

## AGENDA

### POLICY DEVELOPMENT AND REVIEW COMMITTEE MEETING

Date: Tuesday, 12 February 2019

Time: 7.00pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Mike Baldock, Cameron Beart, Monique Bonney, Andy Booth (Chairman), Tina Booth, Lloyd Bowen, Nicholas Hampshire, James Hunt (Vice-Chairman), Nigel Kay, Roger Truelove and Ted Wilcox.

Quorum = 3

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Pages

1. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Minutes

To approve the [Minutes](#) of the Meeting held on 16 January 2019 (Minute Nos. 444 - 449) as a correct record.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

**Part B reports for the Committee to consider**

5. Tree Policy

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The Committee is asked to note the amendments made to Swale Borough Council's Tree Policy following their first review.

The Cabinet Member for Environment and Rural Affairs, the Head of Commissioning, Environment and Leisure, the Leisure and Technical Services Manager and the Greenspaces Manager have been invited to attend for this item.

6. Committee Work Programme

23 - 24

The Committee is asked to review the Committee's Forward Work

Programme (attached).

7. Exclusion of the Press and Public

To decide whether to pass the resolution set out below in respect of the following item:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7.

7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.

8. Swale Community Safety Partnership (CSP) Strategic Assessment. 25 - 56

The Committee is asked to consider the Swale CSP Strategic Assessment.

Consultation on the recommended priorities for the Swale CSP Community Safety Plan 2019/20, put forward through the Community Safety Strategic Assessment. The purpose of the strategic assessment is to provide an understanding of community safety problems within the Borough, in order to inform and help determine partnership priorities going forward. The consultation response will be provided to the CSP Executive for consideration.

The Cabinet Member for Housing and Safer Communities, the Safer and Stronger Communities Officer and the Economy and Community Services Project Officer have been invited to attend for this item.

**Issued on Monday, 4 February 2019**

The reports included in this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about this Committee please visit [www.swale.gov.uk](http://www.swale.gov.uk)

Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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Policy Development and Review Committee

12 February 2019

## Tree Policy Updated Draft

The draft policy was considered by PDRC on the 27<sup>th</sup> November 2018. Members raised a wide range of comments, leading to the Chairman requesting that an updated policy be brought back to PDRC. .

The draft Policy is an update of the 2015 policy which identified the need for regular review .Following the Leisure Services Transformation Report in August 2018, the need to review the document was identified, to ensure it is:

- Clear about what SBC do/don't do in managing it's trees within the resources allocated
- To aid the promotion of the Council's responsibilities
- Advise what residents are able to do for themselves.

As a result of the Members comments on the draft Policy the draft document has been revised and updated to reflect the substantive points raised.

Three new sections have been added:

'4.The Council's role as the Local Planning Authority (LPA) and the impact on trees in Swale': addressing TPO's and conservation areas, developer contributions, protection of countryside /ancient hedgerows.

'13. Community support': addressing local volunteering opportunities for trees

'14. Who to contact for Council tree issues'.

There has also been clarification on 'weather events', communication arrangements for significant tree works', 'poisonous fruits and berries', 'subsidence damage process', 'artificial turf surfaces'.

The updated Policy can then be used to form and provide information to customers both on the web site, but also directly by staff when receiving enquiries by identifying the type of work the Council will undertake, its respective priority and clear information on what we will not do.

The Committee is requested to note the report and the revised Tree Policy.

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# Tree Policy



*“Three hundred years growing. Three hundred years standing. Three hundred years decaying.”*

Lifecycle of English Oak & Sweet Chestnut - Peter Collinson 1776

**Draft Policy for 2019-2023**

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**6. Tree Risk Management**

**7. Inspection**

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**15. Review**

**Appendix 1: Legal Obligations and Risk**

**Appendix 2: Tree Inspection Form**

Document Control

1	Tree Policy 2015 – Approved Cabinet Member 21 December 2015
2	First Review PDRC – 27 November 2018
3	Revised version PDRC 12 February 2019



# 1. Introduction

Trees are an important asset throughout Swale playing a vital role in contributing to the visual amenity and ecological value of both rural and urban landscapes.

