

CAERPHILLY COUNTY BOROUGH COUNCIL

TREE STRATEGY

OCTOBER 2017

“A GREENER PLACE”

A guide to how the Council manages trees through its function as landowner, highway authority, and local planning authority.

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1 - Introduction

Trees are good for us. They have many benefits, some of which are more obvious, and others less so. They are an important public resource for the wider communities where they are situated, and are valuable long-term assets to our environment where we live, work, study, and play. Trees can do all of the following:

- Produce oxygen and absorb carbon dioxide.
- Soak up excess rainwater runoff and help to control flooding.
- Absorb pollutants.
- Provide a home, shelter and food for wildlife.
- Retain soils and stabilise slopes.
- Aid sustainable drainage.
- Reduce wind speeds.
- Buffer noise pollution.
- Provide a visual screen or buffer.
- Have aesthetic value and bring 'nature' to urban or semi-urban areas.
- Have historical, educational and cultural importance.
- Relieve the stresses of modern life.
- Lower rates of crime and anti-social behaviour.
- Improve property values.
- Provide shade and shelter to mitigate the effects of climate change.

The list goes on. Being around trees, even for a short while, is known to reduce stress levels, which in turn benefits our health greatly. For example, hospital patients recover better when their windows overlook trees and vegetation. Trees have also been shown to help alleviate depression and reduce aggressive behaviour¹. Trees in our communities also attract other values which can be hard to quantify: They can influence utility bills through their correct positioning by decreasing wind-chill and heating costs. Carefully positioned trees can save up to 25% of the energy a typical household uses. Trees also provide shade, reducing air conditioning costs in summer². Aesthetically, it has long been accepted that trees on a development provide a better impression, an immediate sense of maturity, to the benefit of a site and its surroundings. Estimates vary, but international studies have now shown that trees can add between 5-18% to the value of a property³.

In the UK, the **Environment Act (1995)**, the **Pollution Prevention and Control Act (1999)** and the European emission standards control pollution emissions from transport and industry. There is substantial evidence that urban trees remove large amounts of air pollution and improve urban air quality⁴. Careful maintenance to ensure plant health will increase the leaf area and increase the pollution-scrubbing effect of trees⁵. An increasing number of reports highlight the important role that trees play in our landscape and the need to future proof that treescape with regard to

¹ Forestry Commission (2011) Greenspace design for health and well-being – Practice Guide.

² US Dept. of Energy (2014) Energy Efficiency & Renewable Energy.

³ Research by CABE Space in 'Does money grow on trees?', CABE 2005, reported that, in the 8 UK parks they studied, proximity to them added a premium to house prices of between 5-7%; While a US study of parks claimed house values were between 10-20% higher; The value of US properties in tree lined areas was estimated as being 6% higher by 'Urban Forest Values: Economic Benefits of Trees in Cities', Wolf K, University of Washington College of Forest Resources, Factsheet 29, 1998; 'Benefits of community trees', Nowak DJ, USDA Forest Service General Technical Report; 'The contribution of trees to residential property value', Morales DJ, Journal of Arboriculture 6, 1980.

⁴ Nowak, DJ. (1994) Air pollution removal by Chicago's urban forest.

⁵ Jim, C.Y. and Chen, W.Y. (2003) Assessing the ecosystem service of air pollutant removal by urban trees in Guangzhou, China.

appropriate funding and resources, species diversity, and planting goals. [Caerphilly County Borough Council](#) (hereafter “the Council”) has committed itself to producing a Tree Strategy to provide action and policies to help safeguard and enhance this vital treescape.

2 – General Policies

This strategy exists as part of a hierarchy of other relevant tree-related or general strategies, standards and plans. The **Wellbeing of Future Generations (Wales) Act 2015** is an important law about improving the social, economic, environmental and cultural wellbeing of Wales. It is increasingly clear that the reasonable management of existing trees in the landscape, as well as the provision of new planting schemes and replacement planting plans, significantly contributes to all of those important aspects and the well-being goals that the Act is intended to enhance.

The **Climate Change Act (2008)** states that every local authority must produce an appropriate adaptation plan. The Council’s own **Local Climate Impacts Profile (2015)** has stressed the significant impact that the changing climate is having on trees in the landscape. It recommends a more joined up holistic approach to aligning plans and strategies that include the potential benefits of adaptation issues. Further recommendations focus on a number of service areas where appropriate tree management, and resources for increasingly proactive arboriculture, will help to mitigate the negative impact of climate change.

The Council’s Supplementary Planning Guidance (**SPG**) **LDP 4 – “Trees and Development”** – comprehensively explains the legislative and planning framework that relates directly to trees and woodlands. **British Standard 5837:2012** (“Trees in Relation to Design, Demolition and Construction - Recommendations”) is the key national document that forms the basis for the above SPG. **British Standard 3998:2010** (“Tree Work – Recommendations”) is the key national document that determines the recognisable standards of tree maintenance – be it pruning, felling, pollarding or coppicing – that all reputable tree surgery contractors and foresters are required to work to. It is also the Standard that the Planning Department require any approved tree works on protected trees be carried out to. The Council requires that the arboricultural contractors it employs and its own staff work to this standard.

The **Town and Country Planning Act (1990)**, and as amended) is the primary legislation for administering Tree Preservation Orders and Conservation Areas. Works to protected trees are administered according to the nationally recognised procedures of this important legislation.

British Standard 8545:2014 (“Trees: from nursery to independence in the landscape. Recommendations”) assists those involved in planning, designing, resourcing, producing, planting and managing new trees in the landscape. It describes a process for planting young trees that will result in them achieving genuine “independence in the landscape” which the Council requires to achieve desired planting objectives.

The National Joint Utilities Group (NJUG) published “Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees” (known as “**NJUG – Volume 4**”), which echoes and simplifies most of the principles of BS5837:2012; forms the basis for the principles by which the Council carries out works to utilities near trees, or the standard to which other statutory undertakers are expected to adhere to.

The **Highways Act (1980, as amended)** is the primary legislation which determines how the Council manages trees on land either adjacent to or within the public highway. **Occupiers Liability Acts (1957 & 1984)**, the **Health & Safety at Work Act (1974)**, and **Local Government (Miscellaneous Provisions) Act (1976)** all provide further legislation which requires tree owners take reasonable steps to manage trees on their property responsibly. There is a 'Legal Duty of Care'. [This strategy is intended to supplement the above legislation, national and Council guidance, and British Standards; providing advice and guidance relevant to the management of private and Council owned trees within Caerphilly County Borough.](#)

3 – Common Enquiries – ‘nuisance’ trees

The Council receives many complaints or enquiries about trees causing nuisance: A high percentage of calls received by the Council are in relation to trees. A consistent approach is adopted throughout the Council and work is carried out or approved in response to an assessment of the actual problem, and the environmental, amenity, or financial cost of felling trees and/or other arboriculturally appropriate maintenance works. Each tree is assessed on the basis of the merits or defects in its condition at the time of the inspection; and with regard to the tree owner's legal duty of care and whether there might be any legal or 'actionable' nuisance present which the tree owner will be minded to abate.

Many of the nuisance types detailed below have not been found to be 'actionable' in UK courts, and as such the tree owner is not obliged to abate many of those specific nuisances. Those nuisance types, which *have* over the years been found 'actionable' – such as letting a known danger remain in situ within range of a neighbouring property (e.g. a large dead limb overhanging a neighbour's greenhouse), or the nuisance of structural damage, will be addressed elsewhere within this document.

Frequently, the most-often complained about nuisances will be what are known as 'minor' or 'seasonal nuisances'. These are generally those that may cause inconvenience to people, but rarely cause significant discomfort or financial loss. It is *very* common to hear that trees are generally appreciated, but not wanted in a *particular* location because of this. **Action in response to all minor nuisances would lead to the unnecessary removal or disfigurement of many trees, to the detriment of both public amenity and wildlife.** As well as having a major environmental implication that would clearly be unsustainable and contradictory to Council policies, action by the Council in response to all the minor nuisance complaints it receives would be a waste of resources that would be better spent on *necessary* tree works elsewhere or other Council services.

3A – 'HONEYDEW' – Aphids and related insects feeding on tree sap excrete what they don't use as a sugary substance called 'honeydew'. It is tacky dried on vehicles and slippery when wetted by rain*. Some tree species, such as Lime, Maple, and Oak, are more associated with this issue than others. Contrary to popular perception, it does not damage car paintwork, and is removed by washing with warm soapy water⁶. A car cover will help if alternative parking is unavailable.

