

# Arboricultural Management Plan



Neath Port Talbot Council Environment & Regeneration

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## **Executive Summary**

The aim of this plan is to ensure that the Council is compliant with all relevant statutory legislation and current best practice guidance, with regard to the management of trees and woodland within the Neath Port Talbot Borough.

This document sets out the Arboricultural Management Plan for Neath Port Talbot Council. Included within the plan:

- *Introduction*
- *Benefits of Trees and Woodlands*
- *Industry Guidance*
- *Guidelines for the management of tree on both council owned & privately owned land*

## **Introduction**

This document has been written as a guide to all NPTCBC stakeholders on how they can expect trees to be managed on Council land, as well as guidance on how trees will be dealt with on private land where they may interact with the highway network.

In order to improve the natural environment for the residents of Neath Port Talbot, the Council will continue to enhance and safeguard our trees and woodland. The approach set out in this plan will also ensure that future generations will have access to this natural resource.

By strategically managing our tree stock within the borough of Neath Port Talbot, we will be helping to work towards mitigating both the nature and climate change emergencies.

The plan aims to ensure that any complaints or queries are dealt with appropriately and that any work undertaken is compliant with relevant statutory legislation and current best practice guidance.

In addition to dealing with requests from the public, Members and other officers within the organisation, the local authority has a legal obligation to proactively inspect and manage trees within our land ownership.

Under statutory guidance and our duty of care obligations to highway users, trees on private land, which are within falling distance of adopted highways, footpaths and bridleways, should also be managed appropriately.

It is not practicable or reasonable for owners of large areas of land to inspect each individual tree. However, organisations such as local authorities are expected to have a recognised programme for tree management.

There are in excess of 20,000 trees on Council owned land within the county borough (not including those in woodland areas). Responsibility for these trees vary between Directorates as follows:

- Formal Parks & Gardens, cemeteries, highways, children's playgrounds, industrial estates, town centres & public open space – Directorate of Environment & Regeneration.
- Sheltered homes for the elderly and adjacent land – Directorate of Social Services, Health and Housing.
- Country Parks & Schools – Directorate of Education, Lifelong Learning & Leisure.

The Arboricultural unit within Neighbourhood Services provides general professional and technical advice in relation to these trees.

### **Benefits of Trees & Woodland**

Neath Port Talbot Council recognises the value of its tree stock and understands the social, environmental, health and economic benefits that they can provide to the community.

Trees provide the local community with a sense of place and also create a cultural and historic link to our past, whilst providing a natural educational resource.

Improving the wellbeing of our residents is a priority and providing an environment that supports local wildlife has a positive impact for local people. Parks and open spaces can provide inviting areas for exercise as well as creating a better environment to work and live.

This management plan will help to promote environmental improvements which will help to mitigate effects of air and noise pollution in populated areas.

Trees absorb and store greenhouse gases, which can help to combat climate change, as well as providing shade to assist in urban cooling. Robust root systems can improve soil stability, as well as flood prevention, meaning the management of trees can help mitigate changing environments. A well-managed tree stock can also increase the amenity value of an area, resulting in an increase to property value and a boost to the overall economic wealth of the borough.

Efficient tree management will assist the Council in creating sustainable and thriving communities, as well as managing our local environment for future generations.

### **Industry Guidance**

Neath Port Talbot Council is responsible for thousands of trees in and around our streets, parks, schools, open spaces and woodland areas. The following section sets out current best practice and standards stated in industry and HSE guidance.

Guidance documents and legislation such as the Health & Safety at Work Act (1974), the Wildlife and Countryside Act 1981 and the Health and Safety (HSE) Management of risk from falling trees, have been reviewed to ensure compliance with legislation. This plan identifies that a reasonably practicable approach is to be taken, which is proportionate to risk. Identifying potential failures and safety issues by a way of a proactive inspection regime will reduce the risk. However, a need for reactive management will always remain.

The UK national average for the total area of land under tree cover is 13.3%, compared to the Welsh average of 19.4%. Wales has 22 local authorities, with Neath Port Talbot having the highest percentage of tree cover. A high level of tree cover provides numerous environmental and social benefits but places an additional financial burden on the authority due to the need for increased resources.

For trees situated in high footfall locations, a more proactive approach needs to be taken. The UK government recommends a maximum of 5 years between any given inspections for trees that fall into higher risk categories. However, this depends on location and condition of the tree and there is no specific or detailed guidance on this.

Due to variations on every site and location, a formulaic approach is not feasible, but duty holders must exercise well-reasoned discretion.

The need for an agreed strategy for the safe management of trees relates to the Council's duty of care as expressed under the Occupiers' Liability Acts 1957 and 1984.