Kent is often referred to as “The Garden of England” and Swale while having the three main urban towns of Faversham, Sheerness and Sittingbourne, is predominantly a rural borough. The borough is characterised by the North Kent Downs Area of Outstanding Natural Beauty to the south, North Kent Marshes along the north coast with a central mainland plain of orchards and arable land. Significant areas of the borough have nature conservation designations and trees are present along our mosaic of highways, in public open space and within private land. Important areas of woodland can be found to the south and east of the borough including the fringes of The Blean ancient woodland at Dunkirk.

Against these positives and benefits are problems and risk associated with root damage, obstruction of lighting and danger of falling limbs or whole trees. There is a recent background of increased claims for structural damage so the defence of claims in addition to pure health and safety is increasingly an issue.

This policy sets out Swale Borough Council’s responsibility for trees on its land including open space, woodland, country parks, allotments, car parks, closed churchyards and cemeteries. Swale has a role in managing, maintaining and enhancing the environment and aims to sustain a balanced and healthy tree population while recognising the constraints of budget and prioritising safety first. There are also other public bodies and wildlife charities that look after trees in Swale.



## **2. Scope**

This policy relates to trees within Swale Borough Council (SBC) ownership or responsibility, which can predominantly be identified within the boundaries of the following areas:

- Parks and open spaces
- Country parks
- Woodlands
- Amenity land
- Allotments
- Cemeteries
- Closed churchyards (only those formally transferred to SBC)
- Car parks
- Retained development land

As well as the urban area the Council is responsible for approximately 120ha of woodland across 7 sites: Perry Wood, Oare Gunpowder Works Country Park, Milton Creek Country Park, Rose Hill Wood, The Meads, Thistle Hill and Kings Borough Manor Community woodlands

The Council has identified and surveyed 4,765 individual trees and 115 hectares of woodland.

## **3. The Value of Trees**

Trees and woodlands bring many benefits to the local environment especially in the urban area. They soften and enhance the landscape by providing form, colour and diversity that change with the seasons. They help improve air quality, provide shade, screening, shelter and cooling, play a part in water management and offer valuable habitats for a wide range of wildlife.

Trees are complex living organisms that are one of the longest lasting assets of the natural environment. However they are subject to pests and disease, climatic and site changes that can seriously affect their health. Incidence of Dutch Elm disease and Bleeding Canker of Horse Chestnut has had a dramatic effect on the landscape of local parks and Ash Dieback Disease has the potential to be as devastating. In addition some species have characteristics that are undesirable or are difficult to manage as they mature. Development, changes to the location and well intentioned, but ultimately inappropriate planting in the past has also left a legacy of problems.

## **4. The Council's role as the Local Planning Authority (LPA) and the impact on trees in Swale**

## **Local Plan**

The Swale Local Plan sets out a strategic framework for the Borough over the next four years. Alongside key issues such as employment, housing and population growth it also identifies land use issues including the protection of existing ancient woodland and the potential of creating new open spaces and 'green corridors, often funded by developer contributions.

## **Tree preservation orders and Conservation Areas**

The Council receives a wide range planning applications for prospective developments. We advise applicants on existing trees with preservation orders (TPO,s within Conservation Areas )the issuing of new TPO's to protect a tree or a specific group of trees ,related restrictions and enforcement issues where TPO's have not been complied with.

## **Hedgerows**

Countryside / ancient hedgerows

The Hedgerows Regulations (1997) protect countryside hedgerows. You could get a fine up to £5,000 if you break the rules for removing them. In serious cases you could get an unlimited fine for removing hedgerows in cases referred to the Crown Court.

### **Removal of Hedgerows**

You should discuss your proposal to remove a hedgerow with your local planning authority (SBC) first to make sure it's legal to do so. You must apply to the Council in writing before you remove it.