Primarily a seasonal problem, honeydew is usually worst in May or June. No amount of pruning will alleviate the problem, and 'biological control' using aphid predators is costly, not always

⁶ DETR Research for Amenity Trees Number 2(2000) – 'Diagnosis Of Ill-Health In Trees' by Strouts & Winter

successful, and usually only a temporary reprieve. [Trees are not inspected or maintained in response to honeydew complaints.](#)

**Specific instances of particularly bad patches of pedestrian footway should be reported to the Council as a street cleansing issue and responded to accordingly.*

3B - FALLING LEAVES, SMALL FRUITS, BERRIES, NUTS, SEEDS, FLOWERS, etc. ('SMALL BIOMASS') – The seasonal shedding of leaves, fruits and flowers is a natural function of a tree's biology. Activities such as clearing fallen leaves or berries are part of normal household maintenance and would not obligate a tree owner to be responsible for their clearance. While clearly for some they are a burden or tiresome to deal with, they are a part of normal life and the disadvantages should be weighed against the benefits of the trees to the area. Apart from raking or sweeping, use of textured surfacing may assist with slip hazards if they occur persistently. A range of brushes, guards, meshes or grids are widely available to help stop gutters or drains from blocking. [Trees are not inspected or maintained in response to complaints of falling leaves or other small biomass.](#)

3C – ROOSTING BIRDS – Occasionally large numbers of roosting or perching birds can cause problems due to their droppings causing a mess. Generally, felling a tree will not alleviate the problem as birds will relocate to another tree nearby. For this reason [the Council will not fell, or allow the felling of, trees purely because of roosting or perching birds.](#)

3D – TELEVISION & SATELLITE RECEPTION – Holding a TV license does not give a legal right to reception; it permits the holder to operate receiving equipment. Residents are advised to consult a TV or satellite engineer about moving the aerial or dish, attaching it to an extension pole, or fitting improved receiving equipment. Residents with a broadband internet connection can usually access broadcast TV programming via their computer (which may typically be connectable to a TV). BBC iPlayer, ITV Hub, and Sky Go (and other equivalents) offer such services for free to license holders or subscribers.

Normally, pruning to alleviate an obscured signal would only be approved or consented to if it was arboriculturally appropriate for the tree concerned. Pruning or felling a protected tree, or a tree in a Conservation Area, will need prior consent from the Planning Department, just as any other issue. Applications or notification of works to protected trees will be considered on their merits (as per works to all protected trees). It's recommended that independent professional arboricultural advice be sought prior to an application or to giving notice in a Conservation Area. [Trees are not inspected or maintained in response to complaints specifically of blocked television or satellite reception.](#)

3E – BLOCKED DAYLIGHT – It is inevitable that the positions of some trees in relation to properties within residential areas will at times result in the reduction or loss of natural light within the property. Unfortunately, if all trees were felled or pruned to maximise light levels, there would be very few trees left in the built environment. Even without any trees, many houses and gardens would be at least partially shaded by surrounding buildings. As there is no legal right to daylight as far as deciduous trees, or single evergreen trees, are concerned, [the Council will not normally carry out inspections or maintenance specifically related to a complaint of this nature.](#) However, the obstruction of street lighting by trees *does* warrant action, and branches would be pruned accordingly, or occasionally even whole trees removed if it were necessary in order to improve visibility and/or safety in a public location (see section 5B below).

3F – OBSTRUCTED VIEWS – As there is no legal right to a view (unless specifically cited in title deed easements; typically rare), the obstruction of views is considered a minor nuisance and [the Council will not remove or severely prune trees of amenity value purely for the creation or reinstatement of views](#), except in very exceptional circumstances. An example might be trees of significant size, but limited amenity value, blocking a public view of, say, Caerphilly Castle, that was felt to possess greater public amenity value.

3G – ‘HIGH HEDGES’ – The High Hedge Regulations, under Part 8 (High Hedges) of the **Anti-Social Behaviour Act (2003)** form the only UK legislation specifically giving a legal right to light where obscured by trees. The definition of a ‘High Hedge’ is “...*a barrier to light or access as is formed wholly or predominantly by a line of **two or more evergreen or semi-evergreen trees or shrubs and rises to a height of more than 2 metres** above ground level.*” The Act only offers control over hedges that affect domestic properties. [The role of the Council is to act as an independent and impartial 3rd party.](#) The official guidance document – “Over the Garden Hedge” (available at <http://www.communities.gov.uk/publications/planningandbuilding/overgardenhedge>) - details the process that **must** be exhausted before a complaint is officially made via the Council as a last resort. The complaint procedure is a fee-payable service.

Once the Council is in receipt of a complaint form and the fee has been paid, and the Council is satisfied that the complaint meets the legal tests and other possible remedies have been exhausted, the Council will invite the hedge owner to set out their case. Once the Council has heard both sides of the issue, an officer of the Council will visit the site to assess the hedge and surroundings for themselves. The Council will also obtain any other relevant facts about the site that might be needed to help determine the outcome of the complaint. A Council officer might, for example, need to measure the size of the garden, or the hedge distance from the house windows. Once all relevant information has been gathered, the Council will consider the complaint. It shall be determined whether or not the hedge adversely affects the reasonable enjoyment of the home and garden, and what, if anything, should be done about it.

If it is decided that action is necessary, the Council shall issue a formal notice to the hedge owner which sets out what they must do to the hedge, and by when. This is known as a “remedial notice”. It may also require the hedge owner to keep the hedge maintained at its new size. High Hedge complaints are administered by the Council’s Environmental Health department.

3H – OVERHANGING VEGETATION & ENCROACHING ROOTS – There is no legal obligation to prune or reduce foliage from vegetation on your property if it overhangs a neighbouring property. However, if overhanging vegetation is causing damage to a neighbouring property it can be deemed a ‘legal’ or ‘actionable nuisance’. The same principle may apply to roots beneath the ground. (Contrary to popular belief the vast majority of tree roots growing beneath adjoining properties do not cause a legal nuisance or structural damage. **Please see sections 4C & 4D for further details concerning ‘direct’ and ‘indirect’ damage by roots.**)

In the case of legal nuisance the vegetation/root owner would be obliged to abate the nuisance. The same principle applies to any Council-managed tree. In most cases [the Council is unlikely to undertake pruning works solely as a result of overhang – unless there is direct physical contact causing a legal nuisance, or a reasonably foreseeable danger.](#) The Council does not reduce or remove overhanging branches as a result of falling leaves, seeds, fruits, blossom, etc., nor as a result of blocked light or blocked TV reception, as discussed in the sections above.

3J - POLICIES FOR ALL TREES:

P1	Transparency of Action	<i>The Council will aim to achieve a transparency in its action and all its decision-making on trees.</i>
P2	Public Safety	<i>Public safety is of foremost importance when making decisions about trees in the county borough.</i>
P3	Arboricultural Standards	<i>The Council will take a similar approach in assessing their own and private trees, and will require inspection to the highest standards of the arboricultural profession.</i>
P4		<i>The Council will require continued professional development for staff operating at both a professional, supervisory and practical level so as to help ensure that trees are managed appropriately and in accordance with current best practice in modern arboriculture.</i>
P5		<i>The Council will require that all the work for which it has responsibility is carried out according to BS3998:2010 British Standard "Tree Work - Recommendations" and/or in the European Tree Pruning Guide published in 2001 by the Arboricultural Association as a minimum standard. Any subsequent revisions or replacements of these recognised standards will be similarly adhered to.</i>
P6	Tree-related Nuisance	<i>The Council will not carry out or authorise any tree work to alleviate a nuisance which is contrary to any other adopted tree policy.</i>
P7	Minor and Seasonal Nuisances	<i>The Council will resist felling or severe pruning of its own or protected trees purely because of minor or seasonal nuisances such as honeydew, bird droppings, leaf-fall and the shedding of seeds, fruits, nuts or flowers.</i>
P8	TV or Satellite Reception Obstruction	<i>The Council will resist the removal or pruning of trees in order to improve television or satellite reception. There is no legal right to TV or satellite reception, and service providers are normally able to reposition or provide improved receiving equipment.</i>
P9	Daylight or View Obstruction	<i>The Council will resist the removal or pruning of trees in order to increase daylight admittance to a property or for the creation (or reinstatement) of a view.</i>
P10	Evergreen 'High Hedges'	<i>Complaints may be submitted about a privately held 'High Hedge' where it is shown that all reasonable attempts to resolve the situation have been made and the hedge affects reasonable enjoyment of a home because of its height. The Council will consider the complaint and sustainable height reductions may be enforced as necessary.</i>
P11	Tree Size and Amenity	<i>Trees should be placed for mainly uninterrupted growth, except where there are over-riding historical or design needs to do otherwise.</i>
		<i>Wherever there is space to allow a tree to grow to full size without the need for disfiguring pruning, or it causing a serious nuisance, the Council would seek the largest tree possible, notwithstanding the need to select trees for reasons of character or design.</i>
P12	Arboricultural By-products	<i>The Council will dispose of all timber and tree-work arisings in an environmentally sustainable manner, and encourage others to do so.</i>
P13	Trees and Wildlife	<i>In all its dealings with trees the Council will aim to carry out, approve or encourage management of trees that protects and enhances wildlife. Work will not take place to trees found to contain nesting birds during the nesting season where the work would destroy or disturb nesting. When works are proposed to trees, or near to trees, suspected as bat roosts or being near to badger setts, prior guidance will be sought from the Council's Ecologists, and the recommended actions followed. Works will be postponed as necessary in all but the most severe of emergency situations.</i>

4 – Council-held Trees

The Council is directly responsible for all the trees growing on land that it owns or holds in the county borough. This 'estate' is very diverse and includes urban parks, country parks, housing areas, highway land, cemeteries and care homes etc. Each site has its own requirements, opportunities and constraints in relation to trees. As of 2016 the current *estimated* number of trees is 260,000 though this number is expected to rise as wider-reaching surveys are undertaken in the future.

