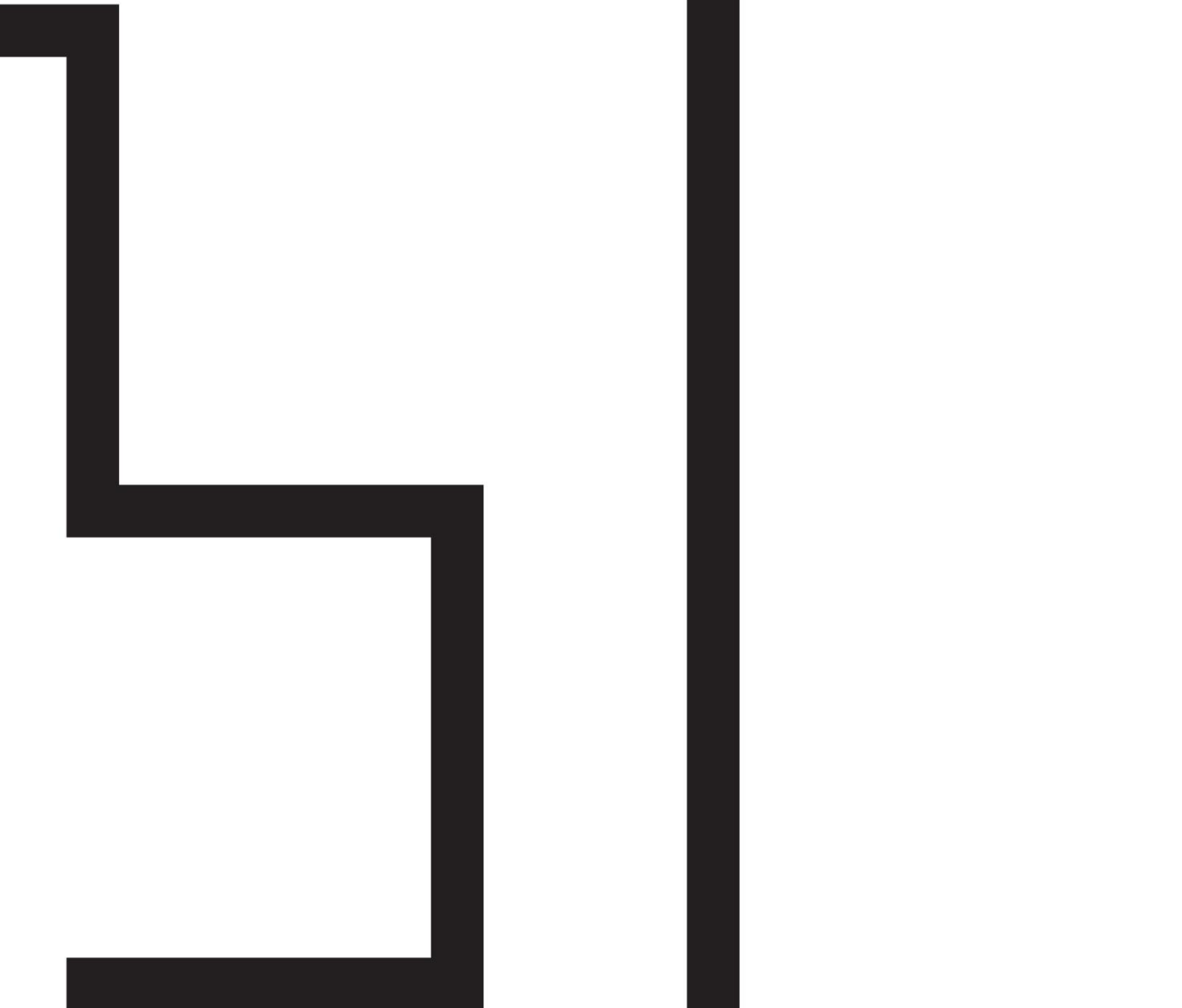


thirteen

Tree Management Procedure

April 2020



Company	Thirteen
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Officer responsible for review	Callum Shevlin

1. INTRODUCTION

- 1.1 Thirteen values its tree population and recognises the immense potential for human and environmental benefits associated with a healthy and sustainable tree stock. Although trees are a positive feature within our landscape, they can also cause a range of problems, from being a nuisance or inconvenience to potentially causing serious injury or death. As a tree owner we have a direct responsibility for ensuring our trees do not pose a danger to our customers, the public, or property and are managed appropriately.