## **Guidelines for the management of trees on Council owned land**

### Tree Inspections

The Council adopts an inspection regime based on industry guidance and best practice. In practice, this means that inspections will be undertaken on an 18 month to 5 year cycle for high risk/high footfall areas, and a 5 year cycle for other trees under Council ownership or on land adjacent to the adopted highway. A full breakdown of tree inspection areas is contained within an Operational Action Plan which is appended to this Management Plan (see Appendix A). Inspection frequencies can change dependent on a number of factors including the size, condition and status of the individual tree.

In order to follow a best practice approach, officers will endeavour to carry out routine inspections on a seasonal basis, with inspections taking place within a different season than that undertaken on the previous occasion. This will give surveyors the ability to ensure that both the physiological and structural conditions of the trees are evaluated. A person with the appropriate level of experience and qualifications will undertake inspections.

Inspections on individual trees will be conducted from ground level and will utilise the Visual Tree Assessment Method. Any tree with a visible defect, physical or biological, that may implicate tree safety, will result in a risk level being attributed to the tree. Consideration is then given to the level of risk and the likely implications of the tree failing. This assessment dictates whether work needs to be completed to reduce the risk, or the inspection frequency needs to be reviewed and updated for that individual tree.

All potential tree risk features and any other issues will be reported to the Arboricultural Officer and advice will be provided on whether further assessment or action is required.

### Trees that are Dead, Dying or Dangerous

If a tree has been identified as dead, dying or dangerous, either as a result of a proactive inspection or from a request to inspect, relevant remedial works will be programmed in accordance with the risk and resource availability.

Any tree work conducted within the borough will be carried out to British Standards, BS3998:2010 tree work and industry best practice. Appropriate ecological assessment and mitigation will form part of this best practice, in line with our Biodiversity Duty under the Environment (Wales) Act 2016.

### Overhanging Branches

When branches from trees on Council owned land are overhanging a property, footway or carriageway, a visual tree assessment will be carried out to evaluate the risk. If the branches are found to be structurally sound, there is no legal requirement for removal. However, the authority has a statutory requirement to follow guidance on minimum height clearances on both footways (2.5 Metres) and carriageways (5.3 Metres).

If the tree is deemed healthy, branches will only be removed if they fall within the minimum clearance heights disclosed above, or they constitute a legal nuisance. Each case will be assessed individually and any mitigating circumstances may be taken into consideration.

### Size of Trees

Upon receipt of a request to inspect or undertake works to a tree owing to its size, the most recent inspection will be reviewed. If it is deemed relevant for a re-inspection to take place then a visual tree assessment will be undertaken to evaluate safety. Large trees are not necessarily dangerous and if inspection of the tree deems no danger, then arboricultural work is unlikely.

### Interference with Light

There is no general 'right to light'. Any legal right to light has to be acquired as an easement, so therefore will only be relevant in special cases relating to particular properties. It should be noted however that easements of light does not extend to gardens. No work will be carried out to trees on Council owned land where there is a claim of right to light unless there is a legal claim to do so.

### Interference with Overhead Cables:

Overhead cables are the responsibility of the relevant utility companies. Any work carried out by the utility companies or appointed contractors should follow British Standard, BS3998:2010 & NJUG Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees, Vol 4. Utility companies will be contacted regarding any concerns with branches interfering with their cables.

### Interference with Satellite/TV reception

There is no legal requirement to prune or fell healthy trees to provide an improved satellite/TV reception. The Council will not carry out arboricultural works to trees where there is a claim of trees affecting such reception.

### Anti-Social Behaviour:

It is recognised that in certain circumstances, trees can provide shelter for individuals/groups who cause a nuisance or pursue illegal activities.

Where such circumstances are brought to the attention of the Council, advice will be given on possible works that may be carried out to trees to reduce the problems being encountered. This work may involve improving the view for CCTV or increasing the policing of areas. This work would be subject to budget and resource availability.

### Shedding of Leaves

The shedding of leaves and leaf litter is a natural process and there is no legal requirement to clear fallen leaves. The Council will not clear leaves from private properties. However where a potentially serious problem may occur, e.g. blocking of drains likely to cause damage, some arboricultural works may be carried out to help alleviate the problem.

### Trespassing of Root Systems

If the tree in question is deemed healthy and safe, there is no legal requirement to remove trespassing roots unless damage is occurring to adjacent properties. The onus to prove that damage falls on the affected landowner.



Each case will be evaluated on its own merit. Once authorised, any works considered necessary will be undertaken as soon as reasonably practicable.

### Tree Protection Order

Normally, trees on Council owned land would not be subject to tree preservation orders. The principle applied to protecting trees on private land will be applied to trees on Council land when there are any development proposals.