You can view further information on:

<https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>

## **Developer contributions**

Planning and Open Spaces Council staff also assess the open space needs for new planning applications such as housing and other large scale developments, specifying to the Developer the types of trees and shrub varieties, play equipment etc that should be included in their plans. Such requirements usually form planning conditions as part of a planning approval. The ongoing maintenance of open spaces ,trees ,shrubs and community faculties are funded by the developer who paid the Council a 'commuted sum' ( lump sum ) to provide maintenance for 10years . At the end of the period the responsibility of the maintenance transfers to the Council who inherits the ongoing maintenance works without an increase in the council budget.

In 2018 the Council agreed in its new Open Spaces and Play Strategy (2018-2022) to no longer adopt new open space and landscaping unless it was of strategic value

## **5. Legal Obligations and Risk**

Each year between 5 and 6 people in the UK are killed when trees fall on them. Thus the risk of being struck and killed by a tree falling is extremely low and as almost the entire population of the UK is exposed, the risk per person is about 1 in 10 million. However, the low level of overall risks may not be perceived in this way by the public, given attitudes in a risk-averse society.

Under both civil law and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch.

The duty holder who has control over the trees management whether as owner, lessee, licensee or occupier of the land has in general terms a duty to take reasonable care as a reasonable and prudent landowner for the safety of those who may come within the vicinity of a tree and to consider the risks posed by the tree.

See **appendix 1** for further health and safety information

## **6. Tree Risk Management**

Defendable management is consistent with a duty of care based on reasonable care, reasonable likelihood and reasonable practicality. Being reasonable involves taking actions proportionate to the risk, both proactive and reactive to achieve a balance between the benefits trees provide to the environment and people and on the other hand, risks posed to public safety.

A key objective is to maintain a defendable position at the lowest cost while avoiding the loss of valued trees.

Tree management has both reactive and proactive elements that plan and guide management decisions and practice based on three essential elements:

- Zoning: understanding trees in relation to people or property
- Tree inspection: assessing obvious faults
- Managing risk: identifying, prioritising and undertaking safety work

## **7. Inspections**

The Council undertook a comprehensive survey of all of our trees in 2017 at a cost of £30,000 where every tree was assessed and prioritised by five categories from immediate action to no action and by zone. All of the

information from this survey is stored in a specialist software package called MyTrees.

### **Which Trees – Zoning**

The first step in tree risk management is understanding the location in context of levels of use. It considers all the trees on the property and determines which are in areas of high public access or close to property that could be damaged. A score of 1-6 is applied, resulting in a prioritisation made up of three zones, high, medium and low.

- High Risk zones (1-2) – used by many people every day, busy roads, railways, car parks, private dwellings, buildings and children’s play areas.
- Medium Risk zones (3-4) – moderate use by people and road users, adjacent to private dwelling gardens, parks and gardens.
- Low Risk zones (5-6) – deep woodland, rarely used open space.

### **Frequency of Inspections**

Trees in the High Risk Zone will be inspected every 12 to 18 months unless otherwise stated. This will facilitate one inspection in the summer months, followed by the next inspection in the winter months and vice-versa.

Trees in the Medium Risk Zones will be inspected every 3 to 4 years unless otherwise stated.

Trees in the Low Risk Zones will receive no, or only informal inspections unless otherwise stated.

In addition to specified formal inspections, it is expected that any Council Officer or contractor will visually inspect trees and report defects whenever on site and that following a significant weather event such as severe gale force winds a visual inspection of high risk trees will be undertaken.

### **Who Inspects**

Following Zoning, tree inspection requirements and level will be identified by reference to their size, condition and the level of use within its fall distance.

