

# Tree Management Policies

**Management of Trees on Council Owned  
and Maintained Land**

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## **1.0 Introduction**

This policy sets out how the Council manages trees on council owned or maintained land. The council recognises that trees are an important feature of our urban and rural landscape providing a whole range of multi-functional contributions to environmental, social and economic sustainability.

How do we define a tree, and what does this policy cover?

In 2009 a High Court ruling concluded that with tree preservation orders there are no limitations in terms of size for what is to be treated as a tree; in other words, saplings are trees. However, other than that there is no legal definition of what constitutes a tree for more general purposes. The following definitions have therefore been formulated to provide the boundaries within which this policy operates.

Tree;

A tree typically has a single trunk growing in excess of 6m tall and bearing lateral branches. It has a more or less permanent shoot system supported by a single woody trunk. For the purposes of this Tree Policy, saplings will NOT generally be regarded as trees. In woodland a tree has a trunk of over seven inches, 180mm, in diameter.

Shrub;

A shrub is a woody plant smaller than a tree and distinguished from a tree by its multiple stems arising at or near the ground (rather than a single trunk); a shrub is usually less than 6m tall.

## **2.0 Tree Management Policy**

Wiltshire Council will generally only undertake remedial works to trees where the trees pose an unacceptable level of risk to public safety or property i.e. if a tree is dead or dangerous or if the tree is causing damage to property. It is not reasonable to prune or remove healthy trees simply because of their size and proximity to buildings, roads or other infrastructure. Wiltshire Council will manage any risk through tree inspections and undertake any necessary works to abate hazards due to mechanical faults within the tree's structure, diseases or fungal infections and other conditions relating to tree health.

### 3.0 Common Law Right on Encroaching Trees

You have a Common Law right to remove (abate) the nuisance associated with trees encroaching onto your property. The following advice is given if you wish to exercise your Common Law right with respect to encroaching trees:

- a) You can only consider removing those parts of the tree from the point where they cross the boundary of your property. You have no legal right to cut or remove any part of a tree that does not overhang your property;
- b) You are strongly advised to consult a professional tree surgeon for guidance on how best to prune back encroaching trees, unless the works are such that you could do the works with hand secateurs or similar;
- c) Before you consider doing any works to a tree / trees you should find out who owns them and if they are protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, you will need to gain consent by making an application / give notice to the council. To find out if the trees are protected and guidance on how to apply for works if they are protected contact the following number:

Telephone: 0300 456 0114

**Website:** [Trees and hedges | Wiltshire Council](#)

You are advised to discuss with your neighbour your intention to prune encroaching branches. Legally you do not own the encroaching branches and you should first offer them to your neighbour and if your neighbour does not want the cuttings you should make appropriate arrangements to dispose of them yourself.

If the encroachment relates to a council owned tree, any cuttings must be disposed of appropriately; the council does not require nor expect to have these returned.

## 4.0 Dangerous Trees Requiring Urgent Action

**Policy:** If a council owned tree is in such a condition that it poses a very high risk to people or property and is considered to be an emergency situation, urgent action will be taken to make the tree safe.

**Our response to this tree-related enquiry:** If an emergency situation arises, urgent action will be taken to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or causing an obstruction requiring urgent attention, as outlined below.

### Customer Advice:

1. If a tree poses an immediate and present danger urgent action will be taken to make the tree safe.
2. If a tree's condition could be described as any of the following, it may warrant urgent attention:
  - a) Snapped or blown over
  - b) Rocking at its base - roots are damaged
  - c) Uprooted but held up by another tree or building
  - d) Large branch has broken off, is hanging off or hung up within the tree
  - e) Completely blocking road, footpath, access to property
  - f) Fallen onto house or car
3. Signs to look out for which may mean that a tree is a risk to people or property but the risk does not require an emergency response include a tree which is:
  - g) Dead
  - h) Dying - few leaves in summer or dieback in the crown
  - i) Losing bark
  - j) Affected by mushrooms or other fungi growing on or near the tree
  - k) Affected by old splits and cracks in the trunk or large branches
  - l) Losing smaller branches which are falling from the tree
4. Trees can be made safe by pruning or felling. We employ the most cost effective approach. However, for certain High Value and Ancient / Veteran trees we would consider other options to reduce risk to an acceptable level including those which would reduce the likelihood;
  - a) Of the tree or parts of the tree failing
  - b) Of persons being close to the tree if it did fail

