

Policy on the management of Trees and Hedges in Council Ownership

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Introduction

This policy outlines how Monmouthshire County Council responds to reports, enquiries and complaints from the public about Council owned trees, and the rationale behind the decision making process that has to balance the needs of the individual, the wider community and that of future generations.

Monmouthshire County Council values the district wide tree cover and recognises the immense potential for human and environmental benefits associated with a healthy and sustainable tree population. The value that trees contribute is also recognised at a national level and is supported through the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. However, the number of trees and canopy composition across the county, Wales and the UK more broadly has declined in recent years. Evidence from Natural Resources Wales shows that Monmouthshire has a lower than average and declining urban tree canopy. Furthermore, tree planting at a nation level is at an all-time low. It is within this context that our approach to managing trees is set.

In the development of this guidance, the Council recognises key legislation, national policy and issues relating to UK wide tree and forest health.

General Principles

Trees have evolved to cope with a range of climatic and weather conditions. As self-optimising organisms, generally, they will remain healthy, stable and safe where their environment remains consistent. However, as living growing organisms, it is recognised that trees can develop defects or health issues that may lead to failure that poses a risk to people and property in close proximity. Monmouthshire County Council recognise this potential risk and their responsibility to assess trees for safety and may from time to time carry out maintenance work to manage risk. Where tree management work is necessary, this is completed in the most sympathetic manner to maintain the health of the tree and its contribution as a natural asset whilst ensuring that individual trees do not pose a physical risk to people or property.

Assessing Tree safety

To provide context to the risk posed by trees, approximately 'one death in 10 million people per year are from falling or fallen trees and branches. As far as non-fatal injuries in the UK are concerned, the number of accident and emergency cases (A&E) attributable to being struck by trees (about 55 a year) is exceedingly small compared with the roughly 2.9 million leisure-related A&E cases per year. Footballs (262,000), children's swings (10,900) and even wheelie bins (2,200) are involved in many more incidents.'¹

To ensure that this level of risk remains low and that Monmouthshire County Council meets its duties as a responsible land owner and local authority, the County Council carry out tree safety inspections. The tree safety assessment method employed by County Council is the nationally recognised Quantified Tree Risk Assessment (QTRA). Information about QTRA can be found at <https://www.qtra.co.uk/>

Where capacity is limited, the County Council may also employ specialist arboricultural contractors to carry out tree safety inspections.

Monmouth County Council staff carry out small-scale tree works. Where larger or more specialist work is required, contractors may be employed to carry out the work on the Council's behalf. Where contractors are used for safety assessments or tree works, they meet the Council's procurement policies relating to qualifications and competencies, health and safety systems and insurance.

The County Council receive enquiries, reports and complaints about trees in both public and private ownership. If a report is received identifying a dangerous tree, the County Council will first establish on whose land the tree is growing. The Monmouthshire County Council can only confirm if the Council owns the land or if a Tree Preservation Order has been made on a privately owned tree, beyond this, the County Council cannot advise on trees in private ownership. Where the tree is confirmed as owned by the County Council, it will arrange an inspection and follow the Inspectors recommendations for management work.

Requests for Tree Safety Assessments

The County Council will carry out a Tree Risk Assessment using the QTRA method to assess Health and Safety, impact on built infrastructure or impact on the safe access and egress along a public right of way. The QTRA process will inform what, if any, works need to be undertaken. This may include a recommendation for a more detailed ecological or arboricultural tree survey. Where a resident is unhappy with the recommendations from the survey and requests a second tree assessment, this will be offered at a fee of £100, refundable should an issue be identified. Where this is agreed, an alternative assessor to the first will carry out the QTRA.

Where a resident requests a more detailed arboricultural tree assessment beyond that that has been recommended by the QTRA method, the County Council can arrange this via an independent external contractor for a fee (to be agreed in advance) based on the cost of the supplier and reasonable administration fee. Again, this fee is refundable should an issue be identified.

