



## Tree Policy for Service Requests

### **Safety**

Where there is a clear and foreseeable threat to personal safety of residents, visitors or property directly related to the condition of a tree action will be taken to minimise that risk. The unfounded fear of tree failure will not result in action to prune. Risks that are an indirect consequence of the tree (e.g. slippery leaves etc.) will only be dealt with in extraordinary circumstances and when other options are not available.

### **Obstructing the Highway, Road Signs and Streetlights**

Staffordshire County Council is responsible for trees on the highway pavements and verge and for ensuring private garden trees do not form an obstruction to roads and paths. They can be contacted on 0300 111 8000 or email [highways@staffordshire.gov.uk](mailto:highways@staffordshire.gov.uk)

Where trees owned by Lapley, Stretton and Wheaton Aston Parish Council may affect the highway we will ensure that adequate clearance is maintained based on the classification of the road and types of vehicle that use it.

Similarly the Council will endeavour to ensure its trees do not obscure road signs, signals and lighting. The purpose of street lighting is to illuminate the carriageway and paths. The Council will not normally take action to improve illumination from or to a private property.

### **Television, Satellite, Radio and other Broadcasting and Receiving equipment**

A TV licence is a permit for an individual to operate a receiver it is not a guarantee of getting a good or any reception. Providers of terrestrial and satellite equipment both broadcasting and receiving cannot expect the Council to prune trees to improve or gain reception. In many cases it is possible to resolve issues of poor reception involving trees by finding an engineering solution. The Council will only consider requests to prune trees to improve reception where all the following criteria are met:

- Efforts to find an engineering solution to the problem have been unsuccessfully exhausted.
- The work considered necessary to allow or improve reception is consistent with good arboricultural practice and will not unduly affect the health or amenity value of the tree and can be executed within current financial constraints

### **Loss of Daylight and affecting Views**

Action will only normally be considered where the separation between the tree trunk and the window of the nearest habitable room (dining room, lounge, kitchen, study or bedroom but specifically excluding WCs, bathrooms, utility rooms, landings and hallways) less than half the height of the tree or where the separation between the edge of the canopy and window is less than 2 metres.



Where a situation falls within these guidelines cases will be considered according to proximity and account will also be taken of the orientation of the tree to the affected window(s). The Council may on occasion carry out a consultation on proposed tree works and should those works prove to be unpopular with the rest of the community then the proposed works may be modified or possibly not carried out at all.

Whilst the occupant of a property may wish to have a more expansive view across neighbouring land there is no legal right to a view. It should be remembered that trees and other vegetation are frequently planted as a screen to obscure nearby properties, to increase privacy and/or to provide a more naturalistic environment. The Council will not normally take action to create or maintain a view. There is no legislation limiting the height to which trees and hedges are allowed to be grown.

### **Pruning under Common Law Rights and Tree Preservation Orders**

A neighbour may cut back any branches from trees that overhang their property boundary without reference to the tree owner whether that is the Council or a third party (the cost of carrying out those works would generally be borne by the neighbour unless the tree owner agreed to pay or share the costs). Branches must only be cut to the boundary line and placed back on the owner's land unless he has given permission for their disposal. Access to the tree owner's land or any pruning beyond the boundary line should not be carried out without the express permission of the owner.

Please note: Your common law rights are removed if the tree is protected by a tree preservation order or is within a conservation area. In these circumstances an application is required to be made to South Staffordshire Council for any tree works. Failure to do so is potentially a criminal offence carrying a large fine. It is advised that before carrying out any tree works the Council are contacted to check for the presence of any tree preservation order or conservation order.

### **Petals, Leaves, Seeds, Twigs and Fruit**

Seasonal change affects trees in that they will shed petals, leaves, seeds, twigs and fruit. This detritus is often carried freely on the wind and is largely outside the control of the Council. Clearing of leaves from gutters and pathways and removal of self-set seedlings are considered to be normal routine seasonal maintenance which property owners shall be expected to carry out.

### **Birds and other Wildlife**

Trees form a habitat for wildlife by providing areas for nesting and bat roosts as well as being a source of food and shelter. If bird-droppings are an issue pruning is not usually a solution as the birds will continue to perch on the remaining tree branches.

