



Tree Management Policies

Management of trees on land owned and maintained by Chippenham Town Council

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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 contributions to environmental, social and economic sustainability. Trees can make places more comfortable in tangible ways e.g. contributing screening and shade, reducing wind speed and turbulence, intercepting snow and rainfall, and reducing glare. They are a significant part of the landscape in Chippenham, softening the harsh lines of the built environment as well as contributing to the history of our parks and gardens.

Trees in the built environment face a number of challenges and an effective management policy is required to optimise the interface between trees and people.

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 Useful Contacts/ Links

| Enquiry | Department/ Service | Contact |
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| General enquiries | Chippenham Town Council- Customer Services | Customer Services- The Town Hall, High Street Chippenham, Wiltshire SN15 3ER 0249 446699 enquiries@chippenham.gov.uk |
| Reporting tree issues/ enquiries | Chippenham Town Council- Report it | report-it@chippenham.gov.uk |
| Tree preservation order/ conservation area enquiries | Wiltshire Council | 0300 456 0114 http://www.wiltshire.gov.uk/planning-trees-hedges |
| Highways related tree issues/ enquiries | Wiltshire Council- My Wiltshire App | My Wiltshire App Register for the App: http://wiltshire.mycouncilservices.com/register App Login: http://wiltshire.mycouncilservices.com/ |

3.0 Tree Management Policy

Chippenham Town 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. Chippenham Town 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.

4.0 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 Wiltshire Council. For guidance on finding out if a tree is protected and applying to undertake works on a protected tree, refer to the following section.

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.

5.0 Tree Preservation Orders and Conservation Areas

Chippenham Town Council has no control over Tree Preservation Orders or Conservation Areas. Tree Preservation Orders and protection of trees in a Conservation Area are enforced by the Local Planning Team's Arboricultural & Landscape Officers (Wiltshire Council). 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 Wiltshire 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 [Wiltshire Council](#).

5.1 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 (Wiltshire Council).

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.

5.2 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'). Chippenham Town Council has no jurisdiction regarding Conservation Areas. The responsible LPA regarding Conservation Areas within Chippenham is Wiltshire Council.

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.

6.0 Specific Policies, Standards and Advice

The following section contains guidance on the Council's position on common tree related enquiries, including the time and nature in which we aim to respond to such queries.

| Tree Related Enquiry | Policy/ Standard/ Advice | Response Timescale |
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| <p>6.1 Dangerous Trees Requiring Urgent Action</p> | <p>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.</p> <p>An emergency is defined as a tree that is in immediate danger of collapse or causing an obstruction requiring urgent attention, as outlined below.</p> <p>Customer Advice:</p> | <p>Urgent- As soon as possible with immediate priority.</p> |

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| | <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 | |
| 6.2 Dangerous Tree Requiring Action but not an Imminent Danger Policy | <p>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.</p> <p>If not an emergency situation a site inspection will be undertaken and the customer notified of what action is considered appropriate.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. 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: <ol style="list-style-type: none"> a) Dead b) Dying - few leaves in summer or dieback in the crown c) Losing bark d) Affected by mushrooms or other fungi growing on or near the tree e) Affected by old splits and cracks in the trunk or large branches f) Losing smaller branches which are falling from the tree | <p>Customer notified of appropriate action within 14 days following site inspection.</p> |
| 6.3 Dangerous Tree- High Value Ancient/ Veteran | <p>Policies regarding dangerous trees apply as above, however the following customer advice is given regarding ancient/ veteran trees:</p> <ol style="list-style-type: none"> 1. 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; <ol style="list-style-type: none"> a) Of the tree or parts of the tree failing b) Of persons being close to the tree if it did fail | <p>Above timescales apply as appropriate</p> |
| 6.4 Tree Touching a Building | <p>If a tree in council ownership/managed by the council is touching your property (dwelling house, boundary wall, garage etc.) we will take action to remove the nuisance.</p> | <p>Customer informed of the need for a</p> |