Where a resident wishes to engage a private contractor to assess a tree, MCC will only consider the recommendations where they are presented in writing and the assessment meets the following criteria:

The County Council must agree the cost of the survey in advance; the surveyor must be qualified to undertake a survey to a minimum standard of BS-3998:2010

The survey must include:

- A reference number for each tree or group to be recorded on a tree survey plan
- Species listed by common name
- The approx. height of the tree/s
- The stem diameter of the trees measured in accordance the standard
- The branch spread at four cardinal points
- Existing height above ground level of the first significant branch and canopy
- Life stage (e.g. young, semi-mature, early mature, mature, over-mature)
- General observations, particularly of structural and/or physiological condition
- An estimate of remaining contribution in years (<10, 10+, 20+, 40+)
- The preliminary management recommendations
- Photographs showing the whole tree and any specific issues highlighted.

The Supplier must, or ensure that any Sub-contractors involved in the provision of the Services, hold and maintain the following insurance cover with a reputable insurance company: Professional Indemnity, Public Liability and Employer's Liability. In each case with the minimum level of indemnity set at five million pounds (£5,000,000).

Trees requiring special consideration

In addition to the broad value that the tree population provides, and its contribution to the social, economic and environmental fabric of Monmouthshire, certain trees may be singled out for special consideration. Many trees outside of County Council ownership are already recognised for special status by the use of Tree Preservation Orders (TPO). However, TPOs are not applicable to Local Authority owned trees. Therefore, to ensure that such trees are given due consideration, this policy outlines below how the County Council assesses its own tree stock for special consideration.

There are many names given to trees that identify them as having special value, these include Champion Trees; Notable Trees; Ancient Trees and Veteran Trees. In addition, trees and woodlands have been planted to commemorate special events or as part of historic landscapes and, more recently, for landscape restoration and enhancement. The value of these trees is often irreplaceable due, for example, to the age of the tree and its associated flora and fauna, or its historical or cultural connections.

In future proactive tree assessments, Monmouthshire County Council will identify trees that should be recorded as special. These trees will be mapped and details kept identifying their special characteristics to ensure that they receive the appropriate protection. Importantly, this does not mean that issues relating to health and safety will be given less priority, rather, that more specialist management options will be considered to ensure that the tree/s can remain in place for the longest possible duration. For example, it may be appropriate to cable brace or prop a designated special tree where ordinarily, the approach may be felling and replanting.

The criteria for designating special trees will be agreed by June 2018 and implemented as part of future tree inspections.

Reports, Enquiries and Complaints received for reasons other than safety.

Monmouthshire County Council only carry out essential management work to the local authority tree stock. The council consider the following reasons as essential management of trees as:

- To manage risk to people and property
- Where trees are seen to be damaging built infrastructure
- Where trees are reducing on the safe access and egress of a public right of way

Works not undertaken by Monmouthshire City Council

The list below outlines the nature of the most frequent requests, all of which are non-essential and requests for pruning or felling for these reasons will not be considered.

Cosmetic reasons, appearance or height - This is unnecessary, costly and may adversely affect the long-term health and structural integrity of trees. Any pruning work has the potential to provide the opportunity for pathogens to enter via wounds and usually promotes vigorous re-growth leading to the need for future cyclical management at significant and ongoing cost. This issue also relates to other frequently asked requests below.

Loss of light / shading – There is no statutory or common law right to light in the UK. Therefore, Monmouthshire County Council 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 in a line have the potential to be considered as a hedge, then Part 8 of the Anti-Social Behaviour Act 2003 may be relevant. Where this is the case, the County will carry out an assessment on these grounds.

Installation of Solar Panels – The fact that there is no statutory or common law right to light in the UK also affects the use of solar panels. The presence of existing trees and the impact that they may have, both at present and in the future, should be taken into account when considering the installation 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 such as Sky, 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. Monmouthshire County Council will not carry out tree works in relation to loss or disruption of signal. Guidance should be sought from the service provider with regard to negating issues relating to reception.

Loss of views - As there is no right to a scenic view un-obscured by trees in the UK. Monmouthshire County Council 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 have existed. Monmouthshire County Council do reserve the right to remove its own trees where it can be established that this will be for the benefit of *public* landscape and visual amenity, for example, in respect to historic parks.

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. Monmouthshire County Council will not carry out tree works in relation to negating such matters.