### **Honeydew**



Honeydew or sticky deposits are the sugary excretions of aphids and other insects that feed on the sap of tree leaves. Honeydew is not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance.

It is sometimes possible to improve some of the above situations through planned tree maintenance, however only if such work is identified as providing a significant and long term benefit will any work be carried out.

### **Root Damage and Subsidence**

Cases of direct root damage will be considered on an individual basis. A balance will be struck between the nuisance experienced by individuals and the benefits offered by the tree to the wider community.

### **Drain Blockage by Tree Roots**

Tree roots do not have the capacity to break into a sound drain but they can exploit any existing leak. The removal of one tree will not prevent roots from another tree or other vegetation from exploiting the same opportunity. The appropriate way to deal with tree root blockage of drains is to ensure that the drains are watertight. Accordingly the Council will not normally take action in response to complaints that Council managed trees are blocking drains unless the removal of the tree is necessary to effect a safe repair i.e. trenching so close to the tree will cause the tree to become unstable or liable to wind blow.

### **Subsidence**

Tree related subsidence damage is a complex issue generally associated with shrinkable clay soils but may be caused by other factors such as leaking drains. Each case will need to be considered on an individual basis with clay related subsidence in this district being unusual. Where damage has occurred the Council will require that appropriate assessment and monitoring is undertaken by the property owner to demonstrate that the specific tree is involved and that such evidence be submitted in support of any request for action. You should contact your house insurance company if you have concerns about subsidence.

Requests for action based on an un-quantified concern of damage occurring at some time in the future will not be considered.

### **Reducing the Height of Trees**

This work is not recommended or considered appropriate for trees except in exceptional circumstances. It is a destructive form of pruning which can seriously weaken the tree as the cuts seldom heal leaving the tree exposed to disease and decay which in turn creates a risk of failure that may not have previously been present. Additionally any new growth is weakly attached and prone to breaking so rather than eliminating a danger the heavily pruned tree is more likely to become a greater risk. The new growth tends to be denser and the tree quickly reaches and regains the original height forming an ugly and disfigured tree.



### **Solar Panels**

The inclusion of solar panels on building is increasing within the District and across the UK as a whole. The Council recognises the importance of solar panels and the green energy that they supply. This cost benefit to the local area must be weighed against the environmental and health benefit which trees also bring to the local community. For this reason the positioning and design of solar panels must take into account the location and growth of existing trees. We will not carry out works to reduce or remove established trees for solar panels. With regards to any new planting areas that we propose we will assess and design planting around existing solar panels so as hopefully not to cause any concern in the future.

### **Commenting on Officer's Decisions**

The Council will assess every enquiry on its own merits with the expertise of officers in this area, and will consider the age, condition and suitability of the tree in every case. Any necessary/possible works that follow current industry best practice standards and Council policies and which are possible within current budgets/financial constraints will be considered accordingly. The Council will ensure as far as is reasonably practicable that its tree stock is kept in a healthy condition and any necessary works are carried out to ensure continued safety and retention of the tree(s).

In some cases the works requested may be against industry standards and/or have a dramatic effect on the health of the tree and/or involve increased future maintenance and costs. In any of these cases the Council will seek to see if there is an alternative option such as carrying out lesser works that might alleviate some of the issues/concerns but which may not completely address all aspects of the original enquiry.

In cases where it is felt that the Council has not carried out appropriate works or where the Council has not fully carried out works in line with its policies there is a formal route for making Appeals and Complaints through the Council's procedures. This is a formal process where more information can be found at <https://wheatonastonparishcouncil.gov.uk/your-parish-council/policies-and-procedures/or-by-calling-07495789051>.

### **How we will maintain the tree stock**

- In 2018 a tree survey was completed to assess the stock
- A two year programme for the recommended works was completed in 2020
- 2021 a follow up tree survey will be conducted
- 2021/2022 any further recommended work will be conducted
- The council will commit to repeating the tree survey every eight years
- Survey due in 2029

Policy implemented March 2021

Review every two years

Due for review March 2023