4A - DUTY OF CARE

Under UK law the occupier of land has a duty of care to take reasonable steps to prevent or minimise the risk of personal injury or damage to property arising from the presence of any tree on the land, or from its breakage or uprooting.

In England and Wales, liability is governed by the **Occupiers' Liability Acts (1957) and (1984)**. The earlier Act deals with the liability relating to visitors; i.e. persons who enter the land or premises either by invitation or permission. The later Act deals with the liability to other persons, including trespassers. Occupiers can be held negligent in their duty of care even if injury or damage occurs on land where people do not have access by right or invitation. In the event of a claim arising from personal injury or other damage involving a tree, the occupier of the land will in most cases be liable if found negligent in meeting their duty of care. For proof of negligence, it will usually have to be shown that it was reasonably foreseeable that the tree might do damage. Where negligence is not proven, the failure of a tree would be an accident, or "Act of God".

If a tree is located where it could either fail in whole, or part, and cause injury or damage, the occupier is expected to ensure that it is subject to periodic expert inspection and that the inspection is recorded and any recommendations acted upon. The purpose of the inspection is to determine whether it is foreseeable that the tree could cause harm by virtue of its location, size and physical condition. The occupier must take action to remedy any defects found in the inspection. The courts have recognised that the occupier of land may not have the necessary expertise to make such a determination. It is therefore accepted that employing a suitably qualified expert to do this work can fulfill the occupiers' duty of care.

The National Tree Safety Group (NTSG) is a broad partnership of organisations that have come together to develop nationally recognised guidance on tree safety management that is proportionate to the actual risk from trees. [The Council refers to the National Tree Safety Group's 2011 report Common Sense Risk Management of Trees as best practice with regard to managing its duty of care.](#)

Meeting the Council's duty of care in respect of trees: Inspections

The Council employs professional staff suitably qualified and experienced in arboriculture (the care and management of trees). To assist with the management of the tree stock, and to meet the Council's duty of care, a computerised tree management database has been introduced. The recorded information includes details of a tree's location, species, age & useful life expectancy, condition, recommendations for any necessary works, and the value of an individual tree as an amenity & environmental asset (see "CAVAT" system at section 4D below). It is an auditable archive of previous inspections and resulting works undertaken.

Tree inspections are undertaken in those areas where trees pose the greatest risk to people or property, but other management issues are also identified and addressed as far as possible. Based on the condition of the tree, and the severity of any defects present, a priority for action and timetable for maintenance is allocated (see below).

Pro-active or ‘planned’ inspections are based on a ‘zoned’ approach and use a traffic light system:

SITE USEAGE TYPE	<u>INSPECTION FREQUENCY</u>
<p>HIGHER USE: (RED)</p> <ul style="list-style-type: none"> - transport routes – A-roads & B-roads - schools* (see Section 9, pages 23-24) - housing estates (communal areas) and OAPs/sheltered housing provision - municipal parks - cemeteries 	<p>AIM TO INSPECT EVERY TWO YEARS</p>
<p>MEDIUM USE: (AMBER)</p> <ul style="list-style-type: none"> - country parks - libraries - public open space with large mature trees - playgrounds - social services establishments - car parks - Council-held corporate sites - Monmouthshire & Brecon Canal 	<p>AIM TO INSPECT EVERY FOUR YEARS</p>
<p>LOWER USE: (GREEN)</p> <ul style="list-style-type: none"> - All other sites - Transport routes - C-class and unclassified roads - Public Rights of Way 	<p>RE-ACTIVE – based on expediency</p>

Meeting the duty of care in respect of trees: Maintenance

In addition to the rolling programme of planned inspections, and ongoing cyclical works (e.g. street tree re-pollarding), some works will also arise from unplanned events such as severe weather conditions or insurance claims. Trees which threaten public safety will always be given higher priority, which may at times correspondingly cause plans for non-urgent works having to be delayed.

TREE CONDITION	<u>WORKS PRIORITY</u>	TIME SCALES
<p>Dangerous Trees in public areas or along 'higher use' (RED) transport routes.</p> <p>For example:</p> <ul style="list-style-type: none"> • Root Movement (loose tree in ground; excludes saplings & small trees). • Unattached or split large branch. 	<p>EMERGENCY</p> <p>Immediate / Dangerous</p>	<p>Within 24 hours;</p> <p>ASAP during extreme weather conditions.</p>
<ul style="list-style-type: none"> • Dead Trees. • Trees causing imminent structural damage. • Trees causing highway obstructions 'higher use' (RED) transport routes. • Major obstruction caused by trees at 'medium use' (AMBER) transport routes. • Trees affecting Community Safety e.g. CCTV. 	<p>HIGHER PRIORITY</p>	<p>0-3 months</p>
<ul style="list-style-type: none"> • Trees implicated in insurance claims. • Other Trees causing highway obstructions. • Routine maintenance at 'higher use' sites 	<p>MEDIUM PRIORITY</p>	<p>3-18 months</p>
<p>Other work requests not of a safety related nature such as:</p> <ul style="list-style-type: none"> • General pruning to improve tree structure for nuisance; or routine maintenance at 'lower use' (GREEN) sites. • Removal of unsuitable trees • Tree planting requests 	<p>LOWER PRIORITY</p>	<p>18 months to 5 years</p>

4B - INSURANCE CLAIMS

Where a Council owned tree is implicated in personal injury or damage to property and a claim against the Council is made, all details must be sent in writing to the Council's Insurance and Risk Manager. A recommendation for the pruning or removal of trees implicated in insurance claims will only be considered where sufficient technical evidence is submitted so that a suitably informed decision can be made. The Council will Investigate all tree related insurance claims when instructed by the Council's Insurance and Risk Manager.

DAMAGE BY TREE ROOTS

Roots may occasionally cause damage to properties either 'directly' or 'indirectly'. The roots of trees exploit soil and ground conditions in various ways dependent on the tree species and local conditions.

4C – DIRECT DAMAGE BY ROOTS

In cases of 'direct' damage (where roots of Council-held trees are actually **physically** damaging a structure) the affected property owner is advised to consult with their building insurer before making a claim against the Council for any damage suffered as outlined above in section 4B. In cases where drains or pipes are blocked or damaged: Old pipes with weak joints or cracks cause leaks, and roots may follow the water gradient into the pipe. Condensation on a pipe surface may increase root growth, giving the impression that they're 'attacking it'. Damage can sometimes occur when roots sheath around pipes, pulling on them in winds. Replacing or re-lining pipes with modern materials is the best solution since root pruning, root barriers, and mechanical/chemical clearance is usually only a temporary solution. Public drains are the responsibility of Water & Sewerage Undertakers, even if they are blocked by roots from a privately-owned tree.

4D – INDIRECT DAMAGE BY ROOTS

In cases of 'indirect' damage, tree roots may have contributed to a drying-out of soil so as to lead to ground movement or settlement known as '**subsidence**'. It is important to note that subsidence may be caused by a variety of non-tree related factors (e.g. leaking or collapsed drains; underground tunnelling or mining; ground vibrations; nearby construction or demolition activity; natural settlement; sub-standard building specifications, etc.), and may also be caused by other vegetation nearby such as other trees or shrubs, and creeping or climbing perennial plants.