- Informal Observations – people with good local knowledge of the site and its trees. Typically this will not be a tree specialist but a member of staff or the public who understands the way the site is used and the implications/danger should a tree be found falling apart or uprooting.
- Formal Inspections – require general tree knowledge and the ability to recognise normal and abnormal appearance and growth of trees for the locality. They will be able to recognise obvious visual signs of ill health and significant structural problems. Staff carrying out these inspections will have undertaken a Tree Inspection course and have experience of working with trees.
- Detailed Inspections – Will be carried out by a competent person, experienced in the field of investigation to be carried out, having attained the Certificate of Advanced Tree Inspection and/or qualified to the level of Diploma/Technical Certificate in Arboriculture.

We utilise a range of personnel for the above, including our own staff, those of our grounds maintenance contractor or specialist tree consultants.

Trees will be assessed by means of scheduled systematic visual assessment from ground level.

- Consideration of the trees location allied to other structures in the landscape/proximity.
- Visual inspection of the tree for symptoms and overall vitality and health.
- If a defect is suspected on the basis of the symptoms, the presence or absence of the defect must be confirmed by thorough examination
- If the defect is confirmed, it must be quantified, remedial action identified and a priority of works recorded.

### **Prioritisation**

Where defects are confirmed as posing unacceptable risk or physical damage to structures following a regular tree inspection, or from direct customer contact, appropriate remedial action should be identified and timescale specified. Action response times are based on specific action times as identified following the condition survey.

Prioritisation	Hazard examples
Category 1- immediate action, response within 1 hour to make safe	Emergency work, for example a leaning tree in danger of collapse, or a fallen tree causing an obstruction
Category 2 – high priority action within 1 month	A standing dead tree, significant dead branches in Zone 1-2, vegetation interference with carriageway and/or footpaths, trees touching property
Category 3 – medium priority action within 6 months	A tree showing significant signs of decline, uplifting works to trees, dead wooding, removal of epicormic growth
Category 4 – low priority action within 1 year	Removal of stakes, minor uplifting of canopy, minor dead wooding. Other minor works as dictated by budget
Category 5 – no action required	No action required

The Council will prioritise actions based on risk and works that are deemed to be necessary for safety reasons will override any other priorities that exist within tree works schedules.

### **Records**

Full and readily accessible records will be made, whether as part of the routine inspection regime, response to a complaint or in connection to

maintenance work. The Council currently use MyTrees to manage the condition survey data to all Council owned and/or managed trees. Data recorded will vary depending upon the level of inspection, but will be a positive record, i.e. a report even in the event there is no defect. MyTrees is maintained on an independent server accessible to staff with appropriate access rights.

A specimen inspection record is shown in **Appendix 2**

<p><b>Objective 1</b></p> <p>To ensure the safety of the users of the Council's land</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• SBC will arrange for the inspection of trees on SBC owned land using suitably qualified staff. Safety works will be prioritised and subject to budgetary constraints, will be undertaken within the timescale recommended by the inspector. The felling of trees will only be undertaken when other maintenance techniques have failed or are impractical.</li> <li>• This document and the process of guiding the inspection and maintenance of trees will be reviewed to ensure they meet the current legal duty of care standards.</li> </ul>
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## 8. Works

The following table identifies the type of works typically undertaken to manage the health and health and safety of our tree stock.

<b>Works Undertaken</b>	<b>Description</b>
Remove epicormic growth	Removal of new growth, which usually is from dormant buds breaking directly from the stems or trunk.
Pollard/ re-pollard	Removal of the top of a tree to a prescribed height to encourage multi stem branching. Once pollarded, trees need to be re-pollarded every 5-7 years, depending on species to the initial pollard point.
Deadwood	Removal of significant sized dead branches and stems throughout the canopy of the tree. It is not possible to remove every dead stem, priority must be given to the larger branches more likely to cause damage or injury.
Crown thin	Crown thinning is the removal of smaller branches to provide a uniform density of foliage and an evenly spaced branch structure.
Crown reduction	The reduction in height and/or the reduction in spread by a percentage to the overall crown of the tree.

Fell	Removal usually to ground level of the tree. Treatment or removal of the remaining stump may also be undertaken.
Crown lift	Usually this task is undertaken to help alleviate low branches on a tree where they might interfere with the movement of people, either by vehicle or pedestrians. It is usual for trees to be crown lifter to 2.4m for pedestrians, and 5m for vehicular traffic.

