

Neath Port Talbot County  
Borough Council

Environment & Regeneration  
Directorate

Arboricultural Management  
Plan

This Plan has been prepared by Waste & Neighbourhood Services within the Streetcare Division.

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## **Waste & Neighbourhood Services**

### **Arboricultural Management Plan**

#### **Introduction**

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:

- ♣ Parks, cemeteries, highways, industrial estates & public open space – Directorate of Environment & Regeneration;
- ♣ Sheltered homes for the elderly and adjacent land – Directorate of Social Services, Health and Housing;
- ♣ Schools & libraries – Directorate of Education, Lifelong Learning & Leisure.

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

This management plan is intended as a guide to elected members, Council employees, businesses, members of the public, and all interested organisations / parties on how they can expect trees on council owned land to be managed, and how issues related to trees on private land may be dealt with.

## **Vision**

Trees are keystone organisms, therefore we rely on trees for our health and survival. They assist with improving our quality of life providing shade, shelter, recreation, cleaner air and spiritual uplift.

We have a vision and commitment to ensure that trees continue to benefit communities, businesses and enhance the county borough.

This vision recognises the value of trees both as an asset to the areas where they have grown for many years and to the future in general.

## **Areas Not Covered by this Plan**

Trees in woodland areas have different issues to trees within streets, parks and open spaces and are therefore subject to a different management process. For this reason woodland areas have been excluded from this management plan. However where individual trees within woodlands are adjacent to properties the guidelines in this plan will apply.

## **Corporate Plan**

This plan links to the Council's Corporate Plan as follows:

The appropriate management of trees offers much to the areas in which they thrive.

Trees can enhance areas, assisting in encouraging economic investment by providing attractive settings for businesses to develop.

Trees can provide an outdoor classroom with an opportunity to learn about the natural environment in urban and rural areas.

Trees filter pollution from the air that we breathe, assisting in providing healthier living.

Trees provide habitats for insects, birds and small mammals assisting in the protection of our environment.

Trees are a great asset to communities and enhance the surroundings. Many established trees are used as meeting places whilst some have historical interests.

# Tree Management

## Guidelines for the management of council owned trees

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### ♣ Tree Inspections

Trees on council owned land are to be subject to periodic inspection to assess their condition.

#### Guidance

Frequency of inspections will be agreed with the relevant Directorates. A written report will be produced for action by that Directorate.

### ♣ Trees that are Dead, Dying or Dangerous

Trees may be identified as dead, dying or dangerous either through planned tree inspections or as a result of a request to inspect.

#### Guidance

Where trees are identified as dead, dying or dangerous, remedial works will be programmed in accordance with their risk and within available budgets.

### ♣ Overhanging Branches

Upon receipt of a request, the Council may inspect overhanging branches. Methodology used will be a visual assessment and risk assessment to evaluate their safety. 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 – 2.4 metres

Adopted Highways – 5.3 metres

#### Guidance

If after inspection the overhanging branch is not deemed to be a danger or a legal nuisance then arboricultural work is unlikely. However, each case will be assessed individually and mitigating circumstances will be taken into consideration. If the branches overhanging the highway are identified as below the legal height and are from land in the ownership of the Council then works will be programmed for their removal.

### ♣ Size of Trees

Upon receipt of a request, the Council will inspect large trees. Methodology being a visual tree assessment and risk assessment to evaluate their safety.

#### Guidance

Large trees are not necessarily dangerous. If after inspection the tree is not deemed to be a 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.

#### Guidance

No work will be carried out to trees on authority owned land where there is a claim of right to light unless there is a legal claim to do so.

### ♣ 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.

#### Guidance

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.

## Guidance

The authority 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.

## Guidance

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 to improve the policing of areas. This work would be subject to budget availability by the relevant directorate/section to carry out such work.

### ♣ 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.

## Guidance

The authority 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 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 falls on the affected landowner.

