

Bridgend County Borough Council Tree Management Policy

June 2018

1. Introduction

This Tree Management Policy has been produced to inform the public, Councillors, Bridgend County Borough Council (BCBC) staff and other parties when, why and how BCBC will manage its Trees and Woodlands.

This Policy will update BCBC's Corporate Policy to deal with complaints received in respect of trees on Council owned land. It will also incorporate BCBC's Health and Safety Management System Guidance register in respect of the management of trees.

2. Policy Scope

The aim of this Policy is to ensure that the Council is compliant with all relevant statutory legislation and current best practice guidance, regarding the management of trees and woodlands within the Bridgend County Borough area, set against the legislative context in appendix 1. This includes management of trees to reduce any associated hazards as well as taking into account the social, economic and environmental benefits that a healthy urban tree stock provides.

This Policy is purely for the management of trees and woodlands located on Council owned land. The management of trees located on land outside of the ownership of the Council is the responsibility of the relevant landholder. The Council may serve a Tree Preservation Order in respect of trees located on privately owned land. However, [Tree Preservation Orders](#) (TPOs) are only briefly discussed here as there is separate guidance relating to this process. The Council also has regulatory powers in relation to trees associated with development sites and there is a separate Supplementary Planning Guidance 7: [Trees and Development](#) which covers this issue.

This policy outlines a proactive tree survey system that identifies the issues of management and records the way in which BCBC owned trees are assessed and managed so that a realistic response to the issue of tree risk and management is given. This system is compliant with the Safety at Work Act (1974) and the Health and Safety Executive's (HSE) Management of the risk from falling trees. This policy identifies that a reasonably practicable approach be taken, which is proportionate to the risk. There will, however, always be a risk associated with trees. This risk can be managed and reduced by the implementation of a proactive inspection regime to help identify potential failures and safety issues with particular trees. There will however also always remain a need for reactive management.

The Policy has been developed to be used as a tool to provide an audit trail of actions taken in response to a potential risk, what the findings were and how these findings were acted upon. It is a systematic approach that can help to demonstrate that BCBC has dispensed its duty with 'reasonable care' and takes appropriate action as necessary to protect members of the public and employees.

The management of BCBC's tree stock falls to the holding department that has trees on its land. In order to ensure a consistent approach and to ensure compliance with the law, this Policy has been prepared and will be supported by a cross directorate working group.

3. Tree Management approach

BCBC is responsible for managing its tree stock to ensure the health of the trees and to minimise the risk posed to the public in terms of their health and safety. The Council owes a duty of care to owners, occupiers and users of adjacent land in respect of potentially dangerous trees in addition to users of its own land.

3.1 Proactive tree assessment

Cyclical assessment of the health and structural integrity of the trees must take place with appropriate remedial works being carried out where the need is identified within a given timeframe. The tree works must be in accordance with BS 3998:2010 – Tree Work Recommendations (2010) and other relevant and current industry good practice.

Relevant wildlife legislation is taken into account, primarily in relation to nesting birds and the potential for the presence of bats. BCBC's SPG 19 [*Biodiversity and Development a Green Infrastructure Approach*](#), includes detailed information on protected species, survey requirements and timing of works/surveys. Legislation relating to the management of trees within areas covered by protective designations, for example SSSIs, is also adhered to with assent sought from the relevant authorities where this is required.

The proactive tree surveys should be carried out by someone who is qualified in Arboriculture to a minimum of level 4 National Qualification Framework (NQF) or higher.

The appointed person will prepare a tree risk assessment protocol for the assessment based on a zoned approach as suggested by the Health and Safety Executive's Management of the risk from falling trees or branches. The protocol should be easily understood for staff with limited or no formal arboricultural qualifications to undertake additional cyclical surveying on top of the cyclical pro-active surveying undertaken by the qualified arborist. The protocol should set out a process of what to do if a tree appears to be in a damaged or diseased condition.

In addition, the appointed person will attach tags to trees that are considered to be of a significant risk and require felling or remedial work which may include monitoring and prepare a work programme on a priority basis with estimated operational times given.

In-house training will provide some level of confidence for relevant site responsible officers/ Premises Responsible Persons (PRPs) to undertake

initial tree condition assessment work, which is supported by BCBC's tree protocol and checklist.

However, when staff require advice or recommend that the tree is inspected in detail, then the level of competence will have to be commensurate with the task involved and this will be procured by the relevant land holding department. Therefore, as there is no such in-house resource, BCBC will need to procure an arboricultural consultant periodically or until this resource exists internally.

A risk zone map has been developed to provide BCBC wide graphical representation of the inspection regime based on the target and occupancy descriptions.