Enquiries and service requests are logged through the Council's "My Council Services" system and acknowledged upon receipt. Response times are advised to the customer, with assessment ranging from immediate to 1 month. Following assessment the work is prioritised and ordered from contractors to complete.

Enquiry	Timescale
Dangerous	Immediate
Damage caused, damage to, dead branch, fallen, fungal growth, pest infection	Assessment within 7 days
Basal Growth, low branches, overgrown, overhanging, interference	Assessment within 1 month

All birds, bats and active nests and roosts are protected by law by the Wildlife and Countryside Act 1981 from intentional harm. As such inspections are made and work may be delayed by their presence at certain times of year.

Trees can be damaged as a result of poor workmanship, resulting in a reduction in the health of the tree, increased risk and increased future maintenance costs.

Arboriculture contractors require specialist knowledge and skill to adequately undertake maintenance operations. Contractors will as a minimum have appropriate trained staff, the correct equipment with maintenance records, a suitably trained person to undertake risk assessments, a staff training programme and a Health and Safety Policy. This is in addition to any normal contractor requirements of working for the Council

Contractor working and office practices will be subject to regular monitoring and review by the Council.

## Objective 2

To maintain and enhance the stock of SBC trees

**Action:**



- SBC will use qualified arboricultural contractors when undertaking tree maintenance.
- SBC will monitor preferred contractors on a regular basis and ensure that their workmanship, competency, qualifications, and equipment meets required standards.

## 9. Communication

The Council has a duty to maintain its trees in a safe condition. It also has a responsibility to respond to queries and provide information where its actions impact on the local amenity. Often, concerns can be raised due to a lack understanding or knowledge of proposed or necessary tree works.

The Council will maintain a web page that provides appropriate information and advice to assist the community and clearly identifying the Council's responsibilities and priorities.

We will keep interested parties such Ward Members, Parish Councils, Tree Wardens and colleagues (Planning) informed of any locally sensitive tree works and also where significant programmed works are proposed, a letter drop at least a week in advance to local residents will also be implemented and contractors will display information boards with the Council contact details.

### Objective 3

To communicate tree management and maintenance information

#### Action:

- SBC will maintain a web page that identifies clear information and priorities to assist residents at the first opportunity.
- SBC will provide information on surveys and tree works to organisations and individuals as requested.
- SBC will carry out letter drops to local residents in the immediate vicinity of the tree/s at least one week in advance of undertaking significant programmed tree works.

## 10. Nuisance

Nuisance is often difficult to define, screening by trees may be acceptable and welcomed by one person, but cause shading and interference with TV signals for a neighbour.

Trees can be viewed as a nuisance because of leaf fall, seed dropping, shading, branch overhang, TV interference or honeydew deposition. Solutions to these problems are difficult if not impossible short of removal of the tree and maintenance can often worsen the original issue by promoting strong regrowth. There is no legal requirement for an owner of a tree to carry out works to abate this type of nuisance.

Certain types of nuisance fall into the category of legal nuisance and the owner of a tree must take steps to abate the nuisance. Problems associated with root damage and subsidence falls into this category.

**Objective 4**

To minimise the likelihood of insurance or other claims against SBC

**Action:**

- SBC will seek appropriate advice from qualified advisors, legal advisors and insurers in respect of action required to mitigate any claim or future claim that may arise.

Works over and above the need to maintain a tree in a safe or healthy condition will be considered on an individual tree basis and will only be undertaken in the severest cases - usually due to insurance claims. Works will not normally be undertaken on a tree to reduce shading, leaf or fruit fall, or to improve TV signal reception.

The table below identifies common cause of nuisance and the Council's response.