### Biodiversity

There is legislation with regards to the protection of wildlife, which needs to be considered when carrying out works to trees, such as the:

- Wildlife & Countryside Act 1981 (as amended) – Protecting wild birds, their eggs, young and nests.
- Conservation of Habitats and Species Regulations 2017 – Giving additional protection to bats roosting in trees.
- Environment (Wales) Act 2016 - particularly in relation to the biodiversity and resilience of ecosystems duty under Section 6 that requires public authorities to maintain and enhance biodiversity. This is also a requirement of the ‘a resilient Wales’ wellbeing goal under the Wellbeing of Future Generations (Wales) Act. 9

When planning works to trees, the effects on wildlife will be given full consideration and the Countryside and Wildlife Team consulted as required. This will ensure the protection of wildlife such as nesting birds, bats, badgers etc. Any tree work will be subject to appropriate ecological surveys (including for nesting birds, dormice and bat roosts), mitigation to ensure maintenance and enhancement of biodiversity and protected species licenses will be secured where required before works begin. Only essential work will be undertaken within nesting season, with appropriate surveys. If nesting birds are identified, work will stop until the chicks have fledged the nest. Where works of an urgent nature to protect life are identified, the Countryside and Wildlife Team will be consulted to help to identify the best course of action.

## Disease

Any diseases identified within the Council's tree stock will be assessed and reviewed for both public safety and the health of the remaining tree population. Both the short term and longer term impacts would be reviewed, including planning of associated work.

Our inspection regime follows a best practice approach, where by inspections will be carried out on a seasonal basis. This will assist in the identification of fungi, pests and diseases, which may only be present at a specific time of the year. A person with the appropriate level of experience and qualifications will undertake inspections.

## Tree Replacement

If a tree with a tree preservation order is required to be felled, then it will be replaced at a ratio of 3:1 equivalent to the quality, environment and ecological importance to the tree lost and this must be preferably onsite, or immediately adjacent to the site of at least 3 trees of a similar type and compensatory size planted for every 1 lost.

For other trees, the 3:1 ratio will be used as a guideline, but officers will work with the Countryside and Wildlife Team to ensure that this ratio is appropriate for the area, and where necessary, the number of replacement trees may be reduced or alternative enhancements pursued. For example, in situations where tree planting at a 3:1 ratio would cause damage to other habitats such as grassland or heathland.

### **Guidelines for the management of trees on privately owned land.**

All trees on privately owned land are the responsibility of the land owner, occupier or tenant as specified in the Occupiers' Liability Act 1957 and 1984. Where any flora on private land is becoming a problem, the authority can serve a legal notice on the owner/occupier, requiring the work to be completed within a stated timeframe. If the work is still not carried out, the Council may undertake the work and claim back all reasonable costs incurred.

## Tree Inspections

All trees on privately owned land are the responsibility of the landowner/tenant. All landowners making enquiries regarding the safety of trees on their land will be advised to arrange for those trees to be inspected by a suitably qualified arborist.

## Trees that are Dead, Dying or Dangerous

Landowners have a legal requirement to ensure that trees on their property are maintained to a safe standard. Local Authorities have powers to enforce the removal of dangerous trees. Landowners are advised to act swiftly on any reports arising from tree inspections or complaints from neighbours etc.

Members of the public who are concerned about trees on land in private ownership are advised to firstly contact the landowner, if this does not resolve the issue then they will need to seek advice from their solicitors. The Council will only use its powers where trees on private land are deemed to be a danger to the highway or Council assets.

## Overhanging Branches

If overhanging branches are healthy and structurally sound, there is no legal requirement for their removal, except where they constitute a legal nuisance. There is however a statutory requirement on Local Authorities that the following minimum height clearances are maintained over public footpaths and adopted highways:

Public Footpaths – 2.5 metres

Adopted Highways – 5.3 metres

If branches are overhanging into a neighbouring property, the advice will be for them to speak to the landowner with their concerns. If the landowner refuses to co-operate, the complainants have a right to cut back the offending branches to their boundary only. To comply with the law they should offer these branches back to the landowner but if the landowner does not wish to accept them it is the person who cut them who has the responsibility to dispose of them correctly.

The advice to landowners is to maintain their boundary adjacent to the highway, by retaining the branches within the heights stated above. If a

landowner fails to do so this it will result in the Local Authority serving notice upon them to remove the offending branches. After a reasonable amount of time, if the work has not been completed, the Authority will proceed with the work and recharge the landowner for all costs incurred.

### Interference with Light

There is no general 'right to light'. Any legal right to light has to be acquired as an easement, so therefore will only be relevant in special cases relating to particular properties. It should be noted however that easements of light do not extend to gardens.

The Local Authority has no legal powers to become involved and will only advise the public to speak with the landowner concerned. If an individual feels they have a legal right to light, they need to consult with their solicitor.

### Interference with Satellite/TV reception

There is no legal requirement to prune or fell healthy trees to provide an improved satellite/TV reception.

Advice will be given that the person making the query should speak to the landowner direct. The Council will not become involved in such matters.

