

# West Lancashire Borough Council Tree Policy



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## 1.0 Introduction

- 1.1 The Council is progressively bringing its trees into an active management and maintenance programme. This policy sets out West Lancashire Borough Council's (WLBC) approach to the management of trees on Council owned land. It is intended to act as a point of reference for the public, officers, elected members and professionals to ensure a clear, consistent, and structured approach to the management of Council's tree stock.
- 1.2 The Policy includes trees in Council owned properties (currently set out within the tenancy agreement) that tenants are responsible for the tree management and maintenance in their gardens and within the boundary of their property. The Council will work on a tree in a Council property in exceptional circumstances only.
- 1.3 The way that trees are managed very much reflects where they are and ultimately the amount of space they have to grow.
- 1.4 The Council recognise the importance of trees in combating air pollution and capturing and storing CO<sub>2</sub>. We are committed to improving air quality and we will replant saplings and tree whips for every tree that is removed.
- 1.4 This policy does not cover Tree Preservation Orders (TPOs) or the management of non-council-owned Trees located within Conservation Areas. Applications for TPO's are made to Technical Services via Planning. The webpage can be accessed by visiting:  
  
<https://www.westlancs.gov.uk/planning/heritage-and-environment/trees-hedges-and-woodlands/tree-preservation-orders.aspx>.
- 1.5 The objectives of this policy document are:
  - To set out West Lancashire's Borough Council's approach to tree management, the management of risk associated with trees, and to outline the legal obligations and requirements imposed on the Council as a landowner.
  - To provide a cohesive framework to which West Lancashire Borough Council officers can work.
  - To encourage the implementation of best practice in the management of WLBC's tree stock assets.
  - To promote the creation and/or maintenance of a high-quality amenity landscape within the borough, with a sustainable tree cover and the associated environmental benefits.
- 1.7 The customer will receive a response within 10 working days acknowledging their enquiry and advising of a timescale for inspection of a tree. Emergency works are managed outside the scope of this policy.
- 1.8 A list of frequently asked questions is available on the Council's website relating to tree enquiries for customers to easily find a response to a question about tree management and maintenance. These may be amended and / or updated as necessary.

## 2.0 Maintenance of Council Trees

- 2.1 The Council aims to manage its trees so that they are safe and make a positive contribution to their locality and amenity.
- 2.2 The Council is progressively bringing its trees into an active programme of management and maintenance. The Council aims to carry out works on trees between the months of October and March to minimise the impact on nesting birds, however emergency works may take place outside of this timeframe.
- 2.3 Trees in parks and public open spaces are managed to reflect the circumstances of any one site and the type, age, and condition of each tree, as well as for the benefit of the woodland as an ecosystem. Outside of a woodland setting, trees in parks generally have more room to grow compared to street trees and hence typically they can grow to their full height and spread. Ongoing maintenance may include:
- Removal of dead wood.
  - Formative pruning (to remove problems in tree form when the tree is young so avoiding expensive problems later).
  - Removing low branches from pathways.
  - Removal of trees when they come to the end of their safe and useful life unless the setting is suitable to leave them as standing deadwood.
- 2.4 Trees in public open spaces are managed according to their location which includes streets, grass verges and parks. Other Council trees are managed in a more informal arrangement. These are managed through service requests to the Council and outside of a planned tree management and maintenance programme. Trees within or adjacent to adopted highways are the responsibility of Lancashire County Council. They can be contacted at [www.lancashire.gov.uk](http://www.lancashire.gov.uk)
- 2.5 All works to trees on Council land shall be in accordance with British Standard 3998 Tree Work Recommendations and BS5837 trees in relation to Design, Demolition and Construction .
- 2.6 Trees in Council ownership which are growing in areas of high public use are inspected for safety according to the level of public use in the area immediately surrounding the tree.
- 2.7 The Council will notify residents of any tree works undertaken to a Council owned tree as follows:
- Where one tree or more is pruned or felled in residential location, residents will be notified if:
    - There are properties within 50 metres on either side of the affected tree.
    - A notice may be placed on the tree/or trees to communicate with residents from a wider area if deemed appropriate.
    - Where tree works have a greater or significant impact to an area, including the pruning or felling of a larger group of trees, we will inform residential properties within 100 metres of the trees affected.

2.8 Where tree works are minor or there is a requirement to remove unsafe trees, works will proceed as soon as necessary. Residents may not be informed unless they meet the criteria set out above in 2.7.

2.9 Where it is appropriate, i.e., in a woodland, felled trunks and limbs will be left on the ground to provide a valuable habitat for insects and fungi.

It is good practice to remove tree stumps which may cause a trip hazard in area where there is high footfall. In other areas such as woodlands, stumps should be left to provide natural habitat.

2.10 It is illegal to disturb nesting birds and roosting bats. Upon discovery/evidence of this, all work on the tree/s must stop until either birds have left the tree/ or the bats have been moved by a licenced bat handler.

The Council aims to work on trees outside of bird nesting season however it may be necessary to carry out works on a tree during nesting season in an emergency situation, such as an unsafe or dangerous tree.

### **3.0 Replacement of Felled Trees**

3.1 This policy has been developed in line to the Council's commitments of the Climate Change Strategy and Action Plan, The Strategy identified seven key priority areas for action, they are:

1. Delivering a carbon neutral Council,
2. Sustainable procurement,
3. Transport and travel,
4. Residential buildings,
5. Commercial activity,
6. Community action and the
7. Natural environment.