<b>Enquiry</b>	<b>Response</b>
Tree overhanging property	We will not prune or fell a tree in Council ownership or managed by the Council to alleviate the nuisance of overhanging branches. However the nuisance caused by overhanging branches may be considered as part of our general tree-work programme, although this programme is prioritised and subject to the availability of funding. Residents have a common law right to cut back encroaching vegetation to their boundary, and to offer the arising's back, although the Council does not have to accept the arising's. Throwing the trimmings back over the boundary could constitute fly tipping.
Tree blocking light	We will not prune or fell a tree in Council ownership or

	<p>managed by the Council to allow natural light into a property. There is no automatic right to direct sunlight, only daylight.</p>
Tree blocking view	<p>We will not prune or fell a tree in Council ownership or managed by the Council to improve a view for a property.</p>
Tree touching building	<p>If a tree in Council ownership or managed by the Council is touching a property we will take action to remove the nuisance.</p> <p>It will be usual practice to prune the tree to reduce or remove the nuisance, but occasionally it may be necessary to fell the tree. This will only be considered if pruning is not sufficient to reduce or remove the nuisance.</p> <p>Residents have a common law right to cut back encroaching vegetation to their boundary, and to offer the arising's back, although the Council does not have to accept the arising's. Throwing the trimmings back over the boundary could constitute fly tipping.</p> <p>.It is advised to contact the Council to arrange for removal of the nuisance/arising's.</p> <p>Any works organised by the resident should be carried out by a qualified arboriculturist, after advising the Council that the work is to be undertaken. Before any work is undertaken, it is necessary to check whether the tree is covered by a Tree Preservation Order, and is within a Conservation Area, and the appropriate consent sought.</p>
Tree dropping leaves	<p>We will not prune or fell a tree in Council ownership or managed by the Council to stop or reduce leaf fall.</p> <p>Autumn leaf drop is part of the natural cycle of trees and cannot be avoided by pruning. Council contractors carry out removal of leaves from highways and open spaces but will not enter private property to remove leaves.</p>
Tree dropping sap/honeydew	<p>We will not prune or fell a Council owned or managed tree to remove or reduce honeydew or other sticky residue from trees.</p> <p>Honeydew is a seasonal problem caused by aphids (greenfly) feeding on the sap and excreting a sticky residue, which often gets colonised by a black sooty mould. Aphids are almost impossible to remove from a tree, and any pruning would only offer a brief respite from the problem. The flush of growth following pruning would result in an increase in the problem as this would be more prone to aphid infestation.</p>

Tree dropping flowers	<p>We will not prune or fell a Council owned or managed tree to remove or reduce blossom from trees.</p> <p>Spring blossom is part of the natural cycle of trees and cannot be avoided by pruning. Council contractors will remove blossom from highways and footpaths in open spaces as part of their contractual obligations, but will not enter private property to remove fallen blossom.</p>
Trees dropping fruit/seeds	<p>We will not prune or fell a Council owned or managed tree to remove or reduce the nuisance of fruit or seeds. Production of fruit and seeds is part of the natural cycle of trees and cannot be avoided by pruning.</p> <p>Council contractors will remove fallen fruit and seeds from highways and footpaths in open spaces as part of their contractual obligations, but will not enter private property to remove fallen fruit or seeds.</p> <p>Occasionally, there may be significant anti-social behaviour associated with fallen fruit such a fruit being thrown at cars or properties. We will consider removal of the tree and replacement of a more suitable tree species. Where there is evidence of vulnerable adults, children and animals that will be exposed to poisonous fruit or berries, the situation will be investigated, and a decision made on the most appropriate action.</p>
Trees and bird droppings	<p>We will not prune or fell a Council owned or managed tree to reduce or remove bird droppings from trees, or to remove bird droppings from private land.</p> <p>Though bird droppings can be considered a nuisance, it is not a significant reason to carry out pruning or felling works to a tree. All birds, nests and eggs are protected by the Wildlife and Countryside Act.</p>
Trees and insect/animal pest	<p>We will not prune or fell a Council owned or managed tree to remove or reduce insect pests such as bees, wasps or brown-tailed moth, or wild animals.</p> <p>Bees are endangered in the UK, and no action will be taken to control bees. If there is evidence of an active wasp nest in the tree, this should be reported to the Council for eradication if practical to do so. It is not practical to treat a mature tree for brown tailed moth, although smaller trees and shrubs can be treated, based in an individual assessment.</p>
Trees and TV signal	<p>We will not prune or fell a Council owned or managed tree to prevent interference with TV/satellite installation or reception.</p> <p>It may be possible for your satellite or TV provider to suggest an alternative solution to the problem, for</p>

