

**Nuneaton & Bedworth
Borough Council**

Tree Management Procedures and Guidelines

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Introduction

These procedures are intended as guidelines for determining whether or not requests for the pruning or felling of Nuneaton and Bedworth Borough Council managed trees should lead to action. It is not possible to anticipate every situation and it is therefore important that whilst these procedures guide decisions they should not be considered absolutely prescriptive. Furthermore, no one procedure should be considered in isolation, but all relevant procedures should be taken into account when reaching a decision. As trees are living dynamic structures each individual case will be taken on its own merit and these procedures should further be considered in the context of wider strategic aims relating to individual areas and local management plans. As a general guideline trees will not be subjected to inappropriate Arboricultural management as determined by current industry best practise.

Tree Works Maintenance and Works Priority

There are an estimated 120,000 trees under the control of Nuneaton and Bedworth Borough Council. As such a considerable number of unique tree enquires are generated annually. Due to financial constraints and finite officer resources together with prioritising health and safety concerns there exists the problem of how to fairly and effectively manage tree risk. As trees are living dynamic organisms no tree is ever devoid of risk absolutely so the following measures are outlined in an effort to prioritise and reduce the risk to an acceptable level.

Currently we do not have the computer management systems or human resources to conduct a full tree survey and inventory of its stock on a proactive approach. It has therefore been determined that the only proactive measures that will be taken to reduce tree related risk will be done on an ad hoc basis. This will involve the tree officer identifying very high risk trees and actioning works accordingly only when on site dealing reactively to other customer related enquiries.

Every tree assessed as part of a customer enquiry will be scored using a combined nominal ranking system from 1 to 5 as follows;

If the tree enquiry does not fall within scope of any of the categories outlined within this document and does not require a site inspection a score of 1 will be given.

If the tree enquiry falls within scope of one or more categories outlined as site inspection required in this document a score of 2 will be given.

Each tree inspected will be risk assessed using the Visual Tree Assessment (VTA) procedure by the tree officer. This system is not flawless but there is no one system of tree risk assessment that is. VTA relies heavily on the professional experience and knowledge of the user and should not be used by an operative without an in-depth understanding of tree biomechanics and suitable academic qualifications to back that knowledge up. A score of 1 to 3 will be assigned to the tree according to the direct or indirect risk the tree or part thereof poses as follows;

Low risk = 1

Medium risk = 2

High risk = 3

The two sets of scores will be added together and will therefore range from 1 to 5.

Works priority will be set on any work order raised according to the overall score attributed above as follows;

Red

Where the overall score is 5 (or 3 for ad hoc inspections) a works order will be raised with immediate effect. The tree officer will not normally leave site until he is satisfied the tree has been made safe by the contractor.

Amber

Where the overall score is 4 (or 2 for ad hoc inspections) a works order will be raised with a ten working day priority for completion.

Green

Where the overall score is 3 (or 1 for ad hoc inspections) a works order will be raised and completed under routine maintenance.

The immediate and ten day priorities do not need further explanation however routine maintenance does. The borough will be split into 4 approximately equal quarters by wards. Each quarter over a four year cycle will see tree works conducted therein where the works priority has been set to routine. There will be added to this a further year to allow for slippage so one full

routine maintenance cycle covering all 4 quarters will take between 4 to 5 years. It is considered given current finances and available contractor man power this is the only fair system to operate. Obviously the routine timeframe is an estimate and will be subject to change depending on actual feasibility. One would point out this is an ambitious undertaking and the timeframe would rank as one of the quickest in the country according to the tree officers experience.

Trees on Council Housing Land

It is strongly recommended that housing follow the advice of the tree officer with regards to managing their tree stock. To avoid a blatant disparity between how none housing trees are managed and all the potential pit falls therein all council trees should be treated following identical guidelines as detailed in this document. That said, housing will have final say as to how it will manage its tree stock. The tree officer where applicable will explain the associated financial implications together with risk associated with any tree management decision housing decide when asked to do so.

Trees growing in a council tenant's garden are the responsibility of the tenant as is stated in the tenancy agreement. The tree officer will, when instructed meet onsite with the relevant housing officer and advise accordingly on issues with such trees.

Financial Constraints

Nuneaton and Bedworth Borough Council unfortunately does not have unlimited resources with which to manage its tree stock. The resource it does have has to be used holistically in keeping with its management policies across the board and in some cases tree work simply cannot be justified on the grounds of priority.