## 5.0 Dangerous Tree Requiring Action but not an Imminent Danger

**Policy:** If a tree is identified as dangerous, but the risk to the public is not high, then the tree will be made safe depending on the degree of risk identified at the time of inspection.

**Our response to this tree-related enquiry:** If not an emergency situation a site inspection will be undertaken and within 14 days the customer notified of what action is considered appropriate.

## 6.0 Overhanging Trees and Trees Touching Building

**Policy:** We will not prune or fell a tree in council ownership to alleviate overhanging branches. Where branches are causing damage by touching a building a site inspection will be made and the customer notified within 14 days of appropriate action.

**Our response to this tree-related enquiry:** site inspection is not required unless damage has been caused.

### Customer Advice:

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 7.0 Tree Too Big / Tall

**Policy:** We will not prune or fell a council owned tree merely because it is considered to be 'too big' or 'too tall'.

**Our response to this tree-related enquiry:** site inspection not required.

### Customer Advice:

1. A tree is not dangerous just because it may be considered too big for its surroundings. Other problems would need to be shown such as those described in the [Dangerous Tree](#) policies for the council to consider it to be dangerous.

## 8.0 Tree Protection - Tree Preservation Orders and Conservation Areas

Tree Preservation Orders and protection of trees in a Conservation Area are enforced by the Local Planning Team's - Arboricultural & Landscape Officers. Before you consider undertaking any works to a council owned or maintained tree / trees you should find out if they are protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, you will need to gain consent by making an application / give notice to the council. To find out if the trees are protected and guidance on how to apply for works if they are protected customers can contact the following number:

**Telephone:** 0300 456 0114

**Webpage:** [Trees and hedges | Wiltshire Council](#)

## 8.1 Tree Protection - Tree Preservation Orders

A tree preservation order (TPO) is an order made by a local planning authority (LPA) in respect of trees or woodlands. The principal effect of a TPO is to prohibit the:

- 1) Cutting down,
- 2) Uprooting,
- 3) Topping,
- 4) Lopping,
- 5) Wilful damage, or
- 6) Wilful destruction

of trees without the LPA's consent. The cutting of roots, although not expressly covered in 1 - 4 above, is potentially damaging and so, in the Secretary of State's view, requires the LPA's consent.

### Penalties for undertaking works to a Protected Tree without consent

Anyone who, in contravention of a TPO:

- 1) Cuts down, uproots or wilfully destroys a tree, or
- 2) Tops, lops or wilfully damages a tree in a way that is likely to destroy it is guilty of an offence. Anyone found guilty of this offence is liable, if convicted in the Magistrates' Court, to a fine of up to £20,000. In serious cases a person may be committed for trial in the Crown Court and, if convicted, be liable to an unlimited fine.

It is also an offence for anyone to contravene the provisions of a TPO otherwise than as mentioned above. For example, anyone who lops a tree in contravention of a TPO, but in a way that the tree is not likely to be destroyed would be guilty of this offence. In this case, the Magistrates' Court can impose a fine in the Magistrates' Court of up to £2,500.

## 8.2 Tree Protection - Trees in Conservation Areas

Under section 211 of the Town and Country Planning Act 1990, anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the LPA six weeks' prior notice (a 'section 211 notice').

### Penalties for undertaking works to a Tree within a Conservation Area without consent

Anyone who cuts down, uproots, tops, lops, wilfully destroys or wilfully damages a tree in a conservation area without giving a section 211 notice (or otherwise in contravention of section 211) is guilty of an offence. The same penalties as those for contravening a TPO apply.

