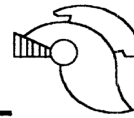


CAERWENT COMMUNITY COUNCIL
CYNGOR CYMUNED GAER-WENT



Policy on the management of trees and hedges owned
by Caerwent Community Council

Adopted 13th May 2021

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1. Introduction

This policy outlines how Caerwent Community Council responds to reports, enquiries and complaints from the public about *council-owned* trees and hedges, 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.

Caerwent Community 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 national 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.

2. General Principles

Caerwent Community Council only carry out essential management work to their 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 the safe access and egress of a public right of way

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. Caerwent Community 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, while ensuring that individual trees do not pose a physical risk to people or property.

It is important to state that any pruning work has the potential to provide the opportunity for pathogens to enter via wounds. Pruning can also promote vigorous re-growth leading to the need for future cyclical management at significant and ongoing cost. Therefore, pruning will only be carried out where this is necessary for the reason given above.

Please refer to Appendix 1 for frequently asked questions.

3. Assessing tree safety

To provide context to the risk posed by trees, approximately:

‘one death in 10 million people per year in the UK is 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. Footballs (262,000), children’s swings (10,900) and even wheelie bins (2,200) are involved in many more incidents.’

To ensure that this level of risk remains low and that Caerwent Community Council meet their duties as a responsible land owner, the council carry out tree safety inspections. The tree safety assessment method employed by the 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 council may also employ specialist arboricultural contractors to carry out tree safety inspections.

Contractors are employed to carry out the work on the council’s behalf. Where contractors are used for safety assessments or tree works, they must meet the council’s procurement policies relating to qualifications and competencies, health and safety systems and insurance.

The Community Council receive enquiries, reports and complaints about trees in both public and private ownership. If a report is received identifying a dangerous tree, the council will first establish on whose land the tree is growing. Where the tree is confirmed as owned by the council, it will arrange an inspection and follow the inspector’s recommendations for management work.

Where a privately-owned tree is identified as posing a risk to public users of highways and open spaces or it is impeding access to a public right of way or highway, the council can inform the local authority who can serve a notice on the landowner to carry out tree work to make the tree safe or clear access.

4. Requests for tree safety assessments

Where a resident is unhappy with the recommendations from the QTRA survey and requests a second tree assessment, this will be offered at a fee, which will be

refunded if an issue is identified. Where this is agreed, an alternative assessor will carry out the second QTRA.

Charges for tree safety assessments will be based on the work required with a minimum cost of £100.

Where a resident requests a more detailed arboricultural tree assessment beyond that that has been recommended by the QTRA method, this can be arranged at the residents cost. Significant differences identified by this independent survey will be considered by the council to determine what action is necessary. Council will only consider the recommendations where they are presented in writing and the assessment meets the criteria set out in Appendix 2.

5. 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 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 council assess their 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 their historical or cultural connections or the age of the trees and associated flora and fauna. This is particularly relevant where trees provide homes for protected species such as bats. Where this is the case, additional laws may be applicable.

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 implemented as part of future tree inspections.

6. Hedges

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

Caerwent Community Council own very few hedges.

The majority of roadside hedges and hedgerow trees *are not owned* by Caerwent Community Council but by the adjacent landowner. Landowners have the responsibility to maintain their hedges and prevent them from affecting the safe use of the public highway.

Except where significant safety issues are present, by law, hedges can only be cut outside the bird nesting season. Therefore, hedge cutting is normally carried out from late summer.

7. Complaints Procedure

Caerwent Community Council will consider complaints relating to how they have managed an enquiry, report or complaint about a tree or group of trees or hedge in their ownership. Complaints will be dealt with in line with the Community Council Complaints Policy available at www.caerwentcc.com

8. Contacting Caerwent Community Council about trees

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

Contact Clerk to the Council on 01291 424802 or clerk@caerwentcc.com

Report a problem on the website: www.caerwentcc.com

Report a problem on the Caerwent Community Council Facebook page

9. Appendix 1: Frequently Asked Questions

The list below outlines the nature of the most frequent requests made to Caerwent Community Council for tree pruning. All of these are non-essential and requests for pruning or felling for these reasons will not be considered.

It is important to reiterate that any pruning work has the potential to provide the opportunity for pathogens to enter via wounds. Pruning can also promote vigorous re-growth leading to the need for future cyclical management at significant and ongoing cost. Therefore, pruning will only be carried out where it is necessary.

Will the council prune trees for cosmetic reasons, appearance or height? This is unnecessary, costly and may adversely affect the long-term health and structural integrity of trees. Therefore, Caerwent Community Council do not prune trees for these reasons.

Will the council prune trees to improve light / reduce shading?

There is no statutory or common law right to light applicable to trees in the UK. Therefore, Caerwent Community 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, Part 8 of the Anti-Social Behaviour Act 2003 may be relevant. Where this is the case, the council will carry out an assessment on these grounds.

Will the council prune trees to improve the effectiveness of solar panels? The fact that there is no statutory or common law right to light applicable to trees 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 and the council will not prune trees for this reason.

Will the council prune trees to improve the effectiveness of TV aerials or satellite dishes?

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 signals in the UK. Caerwent Community 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.

Will the council prune trees that have grown and are now blocking my view?

As there is no right to a scenic view un-obscured by trees in the UK Caerwent Community 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 existed. Caerwent Community 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.

Will the council prune trees as they shed leaves, fruits and debris?

Reasonable debris such as leaves, fruits, nuts, flowers, residues, minor deadwood, are naturally occurring by-products of the trees' life processes and must be expected where trees occur. Caerwent Community Council will not carry out tree works in relation to negating such matters.

Will the council prune trees to reduce the nuisance caused by birds and insects?

The excretions of birds and insects, primarily honeydew associated with aphids, are beyond the control of Caerwent Community Council and, therefore, no tree works will be undertaken to prevent problems of this nature.

Will the council prune trees because branches are overhanging my boundary?

Caerwent Community Council have 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 owes 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 Caerwent Community Council owns the trees is encouraged to liaise with the 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 council must be contacted to agree access prior to any work 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 material associated with the works are agreed with the council in advance and must be in a safe and environmentally friendly manner

Can I pay for pruning to be done to council owned trees?

Caerwent Community Council value their tree population and will manage them appropriately. Therefore, the council will not consider requests by individuals to pay for tree removal or pruning of council-owned trees as this would be unnecessary and would have a negative impact on the local environment and its community.

10. Appendix 2: Criteria for privately funded tree safety assessments

The surveyor must be qualified to undertake a survey to a minimum standard of BS3998:2010.

The following must be recorded:

- A tree survey plan with a reference number for each tree or group
- Species listed by common name
- The approximate height of the tree/s
- The stem diameter of the trees measured in accordance with 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 or any sub-contractors involved in the provision of the services must 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.