The Tree Policy will directly assist the Council to implement Priority 7. Natural Environment, and action: Protect and Promote Green Infrastructure. The key objectives are to introduce tree planting schemes and delivering the right trees to the right places.

3.2 Council owned Trees that are felled will be replaced with saplings or tree whips. Funding schemes / grants will also be explored where possible and will be utilised for further planting opportunities throughout the borough.

3.3 Native tree species will be selected and planted to complement and enhance the natural environment and local area.

3.4 Trees may not be replaced in the exact location that they were removed due local issues such as, underground utilities and the presence of peat land. However, suitable

areas will be selected near to where the original tree was felled and approved by Council officers.

- 3.5 Trees will not be replaced where tree thinning of a woodland/plantation area is necessary to increase its ecological value or where we expect natural regeneration to occur.

#### **4.0 Dangerous Trees**

- 4.1 Where a Council owned tree is in such a condition that it poses a very high risk to residents or property, and it has been identified as an emergency situation it will be made safe as soon as possible.

- 4.2 Signs that may mean that a tree is such a condition that it may warrant immediate action include:

- Tree is snapped or blown over,
- Tree is rocking – roots are damaged,
- Tree is uprooting and held up by another tree or building,
- A large branch has fallen off or is hanging off a tree,
- Tree or branch is blocking access to a property,
- Tree has fallen onto property or vehicle

- 4.3 Signs that may mean that a tree may pose a potential risk to people or property, but the risk does not require an emergency response:

- Tree is dead,
- The tree is dying- few leaves in summer or dieback in the crown,
- Bark is loose and falling off,
- Mushrooms or fungi growing on or near the base of the tree,
- Old splits and cracks in the trunk or large branches,
- Smaller branches falling from the tree (weather and species dependent)

- 4.4 Trees can be made safe by pruning or felling. Typically, we would employ the most effective approach. For certain high value amenity trees we would consider other options to reduce the risk to an acceptable level whilst prolonging the life of the tree and reduce the risk of failure.

#### **5.0 Action in response to Service Requests for Council owned trees**

- 5.1 Non-urgent requests will be considered against cost, resources available or the benefit or detrimental impact upon the tree.

- 5.2 The Council will not take action to prune or fell a Council owned tree:

- to improve natural light to a property,
- to improve the view from a private property,
- to alleviate the nuisance of overhanging branches,
- to alleviate, remove or reduce bird droppings, or remove bird dropping from private land,
- to alleviate the fall of leaves, sap, blossom, fruit/nuts/berries

- If there are suspected poisonous berries and foliage, such cases will be investigated, and appropriate action considered and actioned.
- to remove or reduce incidences of bees, wasps, or wild animals,
- to prevent interference with TV/satellite installation, reception and/or telephone wire interference,
- or cut the roots of a Council owned tree to prevent roots entering a drain that is already broken or damaged.
- if deemed too tall / big regarding its height or size
- perceived risk of damage from a tree

## 6.0 Further Advice

- 6.1 If a Council owned tree is touching a private building, we will take action to remove the nuisance. In the majority of cases the solution will be for the Council to prune the tree, but in some circumstances, it may be more appropriate to fell the tree.
- 6.2 We will investigate reports of vandalism and/or purposeful damage to a Council owned tree. Prosecutions may follow pending investigations. A site inspection would be required to assess damage caused and the safety of the tree. We will try to repair any damage and save the tree where possible.
- 6.3 Where a Council owned tree is associated with criminal activity and/or anti-social behaviour, measures to reduce the problem will be considered on a site-by-site basis, including where a tree is blocking line of sight that would assist in the prevention and detection of crime.
- 6.4 Where a tree has been impacted by criminal activity and/or anti-social behaviour, steps to reduce the problem will typically require the co-ordination of a number of agencies including Lancashire Police.
- 6.5 Pruning or felling a tree is not always the answer to the problem and consideration of available statutory agency tools and powers to tackle the issue must always be considered.
- 6.6 The Council will not accept funding from private sources for tree works where there is no clear public benefit or where work is not necessary on safety grounds.
- 6.7 Private individuals/companies do not have access rights to undertake tree works on Council land.
- 6.8 The Council has no authority to intervene in a dispute between neighbours. However, if the problem is due to a 'high hedge' guidance can be found on the Councils website <https://www.westlancs.gov.uk/planning/heritage-and-environment/trees-hedges-and-woodlands/high-hedges.aspx>
- 6.9 If a tree is covered by a Tree Preservation Order (TPO) or is in a conservation area, then planning consent will be needed before pruning or felling can occur.

Guidance can be found on the Councils website:

<https://www.westlancs.gov.uk/planning/heritage-and-environment/trees-hedges-and-woodlands/tree-preservation-orders.aspx>

- 6.10 If a customer believes their property is suffering subsidence damage due to the action of the trees in Council ownership (or concerned about potential damage) they are advised to contact their property insurer in the first instance.
- 6.11 Should they wish to make a claim, details can be found by visiting:  
<https://www.westlancs.gov.uk/about-the-council/information-governance/insurance-making-a-claim.aspx>

## **7.0 Exceptional Circumstances**

- 7.1 In exceptional circumstances it may be necessary for the Council to carry out works on trees outside of these parameters. This shall be done as discretion of the officer dealing with the case.
- 7.2 In circumstances where it is claimed that a tree is impacting upon a resident's health, such cases will be investigated, and appropriate action considered.