## 9.0 High Hedge

### Customer Advice:

#### What is classed as a 'high hedge'?

1. A high hedge is defined in the Anti-social Behaviour Act 2003 as a barrier to light or access and is formed wholly or predominantly by a line of two or more evergreen or semi-evergreen trees growing to a height of more than 2 metres above ground level.
2. Please note individual trees and shrubs are not covered by this legislation.
3. A complaint can be brought under the Act by the owner or occupier of the property affected by the hedge. The property must be residential and the hedge must detract from the reasonable enjoyment of your home and garden.
4. There is a fee of £350 for the council to undertake an investigation. This fee is non-refundable and no investigation will take place without receipt of cleared funds.

Investigations are undertaken by the Local Planning Arboricultural & Landscape Officers, for more information refer to the planning website or contact the teams by telephone, the contact details can be found in the '[Tree Protection](#)..' section above.

**Guidance on the Planning Webpage:** [High hedges | Wiltshire Council](#)

## 10.0 View

**Policy:** We will not prune or fell a council-owned tree to improve the view from a private property.

**Our response to this tree-related enquiry:** site inspection not required.

### Customer Advice:

1. There is no legal right to a 'view'.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 11.0 Light

**Policy:** We will not prune or fell a council owned tree to improve natural light in a property. However please see customer advice below as there will be certain circumstances in which this might change.

**Our response to this tree-related enquiry:** site inspection not required.

### Customer Advice:

1. In law there is no general right to light with regard to vegetation. Any right to light would need to be established under the Prescription Act 1832, provided the light has been uninterrupted for at least 20 years. A legal right to light can be enjoyed only in relation to a specific opening (such as a window) in a building; there is no right to light in connection with open land, such as a garden.
2. If natural light is being blocked by the growth of a hedge then action may be taken to reduce the problem under the High Hedges Act, Part 8 of the Antisocial Behaviour Act, 2003 - See High Hedges
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 12.0 Carriageway Obstruction Due to Trees

**Policy:** Carriageways on minor or estate roads and on major routes including double-deck bus routes requires a minimum clearance of 6m over the carriageway - where reasonably feasible (associated with a street, road or highway).

### Our response to this tree-related enquiry:

- a) **If an emergency situation** a tree contractor will be instructed to attend site within 2 days to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or a tree that is causing an obstruction requiring urgent attention, or
- b) **If not an emergency situation** a site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

### Customer Advice:

If a privately-owned tree is causing an obstruction to a road, powers exist under the Highways Act 1980 to make the owner of the tree remove the obstruction. If they do not, the council will do this work and recharge the owner.

## 13.0 Danger to Highway (private tree)

**Policy:** If a tree in private ownership is shown to be a danger to highway users it will be identified for work to make it reasonably safe. The landowner will be contacted and instructed to make the tree safe under the Highways Act 1980. If it is necessary that the council undertake this work then the owner will be charged in full for the council's costs of carrying out the work outlined.

- a) **Or in an emergency situation** a contractor will be instructed to attend site within 1 hour to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or a tree that is causing an obstruction requiring urgent attention.
- b) **If not an emergency situation** a site inspection will be undertaken and the customer notified of what action is considered appropriate. The owner of the tree will be informed within 14 days of what works they are responsible for to make the situation safe.

## **14.0 Danger to Land Other Than Highway (private tree)**

**Policy:** If a tree in private ownership is shown to be an imminent danger to non-highway land; the landowner may be contacted and instructed to make the tree safe (under the Local Government Miscellaneous Provisions Act 1976). If it is necessary that the council undertakes this work then the owner will be charged in full for the council's costs.

### **Our response to this tree-related enquiry:**

- a) A site inspection will be undertaken in order to establish the imminence of the danger and the customer notified of what action is considered appropriate.
- b) If the tree fulfils the categories for level of risk and imminence of danger the council will notify the owner of the tree of what works they are responsible for to make the situation safe, they are given 21 Days in which to do this.