2. AIM AND GENERAL PRINCIPLES

- 2.1 The procedure is intended to act as a point of reference for the public, customers, staff and professionally interested people to enable informed discussion and to establish a clear, consistent and more structured approach to the issues affecting trees.
- 2.2 We aim to inspect our open space tree stock at an appropriate frequency. Following inspections, the trees will be assigned a risk classification, which will inform their prioritisation for maintenance works. Trees within house garden boundaries will be inspected on a reactive basis and will follow the same risk classification process as open space trees.
- 2.3 We aim to provide high standards of tree management based on the latest arboricultural research and promote such standards with other parties. (e.g. private tree owners).

3. REFERENCE MATERIAL

- 3.1 The Forestry Act (1967) requires certain permissions and licences to be granted where felling of trees is proposed within a woodland setting. Thirteen will ensure that any proposed felling is fully compliant with the requirements of the Forestry Act.
- 3.2 Tree Preservation Orders (TPO's) are created by the Local Planning Authority, in respect of trees or woodland, which are considered to have a significant impact on the amenity of the local area.
- 3.3 In addition to those trees protected by a Tree Preservation Order, The Town and Country Planning Act (1990) also makes special provisions for trees in conservation areas.
- 3.4 The Wildlife & Countryside Act (as amended CROW Act 2000) states that it is illegal to intentionally or recklessly damage or destroy the nest of a wild bird whilst that nest is in use or being built. For schedule 1 (wildlife and Countryside Act) bird species it is also an offence to disturb birds whilst they are building or using a nest.
- 3.5 Many Bat species use holes, cracks and crevices in trees as roosts. Bats are a European protected species and are protected by Conservation of Habitats & Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Causing damage to or destroying a roost site, preventing access to a roost site and killing bats are all criminal offences, which can lead to imprisonment or a fine. A roost cavity is considered to be a roost even if bats are not currently using it. Felling trees with bat roosts for health and safety reasons without first consulting Natural England may still be an offence under these Regulations.

- 3.6 The tree owner has a duty under the Occupiers Liability Act to ensure visitors or trespassers on their land are safe. As well as a Common Law Duty of Care to: 'take reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to injure their neighbour'.

4 DEFINITIONS

- 4.1 Customer – Tenant or leaseholder of Thirteen.
- 4.2 Open space – Communal land owned by Thirteen which is not maintained by an individual property occupier.
- 4.3 House garden – The garden area, whether fenced or not, attached to a Thirteen property which is the responsibility of the customer to maintain.
- 4.4 Local Authority – an administrative body in Local Government.
- 4.5 Private Land – Land not under the management of Thirteen or the Local Authority.
- 4.6 Natural England – The Government's adviser for the natural environment in England, helping to protect the England's nature and landscapes for people to enjoy and for the services they provide.

5 PROCEDURE CONTENTS

5.1 Thirteens value statement on trees in the urban environment

- 5.1.1 Trees enhance the quality of life in the urban environment, and form an integral part of its shape, colour and diversity. They are essential to our health and wellbeing, not only in reducing some of the adverse impacts of the urban environment, but also enhancing our enjoyment of the street scene.
- 5.1.2 Health – In urban areas, trees help modify the climate by providing shade from the sun, reducing wind speeds, and reducing the extremes of temperature. They are an important agent in reducing air pollutants, especially particulates. They absorb carbon dioxide from the air, as well as Sulphur dioxide and nitrogen dioxide in the form of dust and smoke. Trees can also help screen harmful ultra-violet rays from the sun and help absorb noise.
- 5.1.3 Attractiveness – Trees form an important component of the urban landscape. They provide form, colour, texture and movement, changing with the seasons. Trees can be important local landmarks giving a sense of continuity and place.
- 5.1.4 Local Economy – Trees enhance the character and appearance of areas and have been shown to enhance property values. They can help provide privacy, frame the appearance of buildings. This creates qualities which encourage businesses to locate and attract people to live and can help to reinforce a sense of place.
- 5.1.5 Ecology – Trees, particularly indigenous species, can provide valuable support to a range of wildlife. Trees can provide food, shelter, nesting and roosting sites, particularly for invertebrates, birds and bats.

5.2 Trees on Thirteen owned/managed land

5.2.1 We have a responsibility to maintain trees within our ownership / management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance.

5.3 Inspection of trees

5.3.1 We work on a risk-based approach to tree management, a programme of inspection identifying and prioritising potential hazards. The cycle of inspection for trees will be set according to their location and area of risk.