The Council does however realise that in many cases the problems of nuisance brought to it are of a real concern to the inquirer, and in such cases certain works will be permitted to be undertaken at the inquirers expense if they so wish using Arboricultural Association approved Contractors only. A list of approved contractors can be found following this URL, <http://www.trees.org.uk/find-a-professional/Directory-of-Tree-Surgeons>

Common Law Right

You have a Common Law right to conduct the minimum amount of works to abate the nuisance associated with trees encroaching onto your property. This right does not extend to causing or significantly contributing to a decline in health of the tree or causing the tree to become unstable as a result of said works. If any works conducted to the tree have any of the above negative outcomes you may be held liable. 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 trivial meaning you could do the works with hand secateurs or similar.

d) Before you consider doing any works to a tree 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 contact Nuneaton and Bedworth Planning Department.

e) 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 offer these to your neighbour. If the encroachment relates to a council owned tree, any cuttings must be disposed of appropriately and not returned to Council land.

Bird droppings

Current Procedure,

The Council will not prune or fell a tree to remove or reduce bird droppings from trees, or to remove bird droppings from private land. Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act (and other related wildlife law). Warm soapy water will usually be sufficient to remove the bird droppings.

Site inspection not required.

Blossom

Current Procedure,

We will not prune or fell a council owned tree to remove or reduce blossom from trees or to remove fallen blossom from private land. Clearing of blossom from residents gutters and pathways are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Site inspection not required.

Carriageway obstruction due to trees

Current Procedure,

As a general rule, trees along the highway or on highway verges are the responsibility of Warwickshire County Council. Where this is not the case and trees along the highway or on highway verges are the responsibility of Nuneaton and Bedworth Borough Council, the Council will seek to ensure that adequate clearance of the highway for the type of traffic using that highway is maintained at all times.

In an emergency situation our tree contractor will be instructed to attend site immediately and make the situation safe. An emergency is defined as a tree, or part of a tree likely to cause considerable damage or injury, that is in imminent danger of collapse (within 12 to 24 hours) or a tree that is causing an obstruction requiring urgent attention.

If not an emergency situation a site inspection will be undertaken within 10 working days of receipt and a tree works order will be issued with an appropriate priority where necessary.

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

Crime and anti-social behaviour

Current Procedure,

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.

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. Some research shows that areas with lots of trees actually help to make places safer. But, neglected spaces with overgrown trees and untidy areas can encourage criminal activity and or anti-social behaviour. The Council's tree and grounds maintenance programme tries to improve these areas by making the local environment cleaner, greener and safer.

A site inspection will be undertaken within 10 working days of receipt and a tree works order will be issued with an appropriate priority where necessary.

Damage to Property (tree-related)

Current Procedure,

The council is currently in the process of implementing active tree management systems that will avoid damage being caused to buildings and other structures as a result of the action of council owned trees. We will rigorously defend claims against the council to identify bogus or false claims.

It should be made clear that no tree works will be conducted until after any claim has been settled. This is for legal reasons to avoid admittance of liability retrospectively.

If a customer decides not to make a claim after alleging tree related damage NO tree works will be undertaken without written notice from the customer that they do not intend to make any such claim relating to the issue in the foreseeable future.

Tree related subsidence damage is a complex issue and each case will need to be considered on an individual basis.

Where damage has occurred the council will require that adequate assessment and monitoring is undertaken to demonstrate that the tree/trees is/are involved and that such evidence be submitted in support of any request for action.

Requests for action based on an un-quantified possibility of damage occurring at an unspecified point in the future will not be considered unless there are other overriding reasons to take action.

A site inspection will be undertaken within 10 working days and the Councils Risk and Insurance Department notified of the findings.

Direct Root Damage as with subsidence, 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/trees to the wider community.

A site inspection will be undertaken within 10 working days and the Councils Risk and Insurance Department notified of the findings.

Danger to highway (private tree)

Current Procedure,

If a tree in private ownership is shown to be a danger to the highway 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.

A site inspection will be undertaken immediately where necessary or within 10 working days minimum.

Danger to land other than highway (private tree)

Current Procedure,

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. However, the council will intervene according to the powers given in the Act if an owner of such trees fails to act in a reasonable timescale.

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

A site inspection will be undertaken immediately where necessary or within 10 working days minimum.

Dangerous trees in Council ownership

Current Procedure,

Where there is a clear and foreseeable threat to the personal safety of the public or to property that is directly related to the condition of a tree, action will be taken to control that risk. Risk that is an indirect consequence of a tree (eg slippery leaves on the pavement in autumn) will only be dealt with through pruning in unusual circumstances where other options are not available. Unfounded or perceived fear of a tree or trees will not result in action to prune or remove them.

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, instruction will be given to our tree contractor to make the tree safe with immediate effect.