### **Customer Advice:**

1. It is expected that private parties will take care of their own responsibilities and hence the council should not be considered as the first point of contact in attempting to resolve concerns about the danger posed by trees in private ownership.
2. The customer should take all reasonable steps to resolve the matter, without proceeding by way of a complaint to the council, therefore the customer is advised to put their concerns in writing to the tree owner.
3. The powers given in the Act to require a private individual or for the council to make safe a tree are discretionary and will only be used if there is an imminent threat to public safety.
4. The council can intervene under the Act if an owner of such trees fails to act in a reasonable timescale and will seek to recover the costs from the landowner or where a land owner cannot be traced the person who notified the council of the dangerous tree may be liable for the councils reasonable costs.
5. In this instance a person who wishes to notify the council of a dangerous tree where there is an imminent threat to public safety is expected to make the formal notification in writing.

## 15.0 Pavement - Obstruction

**Policy:** We will undertake work to a council owned tree to maintain a minimum (where reasonably feasible) 2.5 metres height clearance over a footpath associated with a street, road or highway (3 metres where there are cycling rights). Any works necessary to prevent an obstruction in the width of a footpath associated with the highway due to the presence of a council-owned tree would be considered on a case-by-case basis.

### **Our response to this tree-related enquiry:**

- a) **If an emergency situation** a contractor will be instructed to attend site within an hour to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or causing an obstruction and requiring urgent attention.
- b) **If not an emergency situation** a site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

### **Customer Advice:**

- 1) If a privately owned tree is causing an obstruction to a footpath associated with the highway, powers exist under the Highways Act 1980 to make the owner of the tree remove the obstruction.

## 16.0 Trip Hazard

**Policy:** We will undertake measures to make safe an unacceptable trip hazard in a street, road or highway and other council owned or maintained land caused by the growth of a council owned tree.

### **Our response to this tree-related enquiry:**

- a) Trip hazards in a footway measured at an up stand greater than 20mm is classed as a priority 1 repair and shall be attended to within 24 hours.
- b) A site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

### **Customer Advice:**

1. The customer is advised to report trip hazards in pavements or footpaths to the Highways Team via the My Wiltshire App: <http://wiltshire.mycouncilservices.com/>
2. There are a number of ways the council can repair a pathway on council-owned land that is being damaged by tree roots. Simply, the pavement surface can be 'built-up', or isolated roots may be pruned and the pavement surface repaired. Advice will need to be sought on what thickness of tree roots can be cut to effect a repair without affecting the stability of the tree, or its long term health.
3. For higher value trees it may be appropriate to consider the installation of a root barrier which, although more expensive, does prevent the problem re-occurring.
4. Removal of the tree is the last resort (although in some circumstances, where the tree is of low-value or easily replaced, removal may be the most appropriate solution).
5. Details of intervention criteria can be found on the council's website: [Maintenance inspections | Wiltshire Council](#)

## 17.0 Road - Sightlines Obstruction

**Policy:** We will undertake work to a tree in council ownership to maintain clear sightlines (where reasonably feasible) at junctions and access points (associated with a street, road or other highway).

### Our response to this tree-related enquiry:

- a) **If an emergency situation** a tree contractor will be instructed to attend site to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or is causing an obstruction requiring urgent attention, or;
- b) **If not an emergency situation** a site inspection will be undertaken and the customer notified of what action is considered appropriate within 14 days.

### Customer Advice:

Standards for visibility vary according to the class and speed limit in force. If a privately owned tree is causing an obstruction to the visibility at a road junction (sight line), powers exist under the Highways Act 1980 to make the owner of the tree remove the obstruction. If they do not, the council will do the work and recharge the owner.

## 18.0 Traffic Signal / Street Sign Obstruction

**Policy:** We will undertake work to a tree in council ownership to maintain clear sightlines (where reasonably feasible) for traffic signals and street signs (associated with a street, road or other highway).

