

## **Appendix A**

Information for the public about DCC's Policy on Tree management and Maintenance is on the website -

<https://www.denbighshire.gov.uk/en/environmental-health/trees-hedges-and-grass/trees.aspx>

This information is based on the following guide for the public (2021).

## **Dealing with trees – A guide for the public January 2021**

### **RESPONSIBILITIES AS LANDOWNER**

As landowner, Denbighshire County Council has a duty of care to ensure, as far as is reasonably practicable, all of the trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk. When the Council is contacted and asked to inspect a tree the most important aspect of assessment will always be public safety.

### **LIVING ASSETS**

Trees are assets. They are important for many reasons including, but not restricted to, biodiversity, landscape, cultural heritage, carbon sequestration, and production of oxygen. Denbighshire County Council recognizes the value of trees and therefore calls them 'Living assets'.

We are fortunate to have a number of mature trees in Denbighshire which are classed as veteran or ancient. Such trees, dependent upon species, can be centuries old and are irreplaceable.

Unlike the majority of other Council assets, trees are living and growing, and over time change shape and form. Deciduous trees change annually in terms of leaf growth and shedding of foliage in autumn. Although there are many benefits of trees, we understand that not everybody has the same appreciation or understanding of these living assets. Therefore, we have put together the following 'frequently asked questions' (FAQ) page.

### **FAQ A-Z**

#### **Biodiversity and protection of wildlife**

The Council has a number of responsibilities written in law to protect wildlife and enhance biodiversity. Protection of the natural environment is a corporate priority and the Council has also declared a climate change and ecological emergency. Trees in their own right are part of biodiversity and can provide a home for associated species ranging from lichens to the long-eared owl and from bats to the brimstone butterfly. Before carrying out work to trees or hedges the Council will ensure that it does not cause any disturbance or any other negative impact.

#### **Common law rights and trees on private property**

Enquiries or complaints about trees on private property are not the responsibility of the Council. If a tree is encroaching onto your property, you have a common law right to remove (abate) the nuisance. However, you can only consider removing those parts of the tree from the point where they cross the boundary of your property

with any arisings being returned to the property owner.

You are strongly advised to discuss with your neighbour your intention to prune encroaching branches and to consult a professional tree surgeon for guidance on how best to prune back. Prior to any works you should find out if the trees are owned by the Council and if they are protected by a tree preservation order (TPO) or are within a Conservation Area. [https://www.trees.org.uk/Trees.org.uk/media/Trees-org.uk/Documents/GuideToTreesAndTheLaw- Web.pdf](https://www.trees.org.uk/Trees.org.uk/media/Trees-org.uk/Documents/GuideToTreesAndTheLaw-Web.pdf)

## **Damage to property**

Council owned trees that are suspected of causing damage to dwellings or services will not be pruned or felled without sufficient conclusive evidence i.e. Structural Engineer or Chartered Surveyor reports. In some cases, it may be necessary for the Council to get the views of its own Structural Engineer or specialist before action is taken.

The Council will not fell or prune trees, or cut the roots of trees, causing disruption to pavements, kerbs, garden paths or walls. In these cases, engineering solutions will be sought.

## **Dangerous trees**

If a Council owned tree is in such a condition that it poses an immediate high risk to people or property, instruction will be given to a tree contractor (arborist) to make the tree safe as soon as possible. The Council may seek to recover costs from owners of private land where tree works have had to be carried out in the interests of public safety.

If a Council owned 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. If privately owned, the owners will be notified and requested to make the tree safe within an appropriate timescale. The Council have powers under the Highways Act 1980 to ensure that trees on private property do not cause a hazard on the adjacent road and these will be used as and when appropriate. The Council may take enforcement action or carry out the work and seek to recover costs if necessary.

## **Drains**

The Council will not fell or prune trees, or cut the roots of trees, to prevent roots entering a drain that is already broken or damaged.