In 2008 the London Tree Officers Association approved a 3rd edition of its **Risk Limitation Strategy** ("RLS"). The RLS was produced as a response tool for local authorities across the country to follow agreed procedures and principles with regard to tree-related subsidence damage to properties, and the management of those implicated trees. Along with an increasing number of UK local authorities, the Council will follow the core recommendations and principles of the RLS. They will allow the Council to save considerable sums of public money that might otherwise have been paid out in management and settlement of claims. A copy of the RLS may be downloaded from the LTOA website at <http://www.ltoa.org.uk/resources/risk-limitation-strategy> .

One key element of the RLS is that local authorities should adopt methods of assigning a monetary valuation of its trees so that the Council can specify the levels of evidence required in substantiating a claim dependent on the value of the implicated tree. The Council has incorporated the internationally recognised method of Capital Asset Valuation for Trees ("**CAVAT**") into its tree management database and applies a valuation to individual Council-held trees during inspection, or when implicated in an insurance claim.

The **Joint Mitigation Protocol (2008)** (also produced by the LTOA, together with representatives of the national insurance sector) gives further detail in the procedure and necessary levels of evidence and works in conjunction to the RLS. A copy of the JMP may be downloaded from the LTOA website at <http://www.ltoa.org.uk/resources/joint-mitigation-protocol> .

The Council endorses and will act upon the procedures and criteria recommended within the Risk Limitation Strategy (2008) and Joint Mitigation Protocol (2008) with regard to the management of trees under its management which are implicated in cases of subsidence damage.

4E – FOOTWAY, FOOTPATH, OR HIGHWAY DAMAGE

In some instances roots can deform the surfaces of footpaths or roads. To constitute a 'trip hazard' the deformation will be assessed against Highway Authority guidelines for the given location type. Where a hazard exists *and* is attributable to tree roots, engineering options will be explored before viable root pruning (often associated with simultaneous crown reduction pruning) or tree removal options are considered.

4F – 'FOREIGN OBJECTS' IN TREES

Unlawful placement of signs or advertisements on Council-held trees is not tolerated, and they will be removed. This is because the damaged bark which arises from the nailing or fixing of signs to the tree can often allow for ready access for pests and diseases. Similarly, ropes, strings, cables or other ties around stems or branches will usually be removed as these can girdle the stem or branch and cause premature decline and ultimately failure of the stem or branch in question.

4G – DAMAGE TO COUNCIL TREES

Malicious damage or vandalism to Council owned trees and woodlands, or unlawful works to Council owned trees is a criminal offence. The Council takes acts of malicious damage to trees very seriously and seeks prosecution whenever appropriate.

4H – STUMP GRINDING

This is the practice of removing a tree stump to below ground level by mechanical means. Where replacement planting is desirable, such as in highway verges or in existing pavement 'tree pits', stumps will be ground out. Where stump removal is not necessary, tree stumps will be removed close to ground level so as not to leave any trip hazard. Where necessary (often dependent on tree species and potential for re-generative sprouting) stumps shall be treated so as to prevent regrowth.

5 – Highways

The county borough's highway trees are mostly found in linear woodlands where the highway adjoins the countryside. Relatively few conventional street tree plantings exist within the county borough at present. Many of the street trees that have been planted are those trees on what is known as a 'pollarding' regime. Highway trees are very visible and their presence gives them an amenity value that surpasses many other trees in the county borough. In some streets, they are the only significant living thing (beside humans!) and their shape can provide a contrast to an otherwise harsh street-scene.

All the Council's general policies for its own trees will apply to the dealing of highway trees (see section 3J above).

5A – HIGHWAY OBSTRUCTION AND HAZARD

Through its responsibilities as highway authority the Council is responsible to ensure the safe unobstructed passage of vehicles, pedestrians and all lawful users of the highway. Where they grow in or near the adopted highway, trees often require management to allow visibility of signs, signals and street lamps. The Council manages its own trees to ensure sufficient highway visibility. Where visibility or physical passage is obstructed by privately-held roadside trees, the Council will continue to enforce the pruning, or occasional felling, of trees and hedges under the **Highways Act (1980)**. In an emergency situation the Council will carry out any immediately necessary works, and recharge the tree owner accordingly. The Council is not responsible for trees in an adopted

highway that might be causing an actionable nuisance to a neighbouring property unless the tree is on Council-held land. The responsibility for the tree remains that of the owner of the land where it stands.

In exceptional cases, where trees on privately-owned land represent a danger to users of the Highway, the Council has discretionary powers under the **Local Government (Miscellaneous Provisions) Act (1976)** to require trees be made safe. These *discretionary* powers will be used when necessary to ensure that the primary objective of public safety is upheld.

5B – CCTV SURVEILLANCE, STREET LIGHTING & ROAD SIGNAGE

Closed circuit television (CCTV) cameras are installed in a number of locations to increase public safety. In new developments tree planting and CCTV systems can be designed together to ensure conflicts are minimised. However, conflicts can occur where cameras are installed in an area with pre-existing trees. In these areas, total surveillance coverage cannot be achieved without some tree work. Arboricultural Officers within the council will be consulted to ensure that any felling and severe pruning is minimised. The Council aims to avoid felling or severe pruning of existing mature trees but recognises that greater public benefit in terms of safety will accrue from camera placement, subject to it being mitigated with appropriate replacement planting nearby.

The Council will allocate resources to ensure that where vegetation obscures street lighting or road signage, pruning maintenance works shall be carried out accordingly to abate any obstruction.

5C – TRENCH WORKS, EXCAVATIONS, AND ROADWORKS NEAR TREES

In contrast to the common misconception of a tree with a deep tap root, most trees actually possess a relatively shallow root system with most of the roots in the upper seam of soil. Such roots in the top 1-1.5 metres of soil are easily damaged by trench works that are required to repair existing services and lay new facilities. Significant damage to the roots will have an obvious and severe effect on the health of a tree. The damage may be worse than expected particularly for highway trees as they are often already stressed and severance of the roots on the non-road side (such as where the services run along the pavement and the tree lies between this and the roadway) will destroy a disproportionate number of roots.

Guidance is available on service maintenance and installation near trees. The **National Joint Utilities Group 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees' (NJUG, Issue 2, 2007)**, (the tree-related section is known as "NJUG Volume 4"), provides guidance to minimise damage and advises when careful hand-digging, or the use of tunnel boring technology is appropriate.

The Council requires the guidance of NJUG Volume 4 to be followed by all underground service maintainers and utility providers. The Council requires utilities to enforce their contractors take a responsible attitude when working adjacent to trees. Unfortunately, under the terms of the New Roads and Street Works Act, the Council are not given notice of all utility works. Where major works are planned, the Council will take appropriate action to ensure that contractors are taking precautions to protect highway trees. In all cases the Council requires appropriate supervision of staff and sub-contractors involved in trench works near trees and that action be taken to prevent, correct, and educate those ignoring the guidelines of NJUG Volume 4.

The Council undertakes its own trench works through its maintenance of sewers. The council will protect trees to at least the standard of NJUG Volume 4. Consultation will continue to take place between the appropriate council engineering team and a council Arboricultural Officer when trenching works are proposed near trees. An Arboricultural Officer will be consulted whenever it is proposed to cut roots greater than 25mm in diameter. Sometimes it may prove necessary to

undertake remedial crown reduction pruning in conjunction with viable root pruning in order to maintain a tree's functionality and stability. On rare occasions, when sustainable root pruning is not viable, or a tree's condition does not warrant extensive remedial works, a tree may be removed subject to its loss being mitigated with appropriate replacement planting nearby where feasible.

5D – THE GROWTH ENVIRONMENT

Road de-icing salt potentially poses a serious, albeit unquantifiable, threat to some street trees or trees near the highway. The Council will continue to minimise its salt use, as it already does for cost reasons.

Another significant stress on highway trees is the laying of tarmac or resin-bonded gravel surfacing up to the very base of a tree. To exploit rainwater runoff, trees often concentrate fine roots around the base. Unfortunately, where the laying of impermeable hard surfaces extends up to the base, the water runs into the street drain and is not available to a tree possibly stressed by drought conditions. Repeated relaying of tarmac near tree buttresses will also cause damage. Creating even a very narrow ring, or 'tree pit', of a permeable bed around highway tree stems has a significantly beneficial effect on a tree's health and long term retention value. This will not always be appropriate where trees take a disproportionate amount of pavement space, or if a trip hazard is created, but it will be considered and carried out wherever appropriate.

