

Carmarthenshire County Council Place and Infrastructure Directorate

Tree Management Strategy

This Strategy has been prepared by the Rural Conservation Team within Place and Sustainability, Place and Infrastructure Directorate, Carmarthenshire County Council.

September 2019 (Reviewed November 2023)



Index

1.0 Background

1.1 Vision..... 4

1.2 Value of Trees..... 4

1.3 Policy Context and objectives..... 6

1.4 Areas not covered by this plan..... 6

2.0 Tree Management

2.1 Tree safety management on Carmarthenshire County Council owned land ...7

2.2 Guidelines for the management of Council owned trees.....12

2.3 Guidelines for the management of trees on privately owned land.....17

2.4 Guidelines for the management of trees on privately owned land adjacent to a highway or Public Right of Way.....22

2.5 Contact information26

Appendices

1. Legal Overview and Arboricultural Terms	27
2. Tree Assured Procedure	28
3. Risk v Benefit Assessment Methodology	29
4. TreeAssured Template	31
5. Ash Dieback Decision Guide	33
6. Severe Weather Event Procedure	34

1.0 Background

This document is intended as a guide for elected members, Council employees, businesses, members of the public and all interested organisations/parties on how they can expect trees on County Council owned land to be managed, and how issues related to trees on private land may be dealt with.

1.1 Vision

For our benefit, and for the benefit of future generations Carmarthenshire County Council seeks to ensure that trees continue to enhance our settlements and our countryside, and to be valued and safeguarded as a resource. Carmarthenshire County Council and the Welsh Government have declared a Nature Emergency and Climate Change Emergency, by managing our trees appropriately it will go some way to mitigate both emergencies. The Authorities Tree and Woodlands Strategy promotes the improvement of the environment and how it can go some way to mitigate the effects of air and noise pollution in more populated areas. The Tree Management Strategy recognises the importance of reducing the potential risk posed by trees whilst avoiding unnecessary loss of the benefits they provide.

1.2 Value of trees

Carmarthenshire County Council recognises the value of our trees and understands that they provide social, environmental, health and economic benefits:



1.2.1 Social

Trees provide:-

- A sense of place and community
- An educational resource
- Seasonal interest, flowers and fruit
- A cultural and historic link to the past.

1.2.2 Environmental

- Trees absorb and store greenhouse gasses which helps combat climate change
- Trees help prevent localised flooding, by increasing absorption and infiltration of water
- Trees can help to mitigate air and noise pollution, and enhance soundscape
- Trees enhance biodiversity and provide support for wildlife.

1.2.3 Health

- Trees help improve air quality
- Trees have a positive effect on mental health and sense of well being
- Trees provide shade and help with urban cooling
- Trees in parks and other open spaces can provide inviting areas to exercise.

1.2.4 Economic

- The presence of trees can increase the value of properties
- Trees make areas more attractive to potential purchasers
- Trees help to create welcoming areas within town centres; encouraging people use shops and restaurants in the area
- A green environment makes for a better environment for work and living; People who have views of trees feel happier and perform better
- Visual Amenity Value of trees in monetary terms can be calculated by the Helliwell system.

1.3 Policy context and objectives

Carmarthenshire County Council is responsible for thousands of trees in our streets, parks, schools, open spaces and woodland areas. However, the majority of trees in Carmarthenshire are on privately owned land and remain the responsibility of the landowner.

Where the County Council owns land, it has a responsibility under the Occupiers' Liability Act 1957 and 1984 and the Health and Safety at Work Act 1974 to manage its trees responsibly and to reduce or prevent the risk of personal injury or damage to property. All trees on Council owned and managed land are therefore to be subject to regular inspections to assess their condition with respect to their safety.

Legislation such as the Highways Act 1980, and the Wildlife and Countryside Act 1981 also contain significant implications for Council officers and contractors. It is important therefore that the Council has a clear policy in place for dealing with trees and tree related issues.

1.4 Areas not covered by this Strategy

Trees in woodland areas raise different issues to trees within streets, parks and open spaces and are therefore subject to a different management process. For this reason, woodland areas have been excluded from this policy. (For the purposes of this document woodlands are considered to be areas with a continuous tree canopy, made up of many trees.) Where individual trees within woodlands are adjacent to properties, highways and areas open to the public the following guidance will apply.