## **Fallen fruit**

Council owned trees will not be pruned or felled solely to alleviate problems caused by natural phenomena e.g. seasonal fall of blossom/leaves/fruit.

## **Fallen leaves**

Council owned trees will not be pruned or felled solely to alleviate problems caused by natural phenomena e.g. seasonal fall of blossom/leaves/fruit.

## **Highways and footpath obstruction**

The Council will undertake work to Council owned or managed trees to maintain a minimum

2.5 metres height clearance over a footpath associated with a street, highway or road, and 3 metres where there are cycling rights. Any works necessary to prevent the obstruction in the width of a footpath associated with the highway due to the presence of a Council owned tree will be considered on a case-by-case basis.

The Council will not remove or cut the roots of a tree that is causing the uplift of a pavement. In these cases, engineering solutions will be sought.

## **Honeydew**

Honeydew is a waste product secreted by aphids feeding upon a plant. Council owned trees will not be pruned or felled solely to alleviate problems caused by this natural phenomenon.

## **Ivy**

Ivy does not harm healthy trees and is an important element of biodiversity in its own right. It provides a nesting location for several bird species and an important source of nectar and pollen for many invertebrates late in the year. Ivy will not be cut or pruned from Council owned trees unless there is a risk to health and safety of the public.

## **Lamppost obstruction**

Where Council owned trees are obstructing artificial light cast from lampposts this will be dealt with on a case-by-case basis.

## **Natural light**

Council owned trees will not be pruned or felled to increase the level of natural light entering a property.

## **Pruning of trees**

All tree work undertaken by, or on behalf of, the Council will be in accordance with accepted practice set out in arboricultural British and European Standards and guidelines. Trees will only be pruned if they are considered to be dangerous, obstructive to vehicles or pedestrians, are directly touching property, or require

intervention for arboricultural purposes.

### **Roads – obstruction of sightlines**

The Council will undertake work to Council owned trees to maintain clear sight lines (where reasonably feasible) at junctions and other points (associated with a street, road or highway).

### **Shading of solar panels**

Council owned trees will not be pruned or felled to allow for the effective installation of solar panels on private dwellings.

### **Telephone and power lines**

If a tree is known to be interfering with overhead lines, the issue can be reported to the relevant company via the following links:

#### **Telephone lines**

Openreach <https://www.openreach.com/help-and-support/damage-health-and-safety>

#### **Power lines**

UK Power Networks <https://www.ukpowernetworks.co.uk/safety/around-power-lines/cut-trees- and-bushes-near-power-line>

SP Energy Networks [https://www.spenergynetworks.co.uk/pages/contact\\_us.aspx](https://www.spenergynetworks.co.uk/pages/contact_us.aspx)

### **Tree growth and height**

All Council owned trees will be left to reach their natural height and shape unless they pose a significant health and safety risk.

### **Tree pests and diseases**

The health of trees with diseases will be monitored. Each tree will be assessed on an individual basis and the felling of a diseased tree is considered a last resort.

### **Tree preservation orders (TPOs)**

Tree preservation orders (TPOs) aim to protect individual trees or a group of trees. In legal terms they make it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the local planning authority's permission. Further information and application forms can be

found on the Planning webpage: <https://www.denbighshire.gov.uk/en/planning-and-building-regulations/planning/tree-preservation-orders.aspx>

If you wish to establish whether a tree is afforded protection, please view the TPO map online: <https://maps.denbighshire.gov.uk/MyDenbighshire.aspx?&Layers=tpo>

## **TV/satellite signal**

Council owned trees will not be pruned or felled solely to prevent interference with TV/satellite installation/reception.

## **View**

Council owned trees will not be pruned or felled solely to improve the view from a private property.

## **CONTACT**

If you have a query about a Council owned tree, in the first instance contact the Denbighshire County Council customer contact centre on 01824 706000 (Monday – Friday, 8.30am to 5.00pm).