### Our response to this tree-related enquiry:

- a) **If an emergency situation** our contractor will be instructed to attend site to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or is causing an obstruction requiring urgent attention, or
- b) **If not an emergency situation** a site inspection will be undertaken within 14 working days of receipt and the customer notified of what action is considered appropriate.

### Customer Advice:

1. If a privately owned tree is causing an obstruction to a traffic signal or street sign, powers exist under the Highways Act 1980 to make the owner remove the obstruction. If they do not, the council will do the work and recharge the owner.
2. For information about when council-maintained street trees are next due to be inspected and works issued as a result, see: [Maintenance inspections | Wiltshire Council](#)

## 19.0 Street Light - Obstruction

**Policy:** We will undertake work to a tree in council ownership to ensure that trees do not unduly obstruct street lights.

### **Our response to this tree-related enquiry:**

1. A site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

### **Customer Advice:**

1. If a tree in private ownership is shown to be causing an obstruction to street lights, the landowner will be contacted and instructed to remove the obstruction under the Highways Act 1980. If it is necessary that the council undertakes this work then the owner will be charged in full for the council's costs.
2. When the council puts in new street lighting or wishes to move a lighting column, consideration is made of the impact on existing trees. Similarly, when new trees are being planted, these are placed so they do not cause problems to existing streetlights.

## 20.0 Drains

**Policy:** We will not prune, fell a tree or cut the roots of a council owned tree to prevent roots entering a drain that is already broken or damaged.

**Our response to this tree-related enquiry:** site inspection not required.

### **Customer Advice:**

1. Tree roots typically only invade drains that are already broken or damaged. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. If you are concerned about the condition of your drains then you are advised to contact your water and sewerage company.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 21.0 Nuisance Third Parties - private tree

**Policy:** The council has no authority to intervene in a dispute between neighbours. However, if the problem is due to a 'high hedge' information can be found on the Planning web page for guidance see the [High Hedges](#) section.

**Our response to this tree-related enquiry:** site inspection not required.

### **Customer Advice:**

1. The council cannot provide a mediation service so you should try to resolve a dispute between yourself and your neighbour amicably or seek advice from a solicitor or Citizens Advice.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 22.0 Trenching Works Adjacent to Trees

**Policy:** Consent from the council is required for any form of trenching works that is to be carried out, under or through a council owned or maintained trees root plate.

**Our response to this tree-related enquiry:** An agreement will be entered into between the trenching operators and the council whereby any works carried out must follow and adhere to industry best practice and guidance in the form of The National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees - Volume 4 (NJUG Vol. 4).

Where such an operation shall be undertaken within the 'Prohibited Zone' an arboricultural officer shall have to be consulted and where necessary undertake an onsite inspection.

## 23.0 Tree Next to a Building Site or Proposed Development

**Policy:** The council is not required to prune or fell a council owned tree to allow building works to proceed, whether planning consent was necessary or via permitted development. We expect that our trees are taken into consideration during the initial surveying/permission phase of the development and adequate protection is given to council owned trees during the development.

**Our response to this tree-related enquiry:** site inspection not required.

### Customer Advice:

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 24.0 Personal Medical Complaint

**Policy:** Requests to undertake work to a council owned tree because of a personal medical condition will be treated on a case-by-case basis and on advice from a qualified medical practitioner.

**Our response to this tree-related enquiry:** site inspection required depending on advice given by the complainants medical practitioner.

### Customer Advice:

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## **25.0 Crime and Anti-Social Behaviour**

**Policy:** 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.

**Our response to this tree-related enquiry:** site inspection will be undertaken. Customers will be informed that a site inspection will be undertaken and the customer notified within 14 days of what action is considered appropriate.