In new or planned developments in the built environment the Council's Arboricultural Officers will advise designers and landscape architects on the appropriate design specifications for new tree planting within existing or proposed hard standing. [Minimum soil volume requirements for tree planting within hard surfaced areas shall be recommended, and no smaller than 4m³, so as to ensure that long term success rates of new planting are significantly improved.](#)

5E – PUBLIC RIGHTS OF WAY & CYCLEWAYS

Trees in or adjacent to a Public Right of Way ("PRoW") or cycleway are managed in the same way as would be privately-owned trees in or adjacent to the highway. Many PRoWs pass across privately-held land. Typically though, the priority levels for inspecting or maintaining a tree in a PRoW will be less than those of trees in the highway as there will normally be a lower 'target risk factor' (related to the quantity and frequency of pedestrian use, or other traffic). Where Council officers become aware of a tree-related obstruction or hazard to the PRoW they will enforce any necessary action to abate the obstruction or hazard. In an emergency situation the Council will carry out any necessary works, and seek to recharge the tree owner accordingly. The Council is not responsible for trees in a PRoW that might be causing an actionable nuisance to a neighbouring property unless the tree is on Council-held land. The responsibility for the tree remains that of the owner of the land where it stands.

6 – Parks and Public Open Spaces

All of the general policies and actions for Council-held trees apply (see section 3J above).

6A – PARKS AND CEMETERIES

Trees are an integral and important part of all of the county borough's parks and cemeteries, and their management by the Council should be aided by the production of individual management plans. Trees at the Council's cemeteries have already been placed on a cyclical inspection and maintenance regime. [Planned surveys at higher use sites \(including municipal parks and all cemeteries\) are to be conducted on a two-yearly basis. Planned surveys at medium use sites](#)

(including public open spaces with large mature trees, country parks, and playgrounds) are to be conducted on a four-yearly basis.

6B – OTHER OPEN SPACES

In contrast to formal parks and cemeteries often dominated by exotic species, public open space is predominately characterised by native species, whether original rural hedges and trees that have been incorporated, or newer ‘urban forestry’ plantations characterised by dense stands of native planting. The management of trees in these areas will reflect the urban forestry vision, with lower input management characterised by coppicing, group felling, and mass planting of small stock.

6C – ALLOTMENTS

There is considerable scope on council allotments for the development of small-scale ‘allotment forestry’ as a partnership between council and tenants as part of the Allotment Forum Initiative. Ideally this would involve the planting of useful trees in positions which would not affect the site’s primary function as a place to grow vegetables. The planting of fruit trees and other perennial crops on allotments by the tenant has previously been opposed by the Council because of the potential claim for compensation that could be made by a tenant on leaving. In the future, the Council will encourage tenants to plant appropriate fruit trees where they will not significantly interfere with vegetable production, although tenants will have to formally “give” their trees to the council, so removing the possibility of a compensation claim.

Besides fruit trees, there is also the potential for the planting of small coppice areas if it was supported by tenants. These could be planted on plots that, because of shading, or say waterlogged conditions, are less suitable for vegetable growing. Coppicing of species such as hazel, willow, or sweet chestnut would produce valuable products such as bean poles, pea sticks, or fencing materials, which could be harvested communally and would represent a sustainable use of these plots while maintaining wildlife value. As the trees would be cut on a short rotation (approximately every 3-5 years), any nuisance to adjacent plot holders would be minimal.

6D – BRECON & MONMOUTHSHIRE CANAL

The Crumlin Navigation arm of the “Mon. & Brec.” canal passes through a substantial swathe of the county borough’s eastern Ebbw valley. The Council holds responsibility for the upkeep of the canal and this includes the management of its trees. It is a substantial amenity resource for the wider community and attracts walkers, joggers, cyclists (NCN Route 47), anglers, bird-watchers and nature lovers alike. Parts of it are navigable and most of the many mature trees lining its banks are protected by Tree Preservation Orders. The Council’s Arboricultural Officers provide ongoing professional advice and instruction to the canal’s management, in much the same way as they do for other Council-held trees. [The canal is a medium use site and the Council will undertake planned inspections on a four year cycle.](#)

7 – Council Housing

All of the general policies for Council trees will apply to the Council’s treatment of trees associated with council housing (see section 3J above).

7A – COUNCIL HOUSE GARDENS

The Council has responsibility for many houses that have important trees in their gardens. Responsibility for trees in the gardens of Council-owned houses rests with the Area Housing office - though tenants' responsibilities for their normal garden maintenance is clarified in tenancy agreements. Any uncertainty regarding the responsibilities of tenants or the Council should be clarified with Area Housing officers. If tenants have any concerns about the safety of trees in their gardens, in the first instance they should contact their Area Housing office to request an inspection by the Council's qualified staff.

Trees are surveyed and an inspection database is being developed as per trees in other areas of the county borough held by other departments. Following inspection, the Council will carry out tree works where there is an imminent danger of personal injury or damage to property. Routine maintenance works are carried out to other trees where it is arboriculturally appropriate and/or to prevent a reasonably foreseeable hazard or obstruction.

If, under the terms of the tenancy agreement, an unreasonable tree-related nuisance arises as a result of any action or inaction by a tenant, the tenant may be recharged for the works.

The Council may also carry out ad hoc non-safety works considered essential to enable reasonable enjoyment of the garden by tenants. Any arboriculturally appropriate works will be recommended by the Council's Arboricultural Officers to the Area Housing office, and carried out at the discretion of the Area Housing Manager. In empty properties, Area Housing officers may request tree maintenance works.

7B – HOUSING ESTATES (COMMUNAL AREAS)

The Council's Housing Department manages several large housing estates in which there are often trees found in the landscape. Many will have been planted near to housing, schools, and shops; so as to contribute to the appearance of those locations, and to enhance amenity value for the wider community. [Trees in the communal areas of housing estates are to be subject to a regime of regular planned two yearly inspections from which a programme of scheduled works is drawn up for each estate.](#) Any surveyed trees found warranting urgent or higher priority maintenance will usually be highlighted and the details forwarded to the Council team which carries out grounds maintenance on housing estates.

7C - COUNCIL HOUSING SALES AND TREE PROTECTION

Government policy has led to many previously council owned houses being sold. The council may place a TPO on some of the important trees prior to sale. In order to protect trees at the point when they are sold, the planning department will be notified of all council houses being sold where trees are present so that the trees can be assessed for their public amenity value.

8 – Privately-owned Trees & The Planning System

8A – PRIVATELY-OWNED TREES

As explained in section 2 above - "General Policies" – A tree owner's legal duty of care means that there is legislation which expressly requires tree owners take reasonable steps to prevent or minimise the risk of personal injury or damage to property arising from the presence of any tree on the land, or from its breakage and uprooting.

The Council strongly recommends that owners of trees, especially if they are large trees or are trees which are adjacent to or near to a neighbouring property, or a public highway or PRoW, have those trees professionally surveyed on a regular basis by a suitably qualified tree inspector. A reasonable period for regular inspections of trees in reasonable condition might be once every three to five years. Trees with known defects or diseases may warrant more frequent inspections, and owners should follow professional arboricultural advice within any given timeframes provided

as far as is possible, in order to fully meet their duty of care. In exceptional cases, where trees on privately-owned land represent a danger to public spaces the Council has discretionary powers under the **Local Government (Miscellaneous Provisions) Act (1976)** to require trees be made safe. These *discretionary* powers will be used when necessary to ensure that the primary objective of public safety is upheld.

The Council keeps a list of local reputable consultants (and tree surgery contractors) which is available on request. It is not a definitive list and residents are able to engage whichever professional service meets their needs, but they are advised that inspectors must be suitably qualified and hold professional indemnity insurance to provide written reports or management recommendations for tree maintenance. Contractors must also be fully insured for public liability and should also be suitably qualified to use a chainsaw and carry out tree surgery or felling operations to British Standard 3998:2010. (See also section 12F below – “REPUTABLE” CONTRACTORS OR CONSULTANTS.)

8B – TREES AND THE PLANNING SYSTEM

Local planning authorities have legal powers to protect trees and woodlands in the interests of amenity by making **Tree Preservation Orders** (“TPOs”). The **Town and Country Planning Act (1990)**, and as amended, is the principle legislation concerning TPOs and it is the same planning legislation that allows the local planning authority to designate **Conservation Areas** in respect of the built environment. There are currently sixteen Conservation Areas within Caerphilly County Borough and the trees within them are protected. Prior consent from the planning authority must be obtained before maintenance or removal of protected trees. (See paragraphs 8C to 8F below for further details.)