2.0 Tree management

2.1.1 Tree safety management on Carmarthenshire County Council owned land.

The Tree Management Strategy sets out how trees on CCC managed sites will be inspected and managed with regards to their safety, evidencing that CCC are taking on board its responsibilities under the Occupier's Liability Acts 1957 and 1984, and the Health and Safety Act 1974. See Legal Overview in Appendix 1

Managing for tree safety will adopt a presumption in favour of tree retention unless there are tree safety issues which require the removal of a tree, require work to safely remove tree risk features, or the need to remove the target so as to reduce the risks posed by the tree.



2.1.2 Why is the Tree Management Strategy required?

The need for an agreed strategy for managing tree safety relates to the Council's duty of care as expressed under the Occupier's Liability Acts 1957 and 1984. The Health and Safety at Work Act 1974 also places a duty on employers to ensure, so far as is reasonably practical, that employees and members of the public are not put at an unacceptable level of risk, as classified by the Health and Safety Executive Framework for the tolerability of risk. See Legal Overview in Appendix 1.

2.1.3 Who needs to know about the Management Strategy?

The Chief Executive, all directors of departments that manage land with trees, relevant Heads of Service and other staff involved in site management, and in particular the person named as being responsible for each site where there are trees (usually the Premises Responsible Person, PRP). The PRP for each site is responsible for ensuring tree inspections are carried out in a timely manner. Contractors employed by the Council on tree matters also need to know about the strategy and how the Council manages tree safety.

2.1.4 What does the Management Strategy involve?

The Council has adopted the Tree Assured safety procedure (TreeWorks (West Wales) Ltd 2014 (See Flow Chart in Appendix 2). This procedure includes using a robust inspection method that identifies tree safety issues at individual sites managed by CCC. At each site individual trees will be visually assessed from the ground using the Visual Tree Assessment (VTA) method, see Arboricultural Terms in Appendix 1. Any tree with a visible defect, physical or biological, that may have implications for tree safety, generates an entry in the recording system. That tree is then numbered, plotted on a GIS and the defect described, usually with annotated photographs. Consideration is also made of the level of risk and the likely targets should the tree fail e.g. a branch falling onto a bench. An assessment is then made as to whether an intervention is required, e.g. removal of a branch or bench, and if so, within what time scale. A risk v benefit assessment is also carried out so consideration is given to the benefits a tree may provide. The inspection will also identify how frequently the site should be re-visited for repeat inspections, usually every 18 months - 5 years depending on site characteristics.

Negative reporting will be used so trees not showing tree risk features that are a concern will not normally be entered into the recording system. The assessment method measures foreseeable risk of harm or damage and does not allow for extreme weather events such as strong winds in excess of Force 9¹, changes in environmental conditions, accidental or deliberate harm or the colonisation of harmful pathogens. All of these can have a rapid effect on a tree's health and structural stability. This is in-line with the Arboricultural industry best practice and National Tree Safety Group guidance.

All CCC managed sites with trees present should be inspected according to this procedure with the selection of sites for inspection prioritised according to the level of risk trees on the site could present to members of the public and CCC employees. Schools and other high occupancy sites will be assessed to the lowest level of risk whilst trees on CCC land adjacent to the highway will be assessed to a moderate level of risk, each site will be awarded its own level of risk acceptability, see risk matrix in Appendix 3. The premises responsible person (PRP) is responsible for ensuring tree inspections are carried out in a timely manner on all relevant properties.

¹ Force 9 Beaufort Scale (windspeeds between 47 & 54 mph). Slight structural damage occurs, chimney pots and slates removed, branches break from trees.

2.1.5 Who carries out the inspections, and how frequently?

The *Tree Assured inspection* should be carried out by an appropriately qualified and/or experienced personnel: they must be trained to Level 1 Tree Inspection (or above). Tree inspections on all school grounds will be undertaken by the Tree Safety Officer or an external consultant, qualified to a minimum of level 4 and holder of the Professional Tree Inspection certificate (Lantra). The Tree Assured inspection is repeated within an agreed timescale that will reflect the condition of the trees, the risks they could pose and the benefits they provide. Inspections will typically be every 18 months - 2 years for sites with mature trees where there is public/ staff access but may be every 5 years or more for sites with immature trees or where public and staff access is limited.

All potential tree risk features and other issues should be reported to The Tree Safety Officer or a suitably qualified external consultants on the Council's Tree work procurement framework, They will then advise on whether further assessment or action is required. (See below for Ash Die Back).

Where the PRP does not have access to a Level 1 Tree Inspector it is their responsibility to commission a Tree Assured inspection by contacting the Tree Safety Officer or using the CCC Tree Work Procurement framework.