5.4 Tree maintenance

5.4.1 Tree maintenance is currently mostly 'reactive' in nature and conducted in response to reports received by Thirteen concerning specific trees. In future, a greater level of tree maintenance work will be conducted as a result of information gathered during proactive tree inspections. However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and normally originates from the following:

- Programmed and routine inspections by the Tree Officer;
- Ad-hoc inspections by the Tree Officer following enquiries, reports and service requests;
- Reports from Customers;
- Reports from utility companies;
- Cyclic maintenance;
- Emergency works (e.g. resulting from high winds).

5.4.2

Priority	Response
Priority 1: Urgent Public Safety	Attended to within 24 hours (excluding weekends and bank holidays) and resolved with 5 working days
Priority 2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year
Priority 3: Desirable	12 months where possible
Non-priority	No action proposed

5.4.3 Priority 1 – A tree could warrant immediate attention if, for example.

- It has snapped or blown over;
- It is swaying (roots are damaged);
- It is uprooted but held up by another tree or building;
- A large branch has broken off or is hanging off the tree
- It or its branch is blocking the road or footway/public right of way;
- It or its branch is blocking access to property;
- It has fallen on to a structure, such as a building or car.

5.4.4 Priority 2 – A tree may be a risk to people or property but does not require immediate attention if for example;

- It is dead;
- It is dying (few leaves in the summer or dieback in the crown);
- Its bark is loose and falling off;
- Fungi is growing on or near the tree;
- Old splits and cracks are in the trunk or large branches;
- Smaller branches are falling from the tree.

5.4.5 Trees will be made safe via pruning or felling and we will use the most cost effective approach. However, for certain high value trees such as ancient and veteran trees, we would consider other options to reduce the risk to an acceptable level. This would include options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

5.5 Dealing with tree care

5.5.1 Whilst we recognise the need to conserve the present tree cover, we also recognise that removal of trees is sometimes justified for sound arboricultural reasons and that pruning works are sometimes necessary to ensure that trees are in a safe and healthy condition.

5.5.2 We receive many requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment and enjoyment of the area by local residents and visitors. Many of the complaints received involve minor or seasonal issues that are generally considered to be foreseeable or social problems associated with living near trees, which can often be minimised through careful pruning and careful species selection when planting.

5.5.3 In all cases, consideration will be given as to whether the tree in question is worthy of retention and protection. Particular care will be given to proposals affecting ancient or veteran trees.

5.5.4 To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, our procedure in relation to the more common types of request is outlined below.

5.6 Obstructing/Overhanging tree branches

5.6.1 Tree branches can cause obstructions to roads, footways, public rights of ways, signs, streetlights and open spaces. Appropriate pruning to eliminate hazards caused by obstructive branches will normally be acceptable, providing efforts are made to retain the shape of the tree.

5.6.2 We will undertake work to trees in Thirteens ownership / management to maintain a minimum 5 metres clearance over roads, 2.4 metres over footpaths.

5.6.3 We will not prune trees that overhang neighbouring properties unless the trees are dangerous or causing an actionable nuisance (i.e. touching the walls, roofs, windows, gutters, garage etc.). This will ensure that damage to property such as aerials, tiles or gutters is avoided.

5.6.4 Adjacent landowners do have a common law right to prune back tree branches to their boundary, providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a conservation area.

5.7 Shading and loss of light

5.7.1 Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not be considered.

5.8 Loss of view

5.8.1 We will not undertake works where trees are obscuring a view. Pruning of trees for highway sight lines will be dealt with on a case by case basis.

5.9 Trees affecting reception (television/satellite/solar panels)

5.9.1 Pruning in the short term may help improve television reception. However, in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases relocating the aerial or satellite dish, or alternatively using a Booster can resolve the problem. Customers are advised to contact their satellite or TV provider for specialist advice. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

5.9.2 Similarly we will not prune or fell a tree in our ownership / management to improve natural light to a solar panel. Whilst we recognise the need for renewable energy sources, trees are also important in tackling climate change.

5.10 Overhead cables/telephone wires

5.10.1 Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees.

5.10.2 Problems caused by branches interfering with privately owned telephone wires can usually be eliminated through appropriate pruning and tree removal would not usually be considered.

5.10.3 We will not prune or fell a tree in our ownership / management to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

5.11 Stumps

5.11.1 We will only remove stumps where they present a tripping hazard to the access/egress of the property or are causing structural damage to the property, outbuilding or wall.