This aims to minimise the risk of trees causing injury or damage by adopting an approach towards inspection frequency based on target and occupancy. Target rating is used in an attempt to consider how likely a mobile or stationary target will be present, at any one moment in time, within proximity to the tree under investigation. This is initially a desktop assessment which must be reviewed (groundtruthed) as cyclical tree condition surveys progress. This is based on broad site usage types and estimated site usage. Details on the categorisation approach are outlined below.

Target & Occupancy	Description	Minimum Inspection Regime
Risk Zone 1. Very High Target Occupancy (Constant use)	Where persons are present at all times. A class roads, dual carriageways or motorways and residential properties where vehicles or persons are expected during any time day or night. This includes schools and play areas which may not be occupied 24 hours but involves the presence of children.	Inspected every year and reactively.
Risk Zone 2. High Target Occupancy (Frequent use)	Target not present for 24 hours but frequently used site i.e. town centre car parks, offices operating normal working hours,	Inspected every 2 years and reactively.

	excluding weekends, access roadways	
Risk Zone 3. Medium Target Occupancy (Intermittent use)	Target not present for any length of time i.e. low use car parks, footpaths in countryside, cemeteries, community hall, sports grounds, parkland - open during normal working hours and access roadways.	Inspected every 3 years and reactively.
Risk Zone 5. Low Target Occupancy (occasional use)	Infrequently used footpaths, isolated car parks, desire lines (permissive and non- permissive paths) through woodlands, outer green open spaces without particular features, desire lines such as picnic benches and difficult to access areas due to undergrowth, perhaps the occasional jogger or cyclist could be expected.	Inspected every 3-5 years and reactively.
Risk Zone 10. Very Low Target Occupancy (very low use)	Often rural locations such as the outmost edges of large open spaces/reclamation sites and / or with young/small trees.	Inspected every 10 years and reactively

As a result of this it is proposed that schools, playgrounds and 'A' roads are inspected every year due to the high target occupancy of these locations,

whereas trees in remote areas will have a low target occupancy and therefore a less regular inspection cycle.

Whilst risk zone mapping allows the establishment of priority areas for inspection, an assessment of the potential for an individual tree to fail needs to be carried out. The tree condition assessment will quantify the level of risk posed to public safety. Linked to the risk zone mapping, this system is also target led to determine the likelihood of harm or damage occurring from a specific tree.

The hazard or risk assessment is determined through the consideration of three issues:

- Target: how frequently people use the area, are they likely to be static or mobile and what the probability would be of someone being injured as a result of failure
- Potential for failure considers, at the time of a tree survey inspection, the characteristics of tree most likely to fail based on the environment in which it grows, structural and physiological defects
- Size of failure part, rates the size of the part most likely to fail which in turn affects the severity of the potential hazard and therefore risk posed

Tree inspections will report any defects or work requirements utilising a digital tree management system. Each work requirement added to the system is given a priority which is based on the identified hazard, its likelihood of failure, size of part likely to fail and target occupancy.

3.2 *Proactive tree management works*

Work priorities will be defined as follows:

- Urgent work is undertaken within 24hrs (instances of urgent work are rare and relate to emergency situations)
- Priority 1 work should be undertaken as soon as practically possible
- Priority 2 work should be undertaken within 6 months
- Priority 3 work is undertaken within 12 months of the survey date

A procurement process will establish a framework of contractors and produce a call off list and procedure. Once established each land holding department will use the call off list to undertake any necessary works identified following qualified assessment.

BCBC will aspire to lead by example at sites within its control by replanting where practicably possible and will seek to encourage the planting of trees and woodland on sites not owned by BCBC. Planting will consider the right tree in the right place with a preference to native and large sized species where possible.

Additional tree presence will be considered through the following ways:

- **New Planting:** Of appropriate tree species on existing Public Open Spaces, Strategic Corridors and gateway sites across the County, funded through planting contribution and other external grant sources
- **Development Mitigation:** tree loss through development will continue to be mitigated not only through like for like replacement, but also in seeking additional planting compensation or other tree management, where feasible
- **Direct Management:** to maintain the tree stock balance by actively managing BCBC's own tree stock
- **Community Involvement:** working with established community groups to plant new trees

3.3 *Reactive tree assessment and works*

Initial surveys should take place by site responsible officers/ PRPs following severe weather conditions such as high winds or prolonged periods of precipitation which may have resulted in stability issues relating to saturated or waterlogged soils, root heave or wind damaged crowns.

In trees where there are signs of progressive disorders such as Phytophthora bleeding canker or ash die back then they should be inspected as part of the proactive survey and where feasible at the point of the year in which the symptoms are most likely to be evident. Such trees may be placed on a monitoring regime recorded on the Council's Compliance Monitoring System Information Exchange (IE) where re-inspections are required on a defined cyclical basis.