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| | <p>Site inspection required.</p> <p>Customer advice:</p> <ol style="list-style-type: none"> 1. In the majority of cases retention of the tree will be a priority and pruning will be undertaken which removes the nuisance but causes minimal damage to the tree. 2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right. | <p>site inspection within 14 days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |
| <p>6.5 Tree Overhanging a Building</p> | <p>We will not prune or fell a tree in council ownership to alleviate overhanging branches.</p> <p>Site Inspection is not required.</p> <p>Customer advice:</p> <ol style="list-style-type: none"> 1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |
| <p>6.6 Tree too big/ too tall</p> | <p>We will not prune or fell a council owned tree merely because it is considered to be 'too big' or 'too tall'.</p> <p>Site Inspection is not required.</p> <p>Customer advice:</p> <ol style="list-style-type: none"> 2. 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. 3. Council owned trees are routinely inspected for defects as part of our Tree Management Policy. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |
| <p>6.7 View</p> | <p>We will not prune or fell a council-owned tree to improve the view from a private property.</p> <p>Site inspection is not required.</p> <p>Customer advice:</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the</p> |

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| | | council's web site. |
| 6.8 Light | <p>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.</p> <p>Site inspection is not required.</p> <p>Customer advice:</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |
| 6.9 High Hedges | <p>Customer advice:</p> <p>What is classed as a 'high hedge'?</p> <ol style="list-style-type: none"> 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. If negotiations with neighbours fail, high hedge disputes can be taken to the local authority council (Wiltshire Council). There is a £350 fee for the council to undertake the investigation. For more information visit Wiltshire Council's Trees and Hedges web page. 5. Additional information on high hedge disputes is available on the Government website: https://www.gov.uk/government/collections/high-hedges | |

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| <p>6.10 Personal Medical Complaint</p> | <p>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.</p> <p>Site inspection required depending on advice given by the complainant's medical practitioner.</p> <p>Customer advice:</p> <ol style="list-style-type: none"> 1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right. | <p>Customer informed of the need for a site inspection within 14 days of receipt of medical advice. Customer notified of appropriate action within 14 days following site inspection.</p> |
| <p>6.11 Crime and anti-social behaviour</p> | <p>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.</p> <p>Site inspection required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of the need for a site inspection within 14 days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |
| <p>6.12 Vandalism/ Felling Council Trees without Consent</p> | <p>We will look into reports of vandalism or felling of a council-owned tree and address any damage wherever possible.</p> <p>Site inspection required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. We encourage local communities to report incidents of vandalism or illegal felling of council trees and we may take legal action where witnesses are 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. | <p>Customer informed of the need for a site inspection within 14 days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |
| <p>6.13 Theft of Timber/ Wood</p> | <p>We will look into reports of theft of council-owned timber / wood and prosecute wherever possible.</p> <p>Site Inspection Required.</p> <p>Customer Advice:</p> | <p>Customer informed of the need for a site inspection within 14</p> |

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| | <ol style="list-style-type: none"> 1. We encourage local communities to report incidents of vandalism or illegal felling of council trees and we may take legal action where witnesses are 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. 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. | <p>days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |
| <p>6.14 Bird Droppings</p> | <p>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.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |
| <p>6.15 Blossom</p> | <p>We will not prune or fell a council owned tree to remove or reduce blossom from trees or remove fallen blossom from private land.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. Tree blossom usually indicates the start of spring. Blossom is a natural occurrence, which cannot be avoided by pruning. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the</p> |

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| | <p>2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right.</p> | council's web site. |
| 6.16 Fruit, Berries, Nuts | <p>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.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |
| 6.17 Poisonous Berries | <p>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.</p> <p>Site inspection required, subject to specific circumstances.</p> <p>Customer Advice:</p> <p>If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right.</p> | <p>Subject to specific circumstances ; Customer informed of the need for a site inspection within 14 days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |
| 6.18 Pollen | <p>We will not prune or fell a council owned tree to remove or reduce the release of pollen.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. The release of pollen from trees is a natural occurrence wherever trees are present. 2. As it occurs from reproductive parts throughout the tree reduction of overhanging branches will do little to reduce the release of pollen. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the</p> |