5.11.1 Where a stump due to species is expected to regenerate, we will treat them appropriately to prevent regrowth.

5.12 General/minor nuisances

5.12.1 We will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems are:

- Falling leaves, twigs, sap, blossom, fruit, nuts, bird and insect droppings;
- Insects associated with trees (spiders, wasps, flies etc.);
- Reduction or increase of moisture to gardens;
- Suckers or germinating seedlings in gardens;
- Leaves falling into gutters, drains or onto flat roofs;
- The build-up of algae on fences, paths or other structures.

5.12.2 Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

5.12.3 Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not be considered solely as a way of alleviating problems with these issues alone.

5.12.4 We would not normally prune or fell a tree under our ownership / management that bears poisonous fruit / foliage (such as laburnum or yew). However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate on a case by case basis and take action, where appropriate.

5.13 Trees considered too big/too small

5.13.1 We will not prune or fell a tree under Thirteens ownership / management because it is considered to be 'too big' or 'too tall' for its surroundings.

5.14 Damage and tree roots

5.14.1 Many tree conflicts arise on account of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

5.14.2 Root invasion in gardens

- Tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners do have a common law right to prune back tree roots to their boundary, providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.
- Most species of deciduous tree will re-sprout from the stump when cut down. Many species will produce a new growth shoot from a root if it becomes exposed to sunlight through ground erosion. Some species readily produce shoots from their buried roots

as a way to regenerate and this is often stimulated by stresses, such as heavy pruning or felling. Numerous tree species (including Cherry and Poplar) are therefore likely to produce vigorous root suckers as a response to being felled. Poisoning a stump to prevent such suckering is not always successful since application of herbicide onto a stump face often only affects the stump and the upper roots.

- Tree felling or branch pruning in response to root invasion in gardens would not normally be appropriate, as such works are likely to worsen existing problems. The pure encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

5.15 Damage to walls and fences

5.15.1 If a tree on Thirteens owned land is found to be causing damage to a neighbouring property we will investigate and act as appropriate. It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. This can be achieved in several ways (for example installing a section of railing or bridging foundations around the base of a tree). Therefore where trees are considered to be causing damage to walls or fences, we will normally only consider tree removal if the walls or fence is irreplaceable and of exceptional importance e.g. a retaining wall or of historical interest, or if there is a risk to public health in leaving the tree which cannot otherwise be mitigated. If a damaged wall or fence was constructed after planting of the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account.

5.16 Damage to paths

5.16.1 It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude, they can be root pruned, or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths or footpaths, we will not normally consider tree removal except where there is a risk to public health which cannot otherwise be mitigated.

5.17 Damage to drains or water pipes

5.17.1 There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense. Tree removal will not normally be considered.

5.18 Trip hazards

5.18.1 We will make safe an unacceptable trip hazard in a street, road or highway under Thirteens ownership / management, which is caused by a tree in our ownership / management.

5.19 Tenancy agreement

5.19.1 In accordance with current tenancy agreements, we will not allow customers to undertake any work to trees under Thirteens ownership / management without written permission.

TABLE OF APPENDICES

Appendix	Title
A	Pre-work inspection and works associated with tree/shrub removal during bird nesting season
A-1	Protected birds

Appendix A – Pre-work inspections and works associated with tree/shrub removals during bird nesting season.

Under the Wildlife and Countryside Act 1991; All birds, their nests and eggs are protected by law and it is thus an offence, (with limited exceptions) to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built.

It is also an offence to intentionally or recklessly disturb any wild bird listed on Schedule 1 (See appendices A -1) while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment.

In general terms bird nesting in the open space associated with Thirteen can generally be expected to take place from mid-March to August.

With the open space under Thirteens ownership, holding so many trees, shrubs, scrub and general foliage, it is difficult for the Grounds Maintenance team to complete all the required tree and shrub works outside the nesting period. That said where possible tree and shrub removal work is planned and orchestrated to take place between November and March. This would include work associated with areas of denser vegetation (including evergreen species).

Where the team carries out tree and shrub work in the perceived nesting season, the work is generally associated with more open areas or areas of trees in grass, where visual inspections can take place before felling/removal takes place.

During the bird-nesting season, the procedure leading up to felling/removals will involve;

- Work within dense vegetation should be avoided.
- Generally, trees and shrubs being worked upon should be single individuals that can be observed in full, or completion of coppice work where clear views through and into beds to be coppiced can be obtained.
- Those undertaking the work need to look at the selected tree/shrub from a distance, looking up and down at the tree/shrub for indications of nesting.
- Slowly circle the tree/shrub, again inspecting the tree/shrub for indications of nesting.