### **Customer Advice:**

1. Where a tree is associated with criminal activity and/or anti-social behaviour, the Police should be contacted in the first instance.
2. Where a tree is associated with criminal activity and/or anti-social behaviour steps to reduce the problem will typically require the coordination of a number of agencies including the Police. Just pruning or felling a tree is not always the answer to the problem.

## **26.0 Vandalism / Felling Council Trees Without Consent**

**Policy:** We will look into reports of vandalism or felling of a council-owned tree and address any damage wherever possible.

**Our response to this tree-related enquiry:** site inspection will be undertaken. Customers will be informed that a site inspection is required and notified within 14 days of what action is considered appropriate.

### **Customer Advice:**

1. We encourage local communities to report incidents of vandalism or illegal felling of council trees and we have taken legal action where witnesses have been prepared to come forward.
2. The Police should be contacted on their non-emergency number: 101 and then reported to the council's customer services team on 0300 456 0100.

## 27.0 Theft of Timber / Wood

**Policy:** We will look into reports of theft of council-owned timber / wood and prosecute wherever possible.

**Our response to this tree-related enquiry:** site inspection will be undertaken. Customers will be informed that a site inspection is required and notified within 14 days of what action is considered appropriate.

### Customer Advice:

1. We encourage local communities to report incidents of vandalism or illegal felling of council trees and we have taken legal action where witnesses have been prepared to come forward.
2. The Police should be contacted on their non-emergency number: 101 and the matter should be reported to the council's customer services team on 0300 456 0100.
3. You are not allowed to remove wood (or other parts of a tree) from parks or public open spaces without consent. Generally, we either remove cut timber from site or leave it in place as a wildlife habitat.
4. Unauthorised persons are not allowed to use a chainsaw or other tools and equipment in parks or public open spaces. If you see someone who may be removing wood without consent (i.e. a person not associated with a relevant sign-written vehicle and/or without clothing that clearly identifies who they are) or they are using a chainsaw then call the Police on their non-emergency number: 101 and the council's customer services on 0300 456 0100.

## 28.0 Bird Droppings

**Policy:** We will not generally prune or fell a council owned tree to remove or reduce bird droppings from trees, or remove bird droppings from private land.

**Our response to this tree-related enquiry:** site inspection not required.

### Customer Advice:

1. Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Warm soapy water will usually be sufficient to remove the bird droppings as long as this is done promptly.
2. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law).
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law right](#).

## 29.0 Blossom

**Policy:** We will not prune or fell a council owned tree to remove or reduce blossom from trees or remove fallen blossom from private land.

**Our response to this tree-related enquiry:** site inspection not required.

### Customer Advice:

1. Tree blossom usually heralds the start of spring. Blossom is a natural occurrence, which cannot be avoided by pruning.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 30.0 Fruit, Berries, Nuts

**Policy:** We will not prune or fell a council owned tree to remove or reduce the nuisance of fruit, berries or nuts, or remove fallen fruit from private land. However, where fallen fruit is leading to significant anti-social behaviour problems we will consider measures to reduce the problem including whether a phased removal and replacement with alternative species is reasonable.

**Our response to this tree-related enquiry:** site inspection not required.

### Customer Advice:

1. Fruit trees such as apple, cherry and pear have the double benefit of spring blossom and autumn fruit. This makes fruit trees good for wildlife and a source of free food. Equally, where fruit trees are established but there is a significant anti-social behaviour problem we may consider phased removal and replacement.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 31.0 Poisonous berries

**Policy:** We have no general policy to remove trees bearing poisonous fruit or foliage (such as Yew trees), however where it is claimed or known that unsupervised young children or livestock are likely to be exposed to poisonous berries or foliage, such cases will be investigated and appropriate action considered.

**Our response to this tree-related enquiry:** site inspection will be undertaken subject to specific circumstances.

### Customer Advice:

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 32.0 Pollen

**Policy:** We will not prune or fell a council owned tree to remove or reduce the release of pollen.

**Our response to this tree-related enquiry:** site inspection not required.

## 33.0 Ivy and Climbing Plants

**Policy:** We will not prune or remove Ivy (*Hedera helix*) or any other species of climbing plant from a tree to abate a nuisance e.g. bird nesting, pollen, fruit or for the purposes of light. The control of plants climbing on or over trees is not a routine aspect of crown maintenance.