The retention of individual trees, tree groups, or areas of woodland can provide many benefits to both the proposed development and the adjacent area. Trees are a ‘material consideration’ in any development. The Council’s Local Development Plan incorporates **Supplementary Planning Guidance (SPG) (LDP4 - “Trees and Development”)**. The following policies of the Council’s Local Development Plan will be implemented:

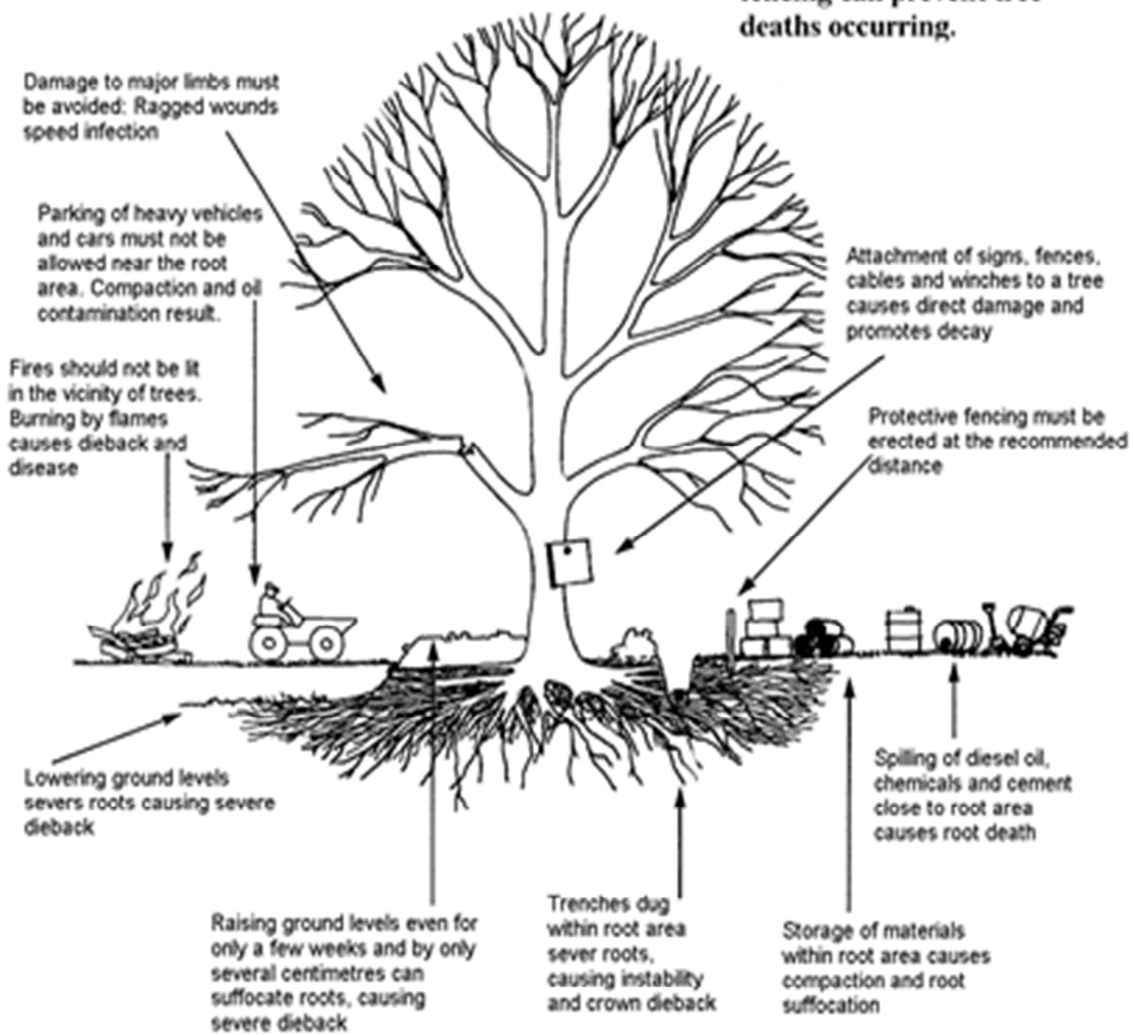
- **SP10 Conservation of Natural Heritage**
- **CW6 Trees, Woodland and Hedgerow Protection**

In addition, SPG LDP4 provides guidance in terms of **Criterion G of Policy SP6** insofar as it relates to the incorporation of natural features within new development. Policies SP10 & CW6 facilitate the provision and protection of trees within development sites within the county borough. LDP4 seeks to ensure that trees are adequately addressed throughout the development process by seeking the protection and integration of trees into the design of new development from an early stage in the development process.

The key component document in the Council’s approach to the retention and protection of trees at or near to development sites is **British Standard 5837:2012 “Trees in Relation to Design, Demolition, and Construction – Recommendations”**. The SPG LDP4 specifically cites this document (and any later revision or updated edition of it) as the Standard to which all development applications, or proposed developments, shall be fully compliant with whenever possible. Its recommendations and procedures shall be the default tree-related condition to the approval of any planning application where on-site trees, or nearby off-site trees, may potentially be impacted upon by the development.

Common causes of Tree Death

The use of properly positioned protective fencing can prevent tree deaths occurring.



Please use copies of this as an on-site poster for personnel



8C – TREE PRESERVATION ORDERS (TPOs) & CONSERVATION AREAS

A TPO is an order made by the Council, giving legal protection to trees or woodland. The TPO prevents the cutting down, uprooting, “topping”, “lopping”, wilful damage or destruction of trees (including cutting roots) without prior planning authority permission.

It does not mean that a tree may never be pruned or removed – if those actions are applied for in the prescribed way, and they are found to be reasonable and appropriate they will be approved. If the works applied for are found to be unreasonable or inappropriate then they will be refused, or may be approved with a modified specification.

All of the general policies (see sections 2 & 3 above) apply to the Council’s treatment of TPOs, particularly those that apply to tree-related nuisance, and arboricultural standards. The Council is able to offer informal verbal advice to owners on the management of their trees, particularly if they are protected trees, but it is always recommended that tree owners seek formal written advice from a suitably qualified independent arboriculturist (“tree consultant” or “consulting arborist”). The list referred to at section 12F below includes some reputable local consultants.

When considering the suitability of serving a new TPO, the Council’s Arboricultural Officers will use the nationally recognised TEMPO method for assessing each tree’s, or group/woodland of trees’ suitability for protection. TEMPO is the widely used “**Tree Evaluation Method for Preservation Orders**” and was developed as a method to assist tree assessors to systematically consider all of the various factors of a tree’s character that collectively combine to give a points ‘score’ of the overall amenity value offered by the tree(s) to the wider community. The factors that determine the amenity value include the tree’s size; general condition and form; public prominence; useful life expectancy; threats to the tree; and any other unusual or notable characteristics such as species rarity or historic or cultural significance.

The party responsible for proposed works to an already-protected tree (either the tree owner, a tenant, or an affected neighbour) must apply in writing using an application form which is available from the planning authority’s offices or via the Council website at the ‘Protected Trees’ page - <http://www.caerphilly.gov.uk/Services/Trees-and-conservation/Protected-trees> . Guidance notes may also be found there.

Where trees are located within the boundary of a **Conservation Area** the land owner (or tenant, or affected neighbour) is required to notify the local planning authority before undertaking any felling or pruning works. The same application form as works to trees protected by TPO is used (see the link above). **The Council may either consent to the notified works, or may serve a new TPO if it considers it expedient to do so in the interests of visual amenity.**

8D – POLICIES FOR PRIVATLY-OWNED TREES & THE PLANNING SYSTEM:

P14	Dangerous Privately-owned Trees	<i>The Council will use its discretionary powers, as a last resort, to make safe dangerous trees where public safety is threatened on land with public access. The Council will not use these discretionary powers where danger is presented on private land without public access, except in exceptional circumstance.</i>
P15	TPOs:- Works Application Quality	<i>The Council will not consider unspecified pruning and would require the submission of arboricultural reports where appropriate.</i>
P16	TPOs:- Unnecessary Works	<i>The Council will resist applications for any pruning where this is considered to be unnecessary</i>
P17	TPOs:- Replacements	<i>Where permission is given to fell a protected tree, the Council will always seek replacement except in exceptional circumstances</i>
P18		<i>Where permission is given to fell a protected tree, and replacement on site is not possible, the Council will seek funds for tree planting elsewhere.</i>
P19		<i>The Council will encourage advance planting of replacement trees where space permits and it will accept such trees as replacements when felling is necessary.</i>
P20	TPOs:- Groups and Woodlands	<i>Where trees are protected as a group or woodland, the Council recognises that it is generally beneficial to encourage irregularity of age and species, and will accept planned felling and regeneration to achieve this where appropriate to do so.</i>
P21	TPOs:- Unauthorised Works	<i>On encountering unauthorised works to trees, the Council will invite tree-owners or contractors to submit proof of exemption or technical justification of the work. Where this is not forth-coming or the Council's Planning Committee would not have been minded to approve the unauthorised work, the Council will always seek prosecution.</i>
P22	TPOs:- Tree Root Damage	<i>Permission will not be considered for the felling or major pruning of protected private trees to avoid or correct subsidence unless the application is accompanied by professional and appropriate technical reports that satisfactorily substantiate the claim of tree-related subsidence against the relevant tree(s).</i>
P23		<i>The Council will adhere to the recommendations and principles of the Risk Limitation Strategy(2008) and Joint Mitigation Protocol (2008) – as detailed in section 4D of the Council's Tree Strategy document - with regard to its response to any applications made citing tree-related subsidence as the reasoning behind the applied for works.</i>
P24	TPOs:- Permitted Development	<i>The Council will not approve the felling or disfiguring pruning of protected trees to accommodate permitted development other than in exceptional circumstances.</i>
P25	TPOs:- Rationalisation - Assessment	<i>TPOs not to be made or retained on trees that are not visible from public space (or sufficient usage to confer public amenity benefit) except in exceptional circumstances where the trees possess very high ecological or historical value. The Council's Arboricultural Officers will use the recognised TEMPO method for assessing a tree's suitability, or group/woodland suitability for protection.</i>
P26	Conservation Areas	<i>The Council will continue to place TPOs on trees in conservation areas where it receives notification of tree work that it judges to be detrimental to public amenity. As in Policy P25, trees will be assessed for suitability using TEMPO.</i>