- Move closer (or underneath) the tree/shrub, again slowly circle the tree/shrub looking for nesting and nesting opportunities such as holes.
- In cases of shrubs particularly evergreen species such as Laurel (a favourite with Blackbirds) as necessary separate the branches and look in the central areas of the Shrub looking for nests.
- At times, where formally grown shrubs are being clipped (or later in the season) hedges are being clipped of current season's growth, an inspection that includes physically moving, separating, and visually inspecting the areas to be cut should take place. Operations in such areas should only proceed with caution, with operators prepared to stop if they see anything that concerns them regarding bird movement or activity.
- If at any time, an active nest or a nest that is being built is observed, the tree/shrub must not be worked upon.
- If a nest is observed that it is quite clearly, an old or abandoned nest (not maintained/falling apart or clearly not being used – time of year will be a consideration), the tree/shrub may be felled.
- If the selected tree/shrub is part of a group or immediately adjacent to tree/shrubs, these too should also be inspected for nests. For example, felling one tree could expose a nest to a change in microclimates or predators.
- Regarding larger mature trees it should be our aim to work on these trees out of the regular nesting season. However, if for health and safety reasons or perhaps responding to wind damage, work should continue with caution. The tree should be continually observed for nests and bird activities.
- Holes in the trunk/branches should be viewed with suspicion. If a tree is found in a dangerous condition that contains a nest, where possible the work should continue without disturbance to the nest and within the shortest possible time. Where there is possibility the nest may be physically disturbed advice should be taken from RSPB.
- When working in areas that might be deemed sensitive (working in mature trees) or larger scale jobs (i.e. removing groups of singular trees) using photographs or written documentation is recommended.
- Fallen trees and trailing branches in water bodies present nesting opportunities for waterfowl such as Coots and Grebes. Waterside trees and vegetation should not be generally worked upon during the nesting season. If there is a necessity to work upon such trees or vegetation (e.g. health and safety issues) then first view the tree/branch/vegetation from as many aspects as possible to identify any nests, including under any waterside branching/vegetation.
- Regarding water associated environments, there is also a need to avoid cutting and removing reeds (Phragmites) during the core nesting season (April-August). Reedbed nesting species typically nest low over water and are hard to detect.

Appendix A - 1.

Protected Birds and Schedule 1.– Part 1. Bird species that could be located on Thirteens land.

Bittern (wetlands)	Owl, barn (wood pasture)
Firecrest (scrub)	Peregrine (single tree)
Goshawk	Plover, little ringed
Hobby (woods)	(wetlands)
Kingfisher (water associated)	Tit, bearded (wetlands)
Kite, red (woods)	Warbler, Cetti's

Other Protected Birds and Schedule 1.– Part 1., but extremely unlikely to be found on Thirteens land.

Avocet	Godwit, black-tailed	Sandpiper, wood
Bee-eater	Grebe, black-necked	Scaup
Bittern, little	Grebe, Slavonian	Scoter, common Scoter,
Bluethroat	Greenshank	velvet
Brambling	Gull, little	Serin
Bunting, ciril	Gull, Mediterranean	Shorelark
Bunting, Lapland	Harriers (all species)	Shrike, red-backed
Bunting, snow	Heron, purple	Spoonbill
Buzzard, honey	Hoopoe	Stilt, black-winged
Capercaillie (in Scotland - see note below)	Merlin	Stint, Temminck's
Chough	Oriole, golden	Swan, Bewick's
Corncrake	Osprey	Swan, whooper
Crake, spotted	Owl, snowy	Tern, black
Crossbill (all species)	Petrel, Leach's	Tern, little
Curlew, stone	Phalarope, red-necked	Tern, roseate
Diver (all species)	Plover, Kentish	Tit, crested
Dotterel	Quail, common	Treecreeper, short-toed
Duck, long-tailed	Redstart, black	Warbler, Dartford
Eagle, golden	Redwing	Warbler, marsh
Eagle, white-tailed	Rosefinch, scarlet	Warbler, Savi's
Falcon, gyr	Ruff	Whimbrel
Fieldfare	Sandpiper, green	Woodlark
Garganey	Sandpiper, purple	Wryneck

Schedule 1. – Part 2

Birds protected by special penalties during the close season which is 1 February to 31 August (21 February to 31 August below high water mark) but which may be killed or taken outside this period.

Goldeneye

Greylag goose (in Outer Hebrides, Caithness, Sutherland, and Wester Ross only)

Pintai.