Trees can be made safe via pruning or felling. Typically the council would employ the most cost effective approach. But, for certain High Value trees we would consider other options to reduce risk to an acceptable level including options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

In an emergency situation our tree contractor will be instructed to attend site and make the situation safe. An emergency is defined as a tree, or part of a tree likely to cause considerable damage or injury, that is in imminent danger of collapse (within 12 to 24 hours) or a tree that is causing an obstruction requiring urgent attention.

If not an emergency situation a site inspection will be undertaken within 10 working days of receipt and a tree works order will be issued with an appropriate priority where necessary.

Daylight Loss

Current Procedure,

In law there is no general right to light. Any right to light would need to be established via a specific grant or by prescription, which can only occur where the right has been enjoyed uninterruptedly for a minimum of 20-years. Following this, a legal right to light can only be enjoyed in relation to a specific opening (such as a window) in a building from a habitable room. A "habitable room" means a dining room, lounge, kitchen, study or bedroom but specifically excludes WCs, bathrooms, utility rooms, landings and hallways. There is no right to light in connection with open land, such as a garden. Further, if these conditions are met then an owner of the building is "entitled to such access of light as will leave his premises adequately lit for all purposes for which they may reasonably expect to be used."

Action will only be considered where the separation between the tree and the window of the nearest habitable room is less than 6m for trees with a height of over 12m, or less than half the height of the tree for smaller trees, or where the separation between the edge of the canopy and a vertical line through that window is less than 2m.

Where a situation falls within these guidelines cases will be prioritised according to proximity and account will also be taken as to 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.

Site inspection not required if the above conditions are not met. If the conditions are met then a site inspection will be undertaken within 10 working days of receipt and a tree works order will be issued with an appropriate priority where necessary.

Drains

Current Procedure,

We will not prune, fell or cut the roots of a council owned tree to prevent roots entering a drain that is already broken or damaged. Tree roots typically invade drains that are already broken or damaged. Trees themselves very rarely break or damage the drain in the first place. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. The removal of one tree will not prevent other vegetation from exploiting the same opportunity and clearly will not fix a broken drain! Action maybe considered by the council to secure the repair of any leaking foul water drain in order to protect the groundwater from pollution.

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. Accordingly, the council will not normally take action in response to complaints that council managed trees are blocking drains.

Site inspection not required.

Fruit / berries / nuts / Seeds and Leaves

Current Procedure,

Leaves and seeds are carried freely on the wind and are clearly outside the control of the Council. 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.

Tree works will not normally be undertaken to attempt to reduce the fall of leaves, seeds or fruit as such works will inevitably lead to compounding the problem in the following years. No trees will be felled as a result of leaf, seed or fruit fall. However, where fallen fruit is leading to a 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.

Site inspection not required.

Personal medical complaint

Current Procedure,

We will not prune or fell a council owned tree where a request has been made to do so because of a personal medical condition. In cases where a customer has an authenticated doctors recommendation that tree works are required to help abate a given medical condition the council may agree to conduct works. The results of any consultation exercise may modify decisions if it appears that any works would be by and large unpopular with the rest of the community.

Site inspection not required.

Sap

Current Procedure,

We will not prune or fell a council owned tree to remove or reduce honeydew or other sticky residue from trees. Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary residue. Often the honeydew is colonised by a mould, which causes it to go black. Unfortunately, there is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief and any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Where new trees are planted we try to choose trees that are less likely to cause this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if the car is washed as soon as possible.

Site inspection not required.

Street light obstruction and road signs

Current Procedure,

As a general rule, trees along the highway or on highway verges are the responsibility of Warwickshire County Council. Where this is not the case and trees along the highway or on highway verges are the responsibility of Nuneaton and Bedworth Borough Council, The Council will endeavour to ensure that trees under their management do not obscure road signs or prevent street lamps from illuminating the highway. The purpose of street

lamps is to illuminate the public highway and where adequate illumination of the highway is present, the Council will not take action to improve the levels of illumination to private property.

A site inspection will be undertaken within 10 working days of receipt and a tree works order will be issued with an appropriate priority where necessary.

Overhang

Current Procedure,

The Council will not normally conduct any tree works relating to garden overhang. If a tree in council ownership is physically touching or overhanging property (dwelling house, boundary wall, garage etc.) action will be taken to remove the nuisance. In many cases the solution will be for the council to prune the tree, but in exceptional circumstances it may be more appropriate to fell the tree. If pruning is appropriate the council will endeavour to undertake works to stop the problem re-occurring within four-years.

If the overhang is to a garden a site inspection is not required.

If the overhang is touching or overhanging property a site inspection will be undertaken within 10 working days of receipt and a tree works order will be issued with an appropriate priority where necessary.

Television and other radio equipment

Current Procedure,

There is no right to good reception and in many cases it is possible to resolve issues of poor reception involving trees by finding an engineering solution. Nuneaton and Bedworth 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 current financial constraints (see section above)

Site inspection not required.