Between the Tree Assured inspections any CCC officers² can report tree risk features that they observe to the PRP or Tree Safety Officer who will advise on whether further assessment or action is required. For example, after a major storm all trees on sites should be looked at by a site manager, ideally with Level 1 experience, and any problems referred up as above, see Severe Weather Event Procedure Appendix 5.

It is vitally important that everyone involved in the management of trees on CCC land understands and adopts this procedure. See also Appendix 2.

2.1.6 Recording and acting on inspection information

Each formal site inspection generates a written report, with a plan and photos. These reports are saved on Asset Manager and sent electronically to the person named as being responsible for each site, the PRP.

Reports should use the Tree Assured report templates, Appendix 4, these should all be uploaded to Asset Manager with details of actions required and date of next inspection. The PRP is responsible for ensuring that intervention work is carried out as specified in the report and that routine inspections are carried out within the specified timeframe.

²According to the National Tree Safety Group 'Common sense risk management of trees' formal inspections (when a specific visit to the tree is made with the sole purpose of performing an inspection that is not incidental to other activities) may be undertaken by 'People who do not necessarily have specific tree-related qualifications but do have a general knowledge of trees and the ability to recognise normal and abnormal appearance and growth for the locality. This includes an ability to recognise obviously visible signs of serious ill health or significant structural problems, such as substantial fractured branches or a rocking root plate which, were they to cause tree failure, could result in serious harm. They also need the ability to assess approximate tree height and falling distance from the tree to the area of use as well as when to request a detailed inspection.'

2.1.7 Emergencies and out of hours cover

It is advised that CCC should have access to tree advice 24/7 particularly in the case of emergencies and public holidays. The Tree Management Strategy includes an out of hours contact, see Section 2.5 below; Highways Inspectors cover out of hours tree issues across the authority. Highways Inspectors can contact the Tree Safety Officer, Arboricultural Officer and Consultant Arboriculturist listed on the framework for emergencies.

2.1.8 Training

All those involved in inspecting trees on CCC owned or managed sites will need to have received appropriate training (see above). Tree Assured inspections should be carried out by Level 1 inspectors and site managers may need to request training to achieve this qualification. Level 1 tree inspectors should have access to refresher training, normally within every three years. Advice on training needs can be sort from the Tree Safety Officer.



2.1.9 Ash Dieback

Ash Dieback (ADB) presents a potentially very significant tree safety risk within Carmarthenshire. The Authorities Ash Dieback Strategy and Strategy for Trees and Woodland sets out how CCC are dealing with ADB, however, from a tree safety point of view ash trees affected by ADB should be assessed and dealt with in the same way as any other tree using the CCC Tree Assured procedure, in addition to this the ADB decision guide is to be used, Appendix 5. Ash trees should not be felled just because they have the disease but should be assessed for risk of failure within the inspection period and with reference to the likely targets and other benefits of the tree.



2.2 Guidelines for the management of trees on Carmarthenshire County Council owned land.

The Council will ensure that all work to trees on Carmarthenshire County Council managed land is carried out to British Standard; BS3998:2010 Tree Work – Recommendations.

Third parties are not permitted to access Council owned land in order to carry out works to trees unless specifically authorised in writing to do so by the Council.

2.2.4 Overhanging branches

When branches from trees on land managed or owned by the Council overhang a property or an area of land, a visual tree assessment will be undertaken to evaluate their safety. If overhanging branches are healthy and structurally sound, there is no legal requirement for their removal, except where they constitute a legal nuisance. There is, however, a statutory requirement on Local Authorities that the following minimum height clearances are maintained over footways and carriageways:

Footways – 3.3 metres

Carriageway – 5.1 metres

Guidance

If after inspection the overhanging branch is not deemed to be an unacceptable risk, or a legal nuisance then arboricultural work is unlikely. However, each case will be assessed individually and mitigating circumstances will be taken into consideration. The authority will remove overhanging branches from trees that are situated on County Council owned or managed land, and when the branches overhanging the highway are identified as below the minimum height required for clearance.

2.2.5 Size of trees

When an issue arises relating to large trees, a visual tree assessment and risk assessment will be undertaken to evaluate their safety.

Guidance

Large trees are not necessarily dangerous. If, after a safety inspection, a large tree is not deemed to be an unacceptable threat, then arboricultural work is unlikely to be required.