Nuisance caused by birds and insects - The excretions of birds and insects, primarily honeydew associated with aphids, are beyond the control of Monmouthshire County Council and, therefore, no tree works will be undertaken to prevent problems of this nature.

Branches overhanging adjoining land - Monmouthshire County Council has no duty to prune overhanging branches except where they are in direct or potential conflict with an adjacent built structure. The owner or occupier of adjacent land does have a common law right to cut back overhanging branches to their boundary line. However, it should also be noted that anyone carrying out tree pruning under this right owe a duty of care to the owners of trees and should take reasonable precaution when enacting this right in order to ensure that the long-term health and structural integrity of trees is not compromised. Anyone wishing to enact his or her common law right to cut back trees to their boundary where Monmouthshire County Council owns the trees is encouraged to liaise with the County Council. This is to ensure that works do not compromise the health of the tree or breach protective designations. Furthermore, there is no automatic right to carry out work on a tree from Council owned land. Where access is required, the County Council must be contacted to agree access prior to any work being carried out.

Any tree management work carried out under this right should adhere to the following:

- All work is carried out in accordance with BS 3998:2010 Tree Work – Recommendations
- Work is carried out at a time that does not conflict with leaf burst or leaf fall
- All work is carried out in accordance with relevant wildlife legislation
- Any contractor employed is suitably qualified and insured
- Disposal methods of all arising are agreed with the County Council in advance but must be in a safe and environmentally friendly manner

Privately sponsored tree work on Council owned trees – As stated, Monmouthshire County Council values the countywide tree population and will manage them appropriately. Therefore, the Council will not consider requests by individuals to pay for tree removal or pruning of County Council owned trees as this would be unnecessary and would have a negative impact on the local environment and its community.

Trees affecting Public Rights of Way

Monmouthshire County Council do not own trees adjacent to public rights of way (PROW) and, as such, are not in a position to manage them in any way. However, if a tree or branch falls across a PROW blocking or impeding access, the County Council does have duty to clear it. Reports of trees or branches across a PROW can be reported as outlined in the contact section of this policy.

Hedges

Hedges are a line of woody species including trees that form a boundary between two parcels of land.

Monmouthshire County Council own very few hedges. As part of the County's commitment to the biodiversity and to being Bee Friendly, the County Council endeavour to manage these in accordance

with the Hedgerow Manifesto:

<https://beefriendlymonmouthshire.files.wordpress.com/2017/05/bfmhedgerow-manifesto.pdf>

The majority of enquiries to the County Council about hedges relate to roadside hedges. The majority of roadside hedges are not owned by Monmouthshire County Council but by the adjacent landowner. The landowner has the responsibility to maintain their hedges and prevent them from affecting the safe use of the Public Highway. Where roadside hedges are immediately next to the Public Highway (where there is no grass verge), the County Council carry out a 1m high flail cut to the base of the hedge to remove annual growth regardless of the ownership. Issues arising with roadside hedges that require additional work are the responsibility of the landowner. The County Council Highways Department will serve notices on landowners where hedges are deemed to affect the safety of the highway

Except where significant safety issues are present, by law, hedges can only be cut outside of bird nesting season. Therefore, safety cutting is carried out from late Summer/Autumn.

Complaints Procedure

Monmouth County Council will consider complaints relating to how it has managed an enquiry, report or complaint about a tree or group of trees or hedge in its ownership based on the following:

- Failure of the County Council to follow process
- Where a decision is counter the policy
- Where work is recommended in a safety assessment but this has not been carried out in the timescale recommended.

The County Council will not consider complaints related to unhappiness with the outcome of a tree assessment where the tree safety risk assessment process has been followed correctly and the decision meets the criteria for carrying out work as set out in the policy.

Complaints should be directed in the first instance to the department completing the tree assessment who will advise on the procedure for making a complaint. A Council Officer from an alternative department to that with whom the complaint has arisen will hear a complaint.

Contacting Monmouth County Council about trees

The council can accept tree enquiries and reports of dangerous trees via:

Call Centre: 01633 644644 or contact@monmouthshire.gov.uk

Report a fault link on the website: <http://www.monmouthshire.gov.uk/>

My Monmouthshire App: <http://www.monmouthshire.gov.uk/my-monmouthshire>