Note: We will only alter the physical form of, or fell, a tree where there is an obvious health and safety issue or damage to property is proven. Decisions will always be made in the long-term interest of the general public and the tree(s).

## **FURTHER INFORMATION**

For information on **tree preservation orders, high hedges, and conservation areas**, explore the links below on the Council website:

<https://www.denbighshire.gov.uk/en/planning-and-building-regulations/planning/tree-preservation-orders.aspx>

<https://www.denbighshire.gov.uk/en/planning-and-building-regulations/conservation-areas-and-listed-buildings/conservation-areas-and-consent.aspx>

For help with **biodiversity** advice:

<https://www.denbighshire.gov.uk/en/planning-and-building-regulations/planning/biodiversity.aspx>

## Appendix B

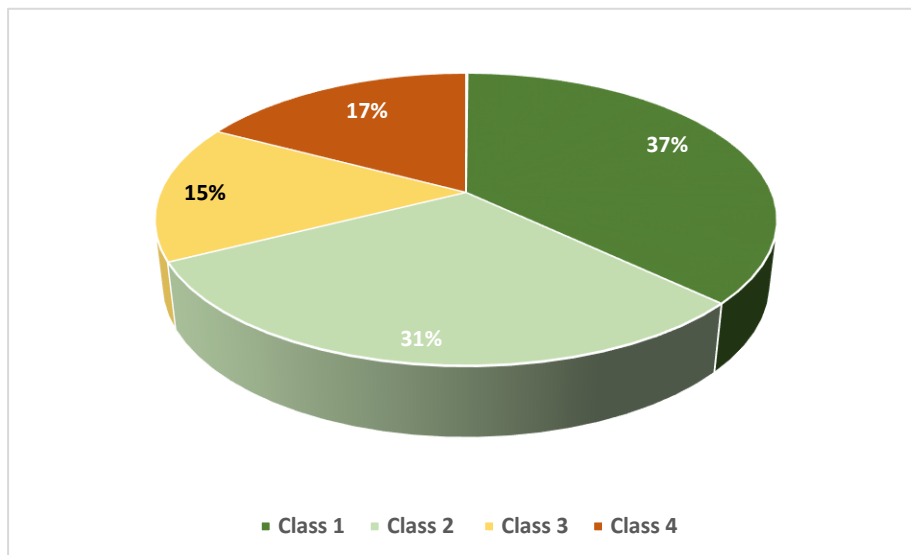
### DCC's Ash Dieback Project

#### Survey Results:

- Ash trees are common across the County but are more prevalent in some areas than others, with the greatest concentrations found in the East of Denbighshire. The impact of Ash Dieback has been most significant on the treescape of communities such as Llandegla, Llanarmon Yn Ial and Llanferres.
- At the time of writing this report over 8000 Ash trees, or tree groups, have been inspected at least once as part of the annual surveys. The extent of dieback in the trees' canopies is a key indication of how advanced the disease is, as depicted below.



- Class 3 and 4 trees will often need to be felled if they are within the vicinity of a significant target. The chart below shows that 32% of the remaining Ash trees inspected are Class 3 and 4.



## **Works Programme:**

- DCC have commissioned Ash Dieback work programmes over the last two winters (22/23 and 23/24), during which over 400 Ash Trees have been felled.
- The majority of these trees have been on sites managed by Countryside or Highways.
- Over 200 privately owned Ash trees have been felled along the Highway network following our communications with landowners.
- Other trees that require works have been identified during our surveys and, where possible, incorporated into the works programme, with Dutch Elm disease being a widespread issue. Approximately 100 Elm trees have been felled on DCC land and over 200 on Private land.
- In suitable locations trees are retained in some form as habitat, as standing or fallen deadwood for example.
- DCC have trailed a replacement tree programme, with funding from the Sustainable Development Fund, for landowners who have had to remove trees. Further funding opportunities are being sought.