	example relocating the aerial/dish or means to boost the signal.
Tree “too tall/hasn’t been pruned” or “may fall in high wind”	<p>We will not prune or fell a Council owned or managed tree because it is considered to be 'too big' or 'too tall' or “hasn’t been pruned for some time”</p> <p>There is a common misconception that all trees should be regularly pruned. A tree is not dangerous just because it has grown large within its surroundings. The Council will carry out pruning or felling of trees if there is an identified risk to people or property. Any trees reported as dangerous will be inspected and appropriate work carried out if identified as necessary.</p>
Tree related subsidence damage	<p>If you suspect a Council owned or managed tree is causing subsidence damage to a property, it is advised the resident contacts the Council in the first instance and also alert their insurer to discuss concerns and agree on an appropriate course of action. Any claim will be investigated and, if it proven the Council’s trees is at fault, appropriate action will be taken.</p>
Tree roots- in garden/causing damage	<p>The Council will not prune or remove a tree because there are tree roots in a resident’s garden.</p> <p>Residents have a common law right to cut back encroaching roots to their boundary, provided it does not adversely affect the health of the tree.</p> <p>If there is suspected root damage to a property, artificial turf surfaces or drains, the claimant will usually be required to provide supporting evidence through their insurance company.</p>
Tree growing through overhead lines	<p>We will not fell a Council owned or managed tree to remove or reduce interference with overhead wires.</p> <p>There may be instances where the Council will consider undertaking works to prune trees and reduce interference to telephone wires where pruning will be an effective measure as part of our general tree work programme.</p> <p>Any enquiries relating to trees interfering with overhead power cables will need to be referred to the appropriate utility company in the first instance.</p>

## 11. Replanting

With concern at the loss of trees and particularly mature specimens, there is often a desire for replacement planting. However it does not necessarily follow that it is suitable to replant on a site utilised originally some years ago. Factors

can change, such as increased utility service provision, increased vehicular or pedestrian access and the presence of diseases.

The Council is committed to the replanting of trees to ensure that the amenity of the area is maintained and enhanced. However this will only be undertaken following consideration of all the constraints that may make a site unsuitable.

The Council actively supports and encourages community groups to undertake new tree planting on council managed open spaces, country parks and woodland where there has been gradual loss over time and to increase the overall stock of Council managed trees while recognising the Council's wider financial constraints.

Any planting will be undertaken during the correct planting season (November – March) and with an appropriate species for the particular site.

#### **Objective 5**

To maintain and enhance the Public Open Spaces tree stock and ensure that tree species are appropriate to the specific site and where possible enhance biodiversity

#### **Action:**

- Where appropriate SBC will undertake the replanting on a 1:1 basis of trees removed for safety reasons.
- SBC will seek appropriate alternative sites and funding opportunities where site constraints and budgets prevent replanting.

## **12. Resource**

The Council will regularly review the resource requirement to manage its trees both in terms of inspections and works arising from both proactive and reactive responses. Currently one Officer is responsible for managing the Council's tree stock using an allocated revenue budget of £26,800 (2018/19 budget figure). The Council also employs a part time Tree Preservation Officer who is available to offer specialist advice.

## **13. Community support**

General public: Informal observation of trees in public open spaces: advise the Council if any damage or disease is seen.

Help by watering new trees during dry weather. A couple of buckets of water once a week will make a difference.

Be careful when cutting around trees. Any damage to the bark will reduce the life of the tree.