Tree too big / too tall

Current Procedure,

The council will not prune, lop, top, pollard or fell a council owned tree because it is considered to be 'too big' or 'too tall'. A tree is not dangerous just because it may be subjectively considered to be too big/tall for its surroundings. Action will only be taken if the tree is causing other issues outlined elsewhere in these guidelines.

Site inspection not required.

Trip hazard

Current Procedure,

The council will undertake measures to make safe an unacceptable trip hazard in a street, road or highway caused by the roots of a council owned tree.

Pavements (associated with a street, road or highway) are inspected regularly and trip hazards repaired once they are dangerous. If a privately owned tree is causing damage to the pavement leading to a trip-hazard, powers exist under the Highways Act to make the owner remove the obstruction. If they do not, the council will do the work and recharge the owner.

There are a number of ways the council can repair a pavement damaged by tree roots. Simply, the pavement surface can be 'built-up', or isolated roots can be pruned (if these do not affect the stability of the tree) and the pavement surface repaired. 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. Removal of the tree is usually the last resort (accepting that in some circumstances where the tree is low value or easily replaced removal may be the most appropriate solution).

A site inspection will be undertaken within 10 working days of receipt and a tree works order will be issued with an appropriate priority where necessary.

Vandalism

Current Procedure,

The council will look into any reports of vandalism to a council owned tree and try to correct any damage where possible to retain the tree. Where witnesses are prepared to come forward legal action will be perused. Where it is not possible to retain the tree, the trees stump will usually be left as high as is safe for as long as possible. This is done to discourage further acts of criminal damage to trees by dissatisfied customers with the outcome of a tree enquiry.

A site inspection will be undertaken within 10 working days of receipt and a tree works order will be issued with an appropriate priority where necessary.

View

Current Procedure,

The council will not prune or fell a council owned tree to improve the view from a private property. There is no legal right to a 'view'.

Site inspection not required.

Why are tree stumps left in place?

Current Procedure,

When a tree is felled it is not always possible to replant at the same time. Under these circumstances a 50 cm (approximately) high tree stump is left as a temporary measure to mark the position of the planting site. Tree stumps are then removed later as part of one operation to be coordinated with tree planting where possible. Currently, the council has a backlog of stumps that need to be removed and the site replanted. This is being done on a prioritised basis as funds allow. The intention is that every stump will be replaced unless local factors mean that it is not possible to replant in the same place.

Site inspection not required.

Why is / was a tree felled /pruned?

Current Procedure,

Tree removal is regrettable but under a number of circumstances necessary. The decision to remove a tree is not taken lightly. Most trees that need to be felled are done so because the tree has become unsafe and there is no cost effective solution to otherwise retain the tree. Other reasons why trees need to be removed include where a tree is completely out of scale with its surroundings, where its removal would benefit the surrounding trees with higher potential amenity or wildlife value, where planning approval has been granted or where there is no viable option to otherwise prevent damage to property.

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.

Clarification as to why a tree under the control of the council is to be or was felled /pruned will be given to the customer within ten days of receipt of the enquiry.

Site inspection not required.

Wildlife

Current Procedure,

The actions of wildlife associated with trees, such as birds, squirrels and insects etc., is considered to be beyond the reasonable control of the Council.

Pruning or other works will not normally be considered as a means of controlling such nuisance.

Site inspection not required.

Tree Planting on Council Land

Where trees are removed from land owned / managed by us, replacement planting will be carried out where appropriate and as the budget allows.

We will use standard trees of between 12-16 cm in girth, this is hoped to create some sense of maturity.

To help maintain a continuity of tree cover across the borough we will undertake the planting of new trees on our land when suitable opportunities arise. Having too many of the same type of tree in a locality is a concern because of the increased risk of a devastating loss of one or more species of tree due to pests / diseases or other environmental factors. We will increase the resilience of our trees by planting species mixes rather than monocultures.

We are committed to continuously improving the way that trees are considered in relation to planning applications for new development. We will ensure that full consideration is given to both the retention of existing trees and the planting of new ones. We will take into account the ultimate mature size of the tree, available space and the relationship to buildings when designing layouts to avoid causing future relationship issues that we have been encountering.

We will continue to seek funding opportunities to assist in the replanting of trees and work with developers to secure Sc 106 contributions to re-plant trees within our existing Destination and Community parks.

Opportunities may arise particularly on large areas of open space where compensatory tree belts can be planted. These could utilise smaller

nursery stock (transplants) which are inappropriate in the more urban setting, or as direct replacements for mature trees. These can be mass planted as they are much less expensive and do create copses of planting much in evidence in many of our environmental areas.