With specific reference to ash die back, the [Bridgend i-Tree survey](#) found that 14.9% of Bridgend urban tree stock comprises ash and ash die back is present at a number of location within the County Borough.

Reactive tree management work is undertaken in response to an emergency situation such as damage to council trees following a storm event or on verification of a reported dangerous tree - it should be noted that the proactive tree survey is aimed at significantly reducing the instances of dangerous trees occurring within the Borough and the need for urgent works. Reactive works will not be undertaken unless a nuisance in legal terms is present. A failure log will be maintained to record where tree failures occur, the reason for failure when known and the result of the tree failure. This information will help to inform the estimation of real risk levels and over time, will produce patterns providing base data about potential tree failure and possible preventative or corrective actions.

3.4 *Trees in relation to Highways*

There is potential for conflict between the presence of trees and the safe use of the public highway. The Highways Act 1980 (amended 1986) is relevant to both BCBC owned trees and those in private ownership that have the potential to affect the adopted highway.

Various sections of the Highway Act impose duties on owners and occupiers of land to ensure that the highway, including footways and associated infrastructure, is maintained in a safe and appropriate manner. Examples of vegetation works imposed by the Highway Act include, but are not limited to, the following:

- Pruning to provide between 5.4m – 6.1m vertical clearance above a highway
- Pruning to provide 2.4m vertical clearance above a footway
- Pruning to allow sufficient light spread from a lamp column or fixture
- Pruning to remove dangerous vegetation
- Pruning to allow prescribed vision splays at road junctions
- Pruning to allow the safe passage of pedestrians

BCBC will endeavour to carry out all works required by the Act on BCBC owned land within 14 days of the works being identified. In some cases, this may not be achievable due to availability of staff or access requirements.

BCBC will carry out emergency Highways tree works on non-BCBC owned land to make safe any tree or trees that have failed in part or wholly that affect the highway network. The cost of which may be recharged back to the landowner or a charge placed on the land if the owner cannot be identified.

3.5 *Tree Preservation Orders (TPOs) on Council Owned Trees*

A number of trees on BCBC owned land are subject to TPOs. However, the Council is a responsible body with a statutory duty to protect and conserve trees. TPOs are served onto landowners where trees are located on private land only when there is a potential or actual risk of the trees being lost or damaged i.e. expedient and they are within the public realm. There is separate guidance associated with this process which details when and how a TPO will be served.

3.6 *Trees on Council owned development land*

Trees which are part of a development site or subject to planning applications and which are on land owned and managed by the Council, will be subject to the same requirements as those located on privately owned sites. It will be expected that the trees are considered as part of the project as a Statutory requirement under the Town & Country Planning Act – 1990, as defined within the guidance provided in BCBC's Supplementary Planning Guidance: Trees and Developments.

3.7 *Refusing requests to undertake tree management works*

BCBC receives many requests from the public to carry out works to trees that are considered as non-essential, that is management that isn't directly related to the condition safety issues and/ or nuisance in legal terms and which will result in the loss of this valuable urban resource. Works considered to be non-essential will not be undertaken, this is in accordance with legislation which promotes retaining trees and canopy cover within BCBC's urban landscape for health, social and biodiversity reasons. This also ensures that Council funds are directed to prioritised works associated with its proactive tree survey program. The nature of the most frequent, non-essential requests which will not be undertaken, are outlined below, these are:

- **Cosmetic reasons or appearance** - This is unnecessary, costly and may adversely affect the long-term health and structural integrity of trees.
- **Loss of light / shading** – There is no statutory or common law right to light in the UK therefore BCBC will not carry out tree works to allow natural light or reduce shading in relation to domestic property. However, where two or more evergreen or semi-evergreen trees are planted in a line with the potential to be considered as a hedge, then Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges Regulations) may be relevant.
- **Installation of Solar Panels** – The fact that there is no statutory or common law right to light in the UK also impacts upon the use of solar panels.
- **Loss or disruption in relation to TV or Satellite signal** – The purchase of a TV licence or subscription to a service provider, provides the purchaser with the right to operate the equipment that receives any available signal. However, there is no legal right to TV / satellite signal in the UK. Guidance should be sought from the service provider with regard to negating issues relating to reception.
- **Loss of views** - There is no right to a scenic view un-obscured by trees in the UK. BCBC will not carry out tree works solely to improve views to and from domestic or commercial premises. This includes areas where views may have previously existed. BCBC do reserve the right to remove its own trees if considered and can be evidenced that this will be for the benefit of public landscape and visual amenity.
- **Shedding of leaves, fruits and debris** - Reasonable debris such as leaves, fruits, nuts, flowers, residues, minor deadwood, and naturally occurring by-products of the trees life processes, must be expected where trees occur. BCBC will therefore not carry out tree works in relation to negating such matters.
- **Branches overhanging adjoining land** - BCBC has no duty to prune overhanging branches except where they are in direct, or potential conflict with an adjacent built structure (legal nuisance). The owner or occupier of adjacent land does have a common law right to cut back overhanging branches to their boundary line. Anyone wishing to enact their common law right in relation to council owned trees is encouraged to liaise with the local authority. This is to ensure that works do not compromise the health of the tree or breach protective designations.