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| | | council's web site. |
| 6.19 Ivy and Climbing Plants | <p>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. We will, however, seek to balance conservation, tree safety and aesthetics with regard to ivy on trees within our ownership; see customer advice below.</p> <p>Site inspection not required, unless for safety purposes.</p> <p>Customer Advice:</p> <p>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:</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> <p>For safety purposes, Customer informed of the need for a site inspection within 14 days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |
| 6.20 Leaves/ Foliage | <p>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.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |

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| | <p>3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right.</p> | |
| <p>6.21 Sap</p> | <p>We will not prune or fell a council owned tree to remove or reduce honeydew or other sticky residue from trees.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |
| <p>6.22 Wildlife- Wild Animal/ Insect Pest</p> | <p>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.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |
| <p>6.23 Utility Cables- Overhead Lines</p> | <p>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.</p> | <p>Customer informed of the need for a site inspection within 14</p> |

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| | <p>Site inspection required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 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. | <p>days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |
| <p>6.24 TV/ Satellite/ Telephone/ Broadband Reception</p> | <p>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.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. Your service provider may 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. | <p>Customer informed of the need for a site inspection within 14 days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |
| <p>6.25 Ancient, Veteran and High Value Specimen Trees</p> | <p>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.</p> <p>There are a number of threats to Ancient/Veteran trees; these shall be identified through an inspection if required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. Where Ancient, Veteran or High Value trees are in private ownership: When appropriate, the Council will 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. | <p>Response timescales on a case by case basis, any enquiries shall be replied to within 14 days of receipt.</p> |
| <p>6.26 Tree Related Subsidence Damage to a Property</p> | <p>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 rigorously defend claims of tree-related subsidence damage and require that the claimant and/or</p> | <p>All such claims will be acknowledged within 14</p> |

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| | <p>their representative supplies sufficient evidence to establish that the vegetation is responsible.</p> <p>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:</p> <p>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.</p> <p>Customer advice:</p> <ol style="list-style-type: none"> 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. Chippenham Town 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, which will be proportionate to the value of the tree implicated. 3. Details of the Joint Mitigation Protocol can be found at | <p>days of receipt.</p> <p>An initial report based on evidence supplied by the claimant will be issued within 21 days of receipt of the report.</p> <p>The subsequent timescale will adhere to those outlined in the Joint Mitigation Protocol, unless agreed otherwise.</p> |
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| | https://www.ltoa.org.uk/resources/joint-mitigation-protocol | |
| 6.27 Direct Damage Caused By Trees | <p>We will prune or fell a tree in council ownership to resolve a direct damage issue.</p> <p>Site inspection required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. If you believe that your property is suffering damage due to 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. | <p>Customer informed of the need for a site inspection within 14 days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |
| 6.28 Why Was a Tree Pruned/ Felled? | <p>A response to the question of why trees have been felled will be given whenever possible.</p> <p>Clarification of why a tree is to be or has been felled will be provided as necessary.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 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. 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 Officer. | <p>Enquiries shall be responded to within 14 days.</p> |
| 6.29 Nuisance Third Parties- Private Tree | <p>The council has no authority to intervene in a dispute between neighbours. However, if the problem is due to a 'high hedge'- see High Hedges.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> | <p>Customer informed of council policy within 14 days of receipt. Customers can receive</p> |

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| | <ol style="list-style-type: none"> 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. | <p>an immediate response by searching for the relevant policy on the council's web site.</p> |
| <p>6.30 Council Tree Surveying</p> | <p>All council trees are surveyed by the council Tree Officer/ appropriately qualified contractors.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. Trees are inspected on a timescale appropriate to their condition and location, in order to ensure the council fulfils their duty of care as tree owners. 2. The Council applies a common sense approach to tree safety, considering perceived vs actual risk and balancing this with the benefits that trees provide to the public. Remedial tree works and/ or removal may be recommended as a result of such inspections in order to maintain trees in a condition that is as safe as is reasonably practicable/ cost effective- see ‘why was a tree pruned/ felled’. | |
| <p>6.31 Trees in Relation To Highways</p> | <p>Highway trees are the responsibility of Wiltshire Council and issues should be reported via the ‘My Wiltshire App’:</p> <p>Or by calling Wiltshire Council Customer Services.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. Examples of tree related Highway issues that fall under the jurisdiction of Wiltshire Council include: <ol style="list-style-type: none"> a) Carriageway obstruction due to trees b) Danger to highway (private trees) c) Pavement- Obstruction d) Trip Hazard e) Road- Sightlines Obstruction f) Traffic Signal/ Street Sign Obstruction g) Street Light- Obstruction | |
| <p>6.32 Danger to Land Other Than Highway (private tree)</p> | <p>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.</p> <p>Site inspection required;</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of the need for a site inspection within 14 days of receipt. Customer notified of appropriate action within 14 days following site inspection.</p> |