8E – PENALTIES AND EXEMPTIONS

The **Town & Country Planning Act (1990)**, as amended) provides the legislation for protected trees and Conservation Areas. Within the legislation there are some exemptions that apply to trees in particular circumstances, where the normal need to apply for written permission may not be necessary. Residents or tree-owners are advised to obtain independent professional arboricultural advice before taking action under any of those exemptions, as technical expertise may be required to ascertain whether an exemption applies or not. The Council's Arboricultural Officers will also give advice where it is appropriate to do so. A Welsh Government pamphlet titled "Protected Trees" is available on request. This pamphlet fully details all of the exemptions as well as the penalties that may be applied if a party is found to be responsible for unlawful actions to protected trees and subsequently prosecuted. It is also a good overall summary of everything one might wish to know about TPOs in an easily comprehensible document.

Anyone who cuts down, uproots, "tops", "lops", wilfully destroys, or wilfully damages a protected tree – by TPO or in a Conservation Area – without having the necessary consent from the Council's Planning Department is guilty of an offence. The same penalties apply to Conservation Area tree works without consent as those for contravening a TPO:

Anyone who cuts down a protected tree without having given notice in a Conservation Area, or without written Planning Permission if the tree has a TPO, is liable, if convicted in a Magistrates' Court to a fine of up to **£20,000**. Anyone who carries out unlawful work in a way that is not likely to destroy the tree is liable to a fine in the Magistrates' Court of up to **£2500**.

8F – INTERACTIVE MAP OF TPOS

The Council now has an online searchable database of TPOs and Conservation Areas. It is a publicly-accessible and interactive map which gives the user the locations of trees currently protected by TPOs, and their TPO file or reference numbers. The interactive map also shows if a Conservation Area is in effect at a given location. The searchable database is available at a link found at the foot of the 'Protected Trees' page at the Council's website (see section 12E below).

9 – Schools

Trees on school-held land are the responsibility of each school's own management. The Council maintains a database of historic tree inspections and maintenance records so as to *assist* schools in managing their tree stock appropriately. The Council has a health & safety responsibility towards schools and so provides appropriate professional arboricultural advice as may be sought or considered necessary by the school's management.

A framework of approved independent tree consultants has been created and is available to schools' management to instruct as and when needed. Schools are encouraged to liaise with the Council's Arboricultural Officers so that any new survey details at their site are either entered directly into the Council's tree management database, or are forwarded to the Council's Arboricultural Officers at a later date for the benefit of reference and record-keeping (which assist and inform future inspections).

Neighbours affected by trees at school sites are advised to approach the school's management in the first instance if they wish to make an enquiry or request an ad-hoc inspection. The school's management may then choose to consult with the Council's Arboricultural Officers on how best to proceed, and will then be advised accordingly.

All of the general policies (see sections 2 & 3 above) apply to the Council's recommendations for treatment of trees at schools, particularly those that apply to tree-related nuisance, and arboricultural standards.

10 – Woodlands or 'Country Parks'

Around 60 Sites of Importance for Nature Conservation ('SINCs') have been declared by the Council with respect to their woodland habitat. These include the priority habitats of 'Upland Oak Woodland', 'Upland Mixed Ash Woodland', 'Lowland Beech & Yew Woodland', 'Wet Woodland', and 'Lowland Wood Pasture & Parkland'. Where woodland or other trees at SINCs are situated on Council-held land, then the trees will be managed according to the same general policies outlined in sections 2 & 3 above, as well as in accordance with current better woodland management practices. The advice and expertise of Natural Resources Wales ('NRW' – formerly Forestry Commission Wales, Environment Agency (in Wales), & Countryside Council for Wales) shall be sought whenever appropriate to do so. The Council has its own ecologists and landscape architects available to assist with the appropriate management of these sites, as well as providing professional services to Council departments.

10A – FELLING LICENSES

NRW is responsible for administering Woodland Grant Schemes and Felling License applications, though the Council is occasionally a consultee in such applications (where protected trees are concerned, or areas of planting greater than 10 ha are proposed). Felling Licenses are required by law if more than 5 metres³ of timber is to be felled in any continuous 3 month period. A Felling License would also be needed if more than 2 metres³ of timber are to be sold in a 3 month period.

It is not easy to estimate timber quantities accurately, so for this reason tree owners are strongly advised to consult with NRW before commencing any felling works. There are some exemptions to the need to apply for a Felling License, and a NRW/Forestry Commission Wales produced leaflet is available to assist with the details and provide contact details should further assistance be required.

10B – COUNTRY PARKS & CWMCARN FOREST

The Council currently manages Country Parks at Parc Coetir Bargod; Parc Cwm Darran; Parc Penallta; Pen-y-Fan Pond; and Sirhowy Valley; as well as the Forest Drive attraction at Cwmcarn. Each has its own management plan, and trees on site are managed and maintained by the Country Parks' own teams of rangers on a week to week basis. Specialist or detailed arboricultural advice is sought when necessary from the Council's own Arboricultural Officers. There are also management plans for the notable sites of Aberbargoed National Nature Reserve and Bedwas Riverside Park. In addition, some 300 other sites across the county borough are managed by the Council.

Cwmcarn Forest is a haven for people and wildlife. The hills of this previously mined area have been transformed into peaceful forests with impressive views where nature has reclaimed the majority of the former industrial past. As with Country Parks, the Forest team carry out their own routine tree maintenance on a regular basis as and when needed. Specialist or detailed arboricultural advice is sought when necessary from the Council's own Arboricultural Officers.

All of the general policies (see sections 2 & 3 above) apply to the Council's recommendations for treatment of trees at woodlands or Country Park sites, or Cwmcarn Forest, particularly those that apply to tree-related nuisance, and arboricultural standards.

11 – Hedgerow Management and 'Veteran' Trees

Hedgerows, and parkland trees, are all important habitats and, like woodlands, often possess considerable historical and ecological value. Environmental legislation such as the **Wildlife & Countryside Act (1981)** and the **Hedgerow Regulations (1997)** confer protection to birds and their nests, as well as other animals; and to important hedgerows.

11A - HEDGEROWS

UK Government legislation offers protection namely by the **Hedgerow Regulations (1997)**. Anyone intending to remove a hedgerow must (except in limited circumstances) inform the Council first. The Council can protect the hedgerow if it meets certain "importance" criteria. These criteria provide an indication of the ecological or historical value of the hedgerow. The Council will aim to protect all hedgerows meeting these criteria and resists all unwarranted removals.

Along the network of adopted highways, where privately-owned hedgerow vegetation encroaches into the carriageway, or obstructs drivers' sightlines or street signs or street lighting, or obstructs a footway; the Council's Highways Inspectors will enforce hedge trimming or vegetation removal works as necessary, as per the Highways Act (1980).

Where the Council owns hedgerows it will wish to see them managed according to current best practice in order to maintain their ecological, historical and amenity importance while possibly managing their size. [The Council carries out hedgerow maintenance on established routes twice per year.](#)

11B – 'VETERAN' OR 'ANCIENT' TREES

A veteran tree is more than a single organism. It is home to a wealth of interdependent plants, animals and micro-organisms that interact with and can contribute to the longevity of the tree. The county borough is fortunate in containing a number of old and characterful former hedgerow and field trees. As with hedgerows, these trees have a considerable historical value as they may typically be hundreds of years old, and reveal a former agricultural land-use that has now practically disappeared from Britain. The Council will seek to promote the value of these old or 'veteran' trees. Veteran trees (also known as 'ancient' trees) are being incorporated into the Council's tree management database, and being flagged for their special status.