- **Perceived risk due to ‘tall’ or ‘swaying’ trees close to properties –**
The proactive tree survey programme is designed to pick up on dangerous trees located close to high risk areas such as property or highways.

This list is not exhaustive and BCBC reserves the right to refuse requests to undertake tree management works for other reasons as it considers appropriate. The policy will need to be flexible with each case being assessed on its own merits and according to the financial budgets available.

Appendix 1 - Legislative context

Under Civil law a duty is owed to trespassers by a person as occupier of premises to persons in respect of any risk of their suffering injury on the premises by reason of any danger due to the state of the premises or to things done or omitted to be done on them this gives rise to potential damages claims in the event of a breach of such duties. The duty in respect to visitors is the common duty of care which is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there.

There is also a liability in Criminal law under the The Health and Safety at Work Act (1974) which places a duty on employers to ensure, so far as is reasonably practicable, that in the course of conducting their undertaking, employees and members of the public are not put at risk. Whilst the acts of felling or pruning a tree obviously fall under the act, the growing and management of trees on land also falls within the scope of this duty. The Management of Health and Safety at Work Regulation (1999) will also be applicable. Regulation 3 deals with risk assessments which would include carrying out risk assessments of tree stock. In relation to Highways, relevant Highways legislation applies.

The introduction of the Well-being of Future Generations (Wales) Act 2015, the Planning (Wales) Act 2015 and the Environment (Wales) Act 2016 has created a more interconnected policy context in relation to environmental preservation and enhancement.

The Well-being of Future Generations (Wales) Act 2015 requires public bodies to consider improving the social, economic, environmental and cultural well-being of Wales.

A new biodiversity duty included in the Environment (Wales) Act 2016 helps to reverse the decline and secure the long-term resilience of biodiversity in Wales. This enhances the Natural Environment and Rural Communities (NERC) Act 2006 duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”. To this end, on 24th April 2018, BCBC Cabinet approved the Bridgend County Borough Council Biodiversity and Ecosystems Resilience Forward Plan, 2018-2022.

The i-Tree research identified the following examples of the value of Bridgend County’s Urban trees:

- Surface water particularly in storm events can result in damage to property. Trees can ameliorate this problem by intercepting rainwater. Bridgend County’s urban trees intercept an estimated 123,727,000 litres of water per year, equivalent to approximately 360 times the size of Pencoed or Pyle’s public swimming pools. In addition to contributing

to flood prevention and based on the standard local rate charged for sewerage, the presence of trees saves £163,790 in sewerage charges avoided in Bridgend County Borough.

- Air pollution leads to a decline in human health, a reduction in the quality of ecosystems and it can damage buildings through the formation of acid rain. It is estimated that 61.2 tonnes of airborne pollutants per year are removed by Bridgend County Borough's urban forest, including NO₂, O₃, SO₂, CO, PM₁₀ and PM_{2.5}. O₃ and NO₂ were the pollutants removed in the highest volume by trees. Using the UK system, which only includes three pollutants, £325,991 worth of pollutants are removed from the atmosphere each year. Using the US valuation system, £629,836 worth of pollutants is removed by urban trees in Bridgend County Borough.
- It is estimated that Bridgend County's urban trees store a total of 53,500 tonnes of carbon in their wood. This is equivalent to 69% of the annual carbon emissions produced by Bridgend County's households. Alternatively, this is the equivalent of the annual CO₂ emissions of 98,500 cars. Based on the central scenario for non-traded carbon, it is estimated that the carbon in the current urban tree stock is worth £12.1 million.

Bridgend County's urban forest sequesters 2,079 tonnes of carbon per year (0.5 t/Ha); this amount of carbon is estimated to be worth £461,400. The net annual sequestration rate is equivalent to the annual emissions from 3,700 automobiles (5% of the number of cars in Bridgend County Borough), or 1,500 family homes (2.5% of Bridgend County Borough's total estimated households).