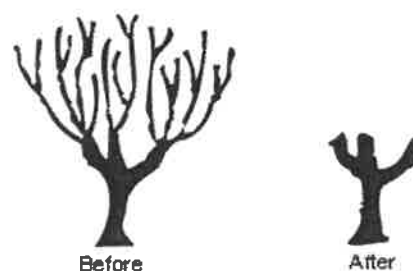
Topping

This entails cutting at a certain height to reduce the height of the tree. Topping is not acceptable as it severely affects the public amenity and health of the tree, sometimes leading to death. Topping can also lead to future problems due to a flush of weak re-growth that can represent a danger and also exacerbate existing problems. If height reduction is considered essential and unavoidable, crown reduction (see above) is preferred.



Pollarding

This severe operation entails the removal of the entire tree's branch structure back to the trunk. Pollarding is an ancient way of maintaining trees that is sometimes necessary, particularly on trees that have been pollarded previously. Only certain species will tolerate this degree of pruning, and new growth may be weak and prone to tearing off. This method of management is not therefore normally acceptable.



Dead Wooding or Crown Clean

This operation is similar to a crown thin except that only dead, diseased, crossing and rubbing branches are removed to tidy up the appearance of the tree. No healthy, sound wood is removed. This operation is recommended to help maintain a healthy, safe tree.

Formative Pruning

The removal of problematic or potentially problematic branches, ensuring good tree development.

Stump Grinding

Stump grinding is the practice of removing a tree stump to below ground level by mechanical means. We will carry out stump grinding where necessary to enable new trees to be planted or to remove a significant hazard. Where stump removal is not necessary tree stumps will be removed close to ground level so as not to leave a trip hazard.

Acknowledgement

This Policy has been adopted from the Tree Policy introduced by Durham County Council in 2014 to suit the needs of Great Aycliffe Town Council, which will also assist in providing a consistent approach in regard to Tree Management in the "Great Aycliffe Parish".

POLICY COMMITTEE		
MEETING DATE	ITEM	COMMENT
	Closure policy for cemetery	Pending
November	London road Level Crossing	Watching brief
	Retention of Assets Policy	Pending
	NW Bicester	
	Future management of open space play areas	
	New burial ground and memorial policy	
	Working of Town Centre Group	On-going
FINANCE COMMITTEE		
MEETING DATE	ITEM	COMMENT
	Business continuity plan	

ENVIRONMENT COMMITTEE		
MEETING DATE	ITEM	COMMENT
2019	Wheelchair Swing	
Dec 2019	Garth park Improvement Programme	
Sept 2019	Play Area Improvement Programme	
Sept 2019	Tree Policy	
PLANNING COMMITTEE		
MEETING DATE	ITEM	COMMENT
Oct 2019	East West Rail	Invite East West Rail to Planning Meeting when the consultation process starts
	London Road Level Crossing	Ongoing – Live issue
2019	Oxfordshire Spatial Plan Consultation	
Oct 2019	Oxford/Cambridge Arc Development	
	Bicester Motion	
	BSA	
	Wolf Resorts, Chesterton	BTC to be included on distribution list