

Appendix A Cast Study 1

The T&CCLO was contacted by the Clerk of & T&CC, who'd been approached by residents. The issue concerned trees encroaching on properties along a watercourse which flowed behind the residents' homes and residents wanted BCBC to cut back or remove the trees.

Through liaising with Corporate Landlord and Terrier, the T&CCLO ascertained that the land was unregistered and that the trees were subject to tree preservation orders. The Clerk was advised that the householders would be responsible to the centre of the river as riparian owners. The T&CCLO was able to supply Guidance from Natural Resources Wales. The T&CCLO also advised the Clerk of the TPO and that planning permission would be required to undertake any pruning or removal and that BCBC's Policy is to only remove trees that are diseased, dying or dangerous.

The Clerk was able to inform the residents and advised to retain a copy of the guidance so should a similar situation arise again; they could refer the details.

Subsequent to this, the Clerk contacted the T&CC, having been approached once more by residents. They requested a site visit with BCBC Officers and stated that the issue had previously been pursued with NRW.

Following further discussions with both the Highways Network Manager and with the Group Manger Flooding & Costal the T&CCLO was able to advise the Clerk. It was reiterated that as BCBC do not own the land and it is not registered with the land registry, the owners of the adjacent properties would be responsible as riparian land owners.

Unless otherwise identified in deeds, the watercourse would be the responsibility of the landowners either side up to the centre of the watercourse. Responsibility would include the need to keep the watercourse free of obstructions; which the NRW document *A guide to your rights and responsibilities of riverside ownership in Wales* explained further.

BCBC's responsibility would be if the authority were informed that there is a blockage in the watercourse, the authority would contact the landowner (which may be the residents themselves) and require them to remove blockage.

Planning permission would be required for any work to the trees, as the trees have tree preservation orders in place. BCBC does not have responsibility for maintaining trees on private land and for BCBC land only remove trees that are diseased, dead or dangerous.

It was clarified that there was an occasion in the past where BCBC removed a tree that had fallen near to a culvert. While BCBC did not have any statutory duty to intervene, it did so to prevent a blockage to the culvert for 'good will'. Similarly, the Cleaner Streets & Waste Operations Manager had involvement regarding waste collection around a culvert in the past, however, unfortunately, due to BCBCs current financial and service restraints the authority is not in a position to remove private waste.

The T&CCLO confirmed that as BCBC's advice would not change from that which has already been given, a site visit would not be necessary.