**Our response to this tree-related enquiry:** site inspection not required, unless for safety purposes.

### Customer Advice:

The control of plants climbing on or over trees is not a routine aspect of crown maintenance. They may, however, be removed or cut back if this is considered necessary in the light of any of the following circumstances:

1. The plant is hindering visual inspection of a tree that could be posing a risk to people or property because of suspected presence of weakened tree structures in areas of high footfall.
2. The plant is growing high into the crown of a tree, so as to increase its resistance to wind;
3. The plant is significantly weighing down a branch or a leaning tree;
4. The tree is otherwise likely to be smothered (e.g. by Clematis, Russian Vine or, occasionally ivy) especially if it is old and therefore unlikely to outgrow the climbing plant;
5. There is potential for dead stems of the plant to become a hazard.

## 34.0 Leaves / Foliage

**Policy:** We will not prune or fell a council owned tree to remove or reduce leaf / foliage fall or remove fallen leaves / foliage from private property.

**Our response to this tree-related enquiry:** site inspection not required.

### Customer Advice:

1. The loss of leaves / foliage from trees in the autumn is part of the natural cycle and cannot be avoided by pruning.
2. The maintenance of gutters is the responsibility of the owner/occupier and the council is not obliged to remove leaves that may have fallen from council owned trees. Where gutters are regularly blocked by fallen leaves owners/occupiers may wish to fit gutter guards to provide a low-maintenance solution.
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

## 35.0 Sap

**Policy:** We will not prune or fell a council owned tree to remove or reduce honeydew or other sticky residue from trees.

**Our response to this tree-related enquiry:** site inspection not required.

### Customer Advice:

1. Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black. Where honeydew affects cars, warm soapy water will remove the substance, as long as this is done promptly.
2. Unfortunately, there is little that can be done to remove the aphids which cause the problem and pruning the tree may only offer temporary relief. Re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by greenfly and in some years greenfly are more common especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted we try to choose trees which are less likely to cause this problem.
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

### **36.0 Wildlife - Wild Animal / Insect Pest**

**Policy:** We will not prune or fell a council-owned tree to remove or reduce incidence of perceived pests such as bees, wasps, or wild animals.

**Our response to this tree-related enquiry:** site inspection not required.

**Customer Advice:**

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

### **37.0 Utility Cables - Overhead Lines**

**Policy:** We will undertake work to a council owned tree to prevent damage to overhead lines/telephone wires, if damage is occurring to poles, OHL's or other utility equipment.

**Our response to this tree-related enquiry:** Site inspection required.

**Customer Advice:**

1. The local utility provider undertakes clearance work of their OHL's on a cyclical basis and should be contacted by the customer in the first instance.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

### **38.0 Tree and TV/Satellite/Telephone/Broadband Reception**

**Policy:** We will not prune or fell a council owned tree to prevent interference with TV or satellite, telephone or broadband reception as there is no legal right to TV, satellite, telephone or broadband reception.

**Our response to this tree-related enquiry:** site inspection not required.

**Customer Advice:**

1. It maybe that your service provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or a means to boost the signal.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

### **39.0 Ancient, Veteran and High Value Specimen Trees**

**Policy:** The council will seek to help prolong the life of council owned Ancient, Veteran and High Value trees through inspection, protection and as a last resort remedial works.

**Our response to this tree-related enquiry:** There are a number of threats to Ancient/Veteran trees; these shall be identified through an inspection if required.

**Customer response:**

1. Where Ancient, Veteran or High Value trees are in private ownership: the Council will when appropriate offer advice to land owners who are the guardians of an Ancient, Veteran or high value trees.
2. Management of ancient trees is sometimes needed to ensure that the threats identified do not cause loss of the trees.