### Interference with Overhead Cables

Legal responsibility to maintain clearance around overhead cables to provide an uninterrupted service to their customers lies with the relevant utility companies.

The Local Authority has no legal powers to become involved. The person raising any concerns with branches interfering with utility cables must contact utility companies direct.

### Shedding of Leaves

The shedding of leaves and leaf litter is a natural process and there is no legal requirement to clear fallen leaves from private property.

The Council will not clear leaves from private properties. However if there are concerns that falling leaves from private land is causing damage to a person's

property they shall be advised to speak with the landowner and should that fail then consult with their solicitor.

### Trespassing of Root Systems

If the tree in question is deemed to be healthy and safe, there is no legal requirement to remove trespassing roots unless damage is occurring to adjacent properties. The onus to prove that damage is on the affected landowner.

Advice from the Council shall be for the person who claims damage to their property to speak with the landowner. Should that fail then they will need to obtain a report from a suitably qualified individual/company to prove that the tree is causing the damage. If no further action is taken by the land owner after the production of the report, legal advice should be considered via a solicitor.

### Tree Protection

The Council has legal powers to protect trees on private land from damage by third parties, which may include land owners, developers or residents.

Before carrying out or authorising any work to any tree, all landowners have a legal responsibility to check that the tree is not covered by a Tree Preservation Order (TPO) or is not growing within a conservation area. If there is a TPO in existence then permission has to be sought from the Local Authority prior to any works being undertaken. If an area of trees are to be felled, Natural Resources Wales may also need to issue a felling license.

### Biodiversity

There is legislation with regards to the protection of wildlife which needs to be considered when carrying out works to trees, such as:

- Wildlife & Countryside Act 1981 (as amended) – Protecting wild birds, their eggs, young and nests.
- Conservation of Habitats and Species Regulations 2017 – Giving additional protection to bats roosting in trees.
- Environment (Wales) Act 2016

Further advice regarding issues related to this topic may be sought from the Council's Countryside and Wildlife team.

### High Hedges

There is legislation with regards to evergreen hedges growing on land that affects neighbouring properties. Advice regarding such issues may be sought from the Enforcement Section within Planning Services.

### Tree Replacement

There will be occasions when following the above guidance that trees will need to be felled. Land owners are encouraged to follow biodiversity guidance and replace 3:1 as suggested in current legislation.

### ***Conclusion***

Full implementation of this management plan will ensure that the Council dispenses its duties associated with the management of trees and that appropriate action is taken as necessary to protect members of the public and its employees.

Trees in woodland areas raise different issues to trees in and around streets, parks and open spaces, and are therefore subject to different management processes. For this reason, woodland areas have been excluded from this management plan. Where individual trees within a woodland are adjacent to properties, highways and areas open to the public the guidance in this document will apply.

## **Contact Information**

Anyone seeking advice on issues related to trees on land within the county borough should contact the Council in the following manner:

[www.npt.gov.uk](http://www.npt.gov.uk)

♣ Where the query is in relation to the protection of trees and existing tree preservation orders then contact should be directed to:

Planning Services – Enforcement

01639 686779

email: [PlanningEnforcement@npt.gov.uk](mailto:PlanningEnforcement@npt.gov.uk)

♣ Where the tree is on Council land and is a general query then contact should be directed to:

[www.npt.gov.uk](http://www.npt.gov.uk)

01639 686868

♣ For all Biodiversity Issues

01639 686221

[biodiversity@npt.gov.uk](mailto:biodiversity@npt.gov.uk)

*Useful Websites*

[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

**Appendix A – Operational Management Plan**

**Operational Action Plan – Tree Inspections**

This operational plan sets out the inspection type and timeframe based on which zone the site has been categorised within. Each site type has been assessed and categorised based on the value of the static targets and volume of mobile targets that are found at the site.

**Zone A** – High Risk (medium to high value static targets and above average mobile targets such as high pedestrian and / or vehicle access). Full 360 survey to be carried out every 3 years.

Site Type
Schools
A & B Roads (103km)
Playgrounds & Public Open Spaces
Country Parks / Formal Parks & Gardens
Cemeteries & Crematorium
Allotments
Town Centres / Residential Streets
Highway Verges

**Zone B** – Medium Risk (low value static targets and below average mobile targets, pedestrian and / or vehicle access). Drive by or walkthrough survey to be carried out every 5 years

C Roads & Unclassified (651km)
Woodland areas – within falling distance of a public footpath.

**Zone C** – Low Risk (areas are woodlands and groups of trees with no designated footpaths or areas which are difficult and rarely accessed due to dense undergrowth and inhospitable terrain). No regular inspections will be undertaken.

Woodland
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*\*Inspection frequencies can change dependent on a number of factors including the size, condition and status of the individual tree.*