## **Volunteering**

There are regular community activities and events organised by SBC and volunteer groups such as the Friends of Oare Gunpowder Works, Swale in Bloom and Friends of Perry Wood to undertake tree planting, coppicing and tree craft.

Visit:

<http://miltoncreek.co.uk/events/event/>

[www.gunpowder](http://www.gunpowderworks.co.uk) works.co.uk

<https://www.swale.gov.uk/swale-in-bloom/>

## **14. Who to contact for Council tree issues**

Enquiries and service requests are logged through the Council's "My CouncilServices" system and acknowledged upon receipt.

Online contact form: <https://www.swale.gov.uk/contact-us/>

Customer Services: phone: 01795 417850

## **15. Review**

The Council will review this policy every 4 years to ensure its compliance with recognised guidance and best practice, and to ensure that it meets its legal duty of care.

This document was written with reference to "Common Sense Risk Management of Trees – Guidance on trees and public safety in the UK for owners, managers and advisers" by the National Tree Safety Group (ISBN 978-0885538-840-9).

### **Appendix 1: Legal Obligations and Risk**

Relevant legislation includes:

- The Occupiers Liability Act 1957 & 1984
- Health and Safety at Work Act 1974
- Health and Safety at Work Regulations 1999
- Highways Act 1980

- The Compensation Act 2006
- Wildlife and Countryside Act 1981

The Health and Safety Executive has in its Sector Information Minute 01/2007.5 *Management of the risk from falling trees*, identified the risk as “broadly acceptable”.

Exposure to an element of risk is an unavoidable consequence of trees being in the environment, but in considering management policy, it is necessary to strike a balance between risk and benefit.

Trees can also damage property either directly from the action of roots or from the desiccation of susceptible soils (clay). Exposure to a risk of increasing insurance claims needs to be managed through proactive inspection and maintenance; and with adequate and timely intervention when necessary.



**Appendix 2**

**Tree Inspection Form**

Site.....	Inspectors Name.....	Date.....
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Tree No.	Species	Size/ Height	Zone	Comments	Recommendations	Priority	Action Taken

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Size S Small Diameter at breast height of under 250mm  
M Medium Diameter at breast height of between 250-500mm  
L Large Diameter at breast height of over 500mm

Risk Zone L Low  
M Medium  
H High

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**Policy Development and Review Committee - Policies, plans and strategies due for review in 2018/19**

<b>Policies, plans and strategies</b>	<b>Service unit</b>	<b>Due date for publication of new/revised policy, plan or strategy</b>	<b>Policy Development and Review Committee dates</b>	<b>Commentary</b>
Tree Policy	Commissioning, Environment and Leisure	March 2019	12 February 2019	An earlier iteration of the draft policy was considered by the Committee on 27 November 2018
Swale Community Safety Partnership Strategic Assessment	Housing, Economy and Community Services	March 2019	12 February 2019	
<b>Activity expected in 2019/20 Municipal Year</b>				
Sheerness Vision (regeneration strategy)	Housing, Economy and Community Services	TBA	TBA	First draft anticipated to Cabinet early in new Municipal Year
Community Asset Transfer Policy	Property Services	TBA	TBA	
Access Strategy	Policy, Communications and Customer Services	TBA	TBA	
Housing Allocations Policy	Housing, economy and Community Services	TBA	TBA	Work on this will commence early in the 2019/20 municipal year
Swale Heritage Strategy	Planning Services	Autumn 2019	TBA	Covers areas wider than just Planning Policy. PDRC to consider non-planning aspects prior to Local Plan Committee
Indoor Sports Facility Strategy	Housing, Economy and Community Services	TBA	TBA	

**Policy Development and Review Committee dates 2018/19:**

- 12 February 2019.

**Policy Development and Review Committee dates (provisional) 2019/20:**

- 19 June 2019;
- 17 July 2019;
- 11 September 2019;
- 16 October 2019;
- 20 November 2019;
- 29 January 2020; and
- 4 March 2020

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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