### **40.0 Subsidence damage to property (tree-related)**

**Policy:** We will prune or remove a council owned tree only where damage has been caused to buildings and other structures as a result of the action of council-owned or maintained trees. We vigorously defend claims of tree-related subsidence damage and require that the claimant and/or their representative supplies sufficient evidence to establish that the vegetation is responsible.

**Our response rate to this tree-related enquiry:**

**a) Concerns about tree-related subsidence damage:**

All concerns about tree-related subsidence damage involving a council owned tree will be acknowledged. In our response, we will advise that you need to notify your home insurer. In addition, we will advise you that the burden of proof lies with the claimant and should you wish to make a formal claim for damages or to formally notify us of your concerns about future damage you will have to supply supporting evidence.

We would then respond as detailed below:

**b) Claims / Notice of alleged tree-related subsidence damage:**

All claims or notice of claims against the council relating to a council-owned tree will be acknowledged within 14 working days of receipt. In our response, we will tell you what evidence we require so that we may assess your claim.

**Customer Advice:**

1. If you believe that your property is suffering subsidence damage due to the action of trees in council ownership (or that you are concerned about potential damage) then you should first contact your property insurer. You should discuss your concerns with your insurer to agree an appropriate course of action.
2. Should you, or those acting on your behalf, wish to make a claim for damages, or make formal representation of your concern about future damage, alleging that a council owned or maintained tree is causing (or may cause) subsidence damage to your property, then you should contact the council. Wiltshire Council will manage

your claim / notice in accordance with the 'Joint Mitigation Protocol'. The Protocol details the management of alleged subsidence claims where trees are implicated as being the cause of building movement. The Protocol seeks to establish best practice in the processing and investigation of tree-induced building damage including agreed standards of evidence and working timescale. In response to your claim / notice we will write to you (or your representative) and detail the level of evidence required to process your claim.

#### **41.0 Direct Damage Caused By Trees**

**Policy:** We will prune or fell a tree in council ownership to resolve a direct damage issue, a site inspection will be made and the customer notified within 14 days of appropriate action.

**Our response to this tree-related enquiry:** site inspection is required.

**Customer Advice:**

1. If you believe that your property is suffering damage due to the action of trees in council ownership then you should first contact your property insurer. You should discuss your concerns with your insurer to agree an appropriate course of action.
2. The burden of proof lies with the claimant and should you wish to make a formal claim for damages or to formally notify us of your concerns about damage you shall have to supply supporting evidence.
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Common Law Right](#).

#### **42.0 Why Was a Tree Pruned / Felled?**

**Policy:** A response to the question of why trees have been felled will be given whenever possible.

**Our response to this tree-related enquiry:** Clarification of why a tree is to be or has been felled will be provided as necessary.

**Customer Advice:**

1. Tree removal is regrettable but necessary in some circumstances. The decision to remove a tree is not taken lightly; most trees that need to be are felled because the tree has become unsafe and there is no cost-effective solution to otherwise retain it.
2. Trees are pruned for a variety of reasons including the removal of damaged or poorly-formed branches, to reduce the likelihood of failure by taking 'weight' out of the tree and generally to keep a tree as healthy and attractive as possible.
3. Where tree works are undertaken we use the services of fully qualified, insured and experienced arboricultural contractors who are all Arboricultural Association Approved Contractors.
4. All tree work is carried out in accordance to the British Standard 3998:2010 Tree Work – Recommendations, unless otherwise specified by the councils - Tree & Woodland Officers.

### **43.0 Reporting Tree Matters**

Customers are advised to report tree related matters via the My Wiltshire App

**Register for the App:** <http://wiltshire.mycouncilservices.com/register>

**App Login:** <http://wiltshire.mycouncilservices.com/>

### **44.0 Acknowledgements**

**Wiltshire Council** would like to give special thanks to **Bristol City Council** for helping to produce this document.