When veteran trees require maintenance (for example if they are causing an obstruction in the highway), and tree surgery is required, the Council will encourage the tree owner to, or will itself (in cases of trees on Council-held land, or trees in the highway) identify the minimum work necessary to reduce risk to an acceptable level. Effort will be made to retain the maximum habitat value while addressing the requirements to maintain adequate safety. When older or veteran trees are removed for safety or other legal nuisance reasons, the Council will recommend the retention of 'hulks' or remnant standing stems – provided it is appropriate to the setting, and to a safe size - in situ for the very significant habitat value that such stems have to the local ecology.

12 – Tree Management Information and Assistance

12A – BIOSECURITY

Biosecurity includes a set of precautions to prevent the introduction and spread of harmful organisms – pests, pathogens, or invasive species. The threat to our forests and woodlands has never been greater. The changing climate, increased global trade, and the movement of goods between countries means an increased risk of spreading pests and diseases, which may travel hidden in plant products, packaging, and shipping crates. Trees and plants in Britain are now vulnerable to a range of new pests and diseases, and outbreaks can seriously threaten sustainable forest management. In addition to economic losses for forestry and related industries, outbreaks can disrupt other sectors such as tourism. [The Council will adhere closely to the principles of the Forestry Commission’s Tree Health Strategy, and will promote good biosecurity practices within its own departments and in the wider local commercial and private sectors.](#)

12B – CUSTOMER SERVICE

Subject to seasonal variations, adverse weather conditions, unforeseen emergencies, and ongoing schedules, the Council’s Arboricultural Officers will aim to answer any reasonable tree-related enquiry within the given timeframes for responding to Service Requests. Customer Services staff and departmental administration teams will be minded to assist the Arboricultural Officers in the processing of new enquiries by referring to the policies listed above at sections **3J (POLICIES FOR ALL TREES)** and **8D (POLICIES FOR PRIVATELY-OWNED TREES & THE PLANNING SYSTEM)** as answers to many of the most commonly asked questions, or enquiry-types may be found there. If a new Service Request warrants either an inspection or immediate action, then it will be forwarded to the correct officer to deal with accordingly, and the Service Request updated in due course post-action. Correspondingly, if the Service Request does not warrant an inspection or immediate action, (for example – if a resident calls up requesting a tree be cut back because it is dropping leaves on their property) then the enquirer will be informed (with reference to the relevant Council policy) and the Service Request be closed off.

12C – EMERGENCY CALL-OUTS

The Council operates an out-of-hours service that deals with emergencies involving trees. The out-of-hours desk will contact the appointed duty-officer from the Parks department and forward details of any tree-related emergency. The officer will attend to site and assess the situation. If necessary, they will call on the Council’s tree team operatives on standby, or an appointed contractor, to attend to site if immediate and urgent tree works are required. If trees or branches have fallen and are blocking the road, or obstructing it, or otherwise causing an immediately foreseeable hazard, then the works necessary to abate the obstruction or hazard shall be undertaken. Tree works arisings, or remnant parts, may be left at the roadside temporarily until such a time as they can be cleared away by their owner.

The Council will seek to recover costs of emergency operations to privately-held trees, or may place a charge against the property concerned if costs cannot be recovered.

The Council’s emergency call-out service is strictly for emergency works only, where trees in public locations are concerned, or an adopted highway or PRoW is affected. The Council’s

emergency call-out service does not attend to private property owners wishing to have their trees maintained. If there is a known emergency or immediately foreseeable hazard to a privately-held tree that is not affecting a public location, then the Council may forward to the enquirer the details of those local reputable contractors referred to in section 12E below.

12D - “EMERGENCY” ENQUIRIES

Most tree-related Service Requests received by the Council have a target response time of 4 weeks. There is provision for an emergency-level response, to which the Council will respond within 24 hours. What determines an “emergency” enquiry is dependent on different factors. Unfortunately, and especially during times of inclement weather, the Council has in the past received an extraordinarily large number of “emergency” enquiries, the vast number of which were not genuine emergencies that warranted an immediate response. Most would typically be genuine issues that needed attention in due course, but that were not immediate emergencies where people’s lives or property may be at immediate risk of harm. For this reason, criteria have been established that seek to clarify, at the point of contact with the Council, exactly whether the nature of the enquiry is genuinely an emergency or a routine Service Request.

“Emergency” criteria essentially relate to the size of the tree, and whether the tree is either *visibly cracked or splitting in its trunk or main scaffold limbs, or visibly rocking or moving at the ground.* This latter scenario would imply that the trees’ roots were either loose or damaged, and that the tree may therefore imminently fail. This is not the same thing as a tree swaying at the trunk, or its canopy moving in the wind – trees are supposed to move in the wind as they need to absorb, or dampen, the effects of the wind upon them. If a small tree were cracked or rocking at the ground, then it might warrant attention in the near future, but not as an “emergency” as the tree’s size would be unlikely to cause more than minor damage.

At times of severe and extreme weather conditions, the 24-hour response time for emergency enquiries may not always be met due to the sheer volume of calls, emails, enquiries, and incidentally-spotted emergencies (previously unreported to the Council) received or observed during such periods of high demand. The Council’s Arboricultural Officers in practice carry out a ‘triage’ system of evaluating the level of urgency suspected, based on the given or known information concerning the tree’s location, size, and condition; the nature of the hazard or obstruction; any Police or other emergency service information; combined with any local knowledge or inspection/maintenance history associated with a certain tree or group of trees.

12E – THE COUNCIL’S WEBSITE

<http://www.caerphilly.gov.uk/Services/Trees-and-conservation> is in effect the Council’s ‘home page’ for trees. There are links there to Frequently Asked Questions (many of which echo those issues addressed by the policies listed above at sections 3J and 8D), and there are also dedicated pages addressing the following subjects:

- Report a tree issue
- Street and park trees
- Protected trees
- High hedges
- Overhanging vegetation

It is hoped that these pages, as well as the FAQs, will assist residents and other parties in learning what services the Council may provide, and what issues it may or may not respond to. Within those pages are contained further links that will assist the user in gaining further information, or downloading any necessary forms or other information that might be needed. For example – the application form (and guidance notes on how to fill them out) for consent to works on protected trees are available to download from the ‘Protected trees’ page. The interactive county borough map of TPOs may also be found there. Details of who to contact and how, may also be found at those pages.

12F – REPUTABLE CONTRACTORS OR CONSULTANTS

As previously mentioned, the Council has a list of local reputable contractors and consultants. It is not an “approved contractor” scheme as such, as the Council does not wish to specifically endorse one firm above others, and there is a nationally recognised “Approved Contractor” scheme run by the lead UK body on tree care and tree management – the **Arboricultural Association** (“the AA”). The AA scheme ensures a minimum level of professional competence and also regularly checks that the contractor’s equipment is appropriately cared for and managed, fit for purpose, and within all safety longevity limits. It also ensures that contractors have all the necessary insurances in place for professional tree surgery, and that their business record keeping is in good order. (See <http://www.trees.org.uk/> for further details.) There are other good contractors though who may not have achieved the AA “Approved Contractor” rating for a variety of reasons.

The Council’s tree pages at the website refer users to consult with the AA Approved Contractor scheme, as there are local firms with that accreditation, but we also have a list of local reputable contractors who we have direct experience with in the area, and whom we can vouch for as having the necessary insurances and competencies in place, and suitably qualified staff as well. The Council’s list is not a closed one, and new contractors in the area are welcome to contact the Arboricultural Officers with a view to future inclusion. A copy of the list is available to any resident or local business owner upon request. The list also includes local reputable *consultants* who are similarly known to have all the necessary training, competency, and professional insurances in place to practice as a consulting arborist or tree consultant (“arboriculturist”). A tree consultant must be suitably qualified in order for their written report to meet the requirements of the courts should their professional opinion ever be questioned.

12G – GENERAL ADVICE

When requested, and if available, the Council’s Arboricultural Officers provide advice over the telephone concerning other general tree-related issues of concern. For matters relating to trees on privately-held land, enquirers are recommended to seek professional advice from an independent tree consultant, or woodland agent, concerning the management of trees in their care.

12H – TREE STRATEGY

It is envisaged that the Tree Strategy shall be reviewed and revised accordingly at least once every five years. New or amended legislation shall be incorporated where necessary, and advances in arboricultural understanding shall be included where relevant. It is intended that this document shall be a continually evolving statement of Caerphilly County Borough’s policies with regard to the management of trees in its care for the benefit of the whole community, and the generations in the future who will live, work, study, and play in these beautiful valleys.