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| | <p>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.</p> | <p>If necessary, tree owner informed of action required on their part to be fulfilled within 21 days of being notified.</p> |
| <p>6.33 Drains</p> | <p>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.</p> <p>Site inspection not required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 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. | <p>Customer informed of council policy within 14 days of receipt. Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |
| <p>6.34 Trenching Works Adjacent to Trees</p> | <p>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.</p> <p>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.</p> <p>Customer Advice:</p> <p>Refer to The National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees - Volume 4 (NJUG Vol. 4) for further guidance.</p> | |
| <p>6.35 Tree Next to a Building Site or Proposed Development</p> | <p>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</p> | <p>Customer informed of council policy within 14 days of receipt.</p> |

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| | <p>phase of the development and adequate protection is given to council owned trees during the development.</p> <p>Site Inspection Not Required.</p> <p>Customer Advice:</p> <ol style="list-style-type: none"> 1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Common Law Right. | <p>Customers can receive an immediate response by searching for the relevant policy on the council's web site.</p> |
| <p>6.36 General Tree Works to a Council Owned Tree Enquiries</p> | <p>In cases where we would not normally undertake tree works or permit tree works other than in accordance with common law right, we may consider permitting tree work to be undertaken on a council owned tree on a case by case basis, at the customer's expense, using one of our approved contractors.</p> <p>Site inspection not required.</p> <p>Customer advice:</p> <ol style="list-style-type: none"> 1. If we deem the requested works to be justifiable, but they do not fall into a category where we would undertake the works at the expense of the council, the customer may request to use a council approved contractor at their own expense. 2. We will generally advise the customer if this circumstance applies. 3. Subject to our approval of the works, a list of council approved contractors can be provided. 4. If approved, these works can extend beyond the scope of 'Common Law Right' (see Common Law right), e.g. a full crown reduction rather than pruning encroaching branches to the boundary but no further. | <p>Customer informed of council policy within 14 days of receipt. If this circumstance applies customers will be informed on a case by case basis.</p> |
| <p>6.37 Tree Replacement and Memorial Trees</p> | <p>It is our policy to replace any council tree that is removed. Arboricultural judgement will be applied as to the replacement species and location.</p> <p>Customer advice:</p> <ol style="list-style-type: none"> 1. Mature trees are irreplaceable in the short term and their removal is generally a last resort. Any replacement trees will generally be of 'semi-mature' specification. 2. In some instances, it may not be practical or sensible to replace with the same species in the same location, for example to broaden species diversity and environmental resilience, or to avoid the same problems that lead to the tree being removed. 3. Memorial trees can be included in our tree replacement policy, or as new plantings. Memorial | <p>Enquiries shall be responded to within 14 days.</p> |

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| | trees are paid for by the customer and maintained by Chippenham Town Council on Council owned land. If you're interested in the planting of a memorial tree, please contact enquiries . | |
| 6.38 Reporting Tree Matters | <p>Customers are advised to report tree related matters within Chippenham via 'Report it'.</p> <p>When reporting trees, an accurate description of location (e.g. a screenshot of a pin on a google maps) and an image of the tree is very useful, if possible.</p> | Enquiries shall be responded to within 14 days . |

7.0 Acknowledgements

Chippenham Town Council would like to thank Wiltshire Council for their help in producing this document.