## Guidance

Each case will be evaluated on its own merit. Once authorised by the relevant directorate, any works considered necessary will be undertaken as soon as reasonably practicable. Root damage to local authority



maintained footways and highways will be inspected as part of the programmed inspections.

#### ♣ Insects

There are a large and diverse number of insects that live on and within the surrounding area of trees. The majority of these insects are not harmful and are an important part of the trees ecology and biodiversity.

##### Guidance

Healthy trees will not be pruned or removed due to the presence of non harmful insects.

#### ♣ Tree Protection

Normally trees on authority land will not be subjected to tree preservation orders.

##### Guidance

The principle applied to protecting trees on private land will be applied to trees on authority 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.

## Guidance

Wherever possible when planning works to trees, the effects on wildlife will be taken into consideration. This will aim to protect wildlife such as nesting birds, bats, badgers etc. However it is noted that this is not always possible where works of an urgent nature to protect life are identified.

### ♣ Chalara Ash Dieback Disease

Due to the continuing spread of this disease the authority has developed a specific management strategy.

## Guidance

To evaluate the level of infection the authority will inspect all Ash trees on land under its ownership and management and undertake the required safety works.

### ♣ Tree Replacement

There will be occasions when following the above guidance that trees will need to be felled.

## Guidance

All trees felled will be replaced two for one.

## Tree Management

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

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

### ♣ Tree Inspections

All trees on privately owned land are the responsibility of the landowner / tenant.

#### Guidance

All landowners making enquiries regarding the safety of trees on their land are to be advised to arrange for those trees to be inspected for safety 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.

#### Guidance

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 owner, 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 – 2.4 metres

Adopted Highways – 5.3 metres

## Guidance

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.

## Guidance

The Local Authority has no legal powers to become involved and will only advise the public to speak with the land owner 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.

## Guidance

Advice will be given that the person making the query should speak to the landowner direct. The authority 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.

#### Guidance

The Local Authority has no legal powers to become involved and will only offer this advice. 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.

#### Guidance

The authority 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.

#### Guidance

Advice from the authority 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 an Engineers Report to prove that the tree is causing the damage, then if no action is taken by the land owner after the production of the report legal advice should be considered via a solicitor.

### ♣ Insects

The majority of insects are not harmful to trees, but increase biodiversity and provide numerous ecological benefits.

## Guidance

If there is a nuisance issue with insects the tree owner should be contacted directly and made aware of the problem.

### ♣ Tree Protection

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

## Guidance

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 licence.

### ♣ 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 particularly in relation to the biodiversity and resilience of ecosystems duty under Section 6, that required 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.

## Guidance

Further advice regarding issues related to this topic may be sought from the authority’s Biodiversity Section.

### ♣ High Hedges

There is legislation with regards to evergreen hedges growing on land that affects neighbouring properties.

#### Guidance

Advice regarding such issues may be sought from the Enforcement Section within Planning Services.

### ♣ Chalara Ash Dieback Disease

Due to the continuing spread of this disease the authority has developed a specific management strategy.

#### Guidance

The authority has inspected all Ash trees within falling distance of the adopted highway network of Neath Port Talbot CBC. All Ash trees in excess of 50% crown dieback will require removal. Notices will be forwarded to the relevant landowners requesting the removal of all infected Ash trees which are a danger to the public highway network. Land owners are advised to deal promptly with the requirements of the notices to prevent further legal action being enforced.

### ♣ Tree Replacement

There will be occasions when following the above guidance that trees will need to be felled.

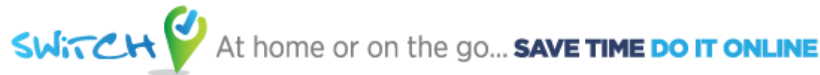
#### Guidance

Land owners are encouraged to follow biodiversity guidance and replace two for one.



## 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:

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

☎ Planning Services – Enforcement  
01639 686711 or 686752  
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

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

☎ 01639 686155

### *Useful Websites*

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