2.2.6 Interference with day light

Establishing whether a legal right to day light has been affected by trees on a neighbouring property is a complex issue, and usually only applies to light in buildings rather than in gardens. In law there is no general right to light which includes a right to light for solar panels unless there it is specified on the properties title deeds.

Guidance

No work will be carried out to trees on County Council owned land where there is a claim of right to light unless there is a legal claim to do so. Further guidance can be sort from Planning Enforcement Department; <https://www.carmarthenshire.gov.wales/home/council-services/planning/breach-of-planning/>.

Usefully information is available from the following website; <https://assets.publishing.service.gov.uk/media/5a78b309ed915d07d35b1bb8/highhedgescomplaints.pdf>

2.2.7 Interference with overhead cables

Legal responsibility to maintain clearance around overhead cables to provide an uninterrupted service to their customers lies with the relevant utility companies.

Guidance

Utility companies should be contacted regarding any concerns with branches interfering with their cables. Utility companies should be expected to carry out work to British Standard, BS3998:2010.

2.2.8 Interference with satellite/TV reception

There is no legal requirement to prune or fell healthy trees to provide an improved satellite/TV reception.

Guidance

The Council will not carry out arboricultural works to trees where there is a claim of trees affecting such reception.

2.2.9 Anti-social behaviour

It is recognised that in certain circumstances, trees can provide shelter for individuals/groups that cause a nuisance or pursue illegal activities.

Guidance

Where such circumstances are brought to the attention of the Arboricultural Officer or Tree Safety Officer, advice will be given on possible works that may be carried out to trees to reduce the problems being encountered. This work may involve improving the view for CCTV or of those policing the areas by reducing the amount of foliage. This work would be subject to budget availability by the relevant directorate/division to carry out such work.

2.2.10 Shedding of leaves

The shedding of leaves, twigs and tree sap is a natural process and there is no legal requirement to clear fallen leaves and twigs from properties.

Guidance

The Council will not clear leaves, twigs or tree sap from properties. Leaf litter makes good compost, we encourage residents to use this on their gardens. Where a potentially serious problem may occur, e.g. blocking of drains likely to cause damage, some arboricultural works may be carried out to help alleviate the problem.

2.2.11 Trespassing of root systems

If the tree in question is deemed to be healthy and safe, there is no legal requirement to remove trespassing roots unless unreasonable damage is occurring to adjacent properties (this includes structures, surfaced paths, and open land). The onus to prove that damage is occurring is on the affected landowner, and all decisions must be based on evidence.

Guidance

Each case will be evaluated on its own merit and all options will be explored such as engineering solutions before tree work is instigated. Once authorised by the relevant directorate, any works considered necessary will be undertaken as soon as reasonably practicable.

2.2.12 Tree protection

Normally trees on Council land will not be subjected to Tree Preservation Orders (TPO) as such trees should not be under threat. However, the Council may own or manage trees that are situated within a Conservation Area and in such instances the proper procedures must be followed.

Guidance

The principles applied to protecting trees on private land will be applied to trees on County Council owned land where there are development proposals. The placing of a TPO on trees on CCC owned land would only be considered if there was an obvious threat to the trees in question. The arboricultural officer must be notified of any works proposed to trees protected by a TPO or in Conservation Areas.

2.2.13 Biodiversity

There is legislation with regards to the protection of wildlife, which needs to be considered when carrying out works to trees, such as:

- Wildlife & Countryside Act 1981 (as amended) – Protecting wild birds, their eggs, young and nests.
- Conservation of Habitats and Species and Regulations (Amendment) (EU Exit) 2019 (as amended). Relevant to this document it gives additional protection to bats, dormice and otters. It also protects their resting places.
- Environment (Wales) Act 2016

Guidance

Consistent with the Wellbeing and Future Generations (Wales) Act 2015, and the Environment (Wales) Act 2016, in exercising its functions the Council will seek to maintain and enhance biodiversity and promote ecosystem resilience. It will consider fully the effects on wildlife of any necessary works to trees that it carries out, and it will ensure that all works are compliant with relevant legislation. Works will be carried out in such a way as to minimise any adverse impact on wildlife. Where urgent works are required on grounds of health and safety, these issues will be considered and where possible measures adopted to safeguard biodiversity, but public safety will remain of primary importance.



2.2.14 Guidelines for the management of trees adjacent to the highway on Carmarthenshire County Council owned land.

While the majority of trees adjacent to our roads are situated on privately owned land, there are instances where roadside trees are owned and managed by the County Council, often where land has been purchased for road building and associated landscaping. In such instances trees will be managed with the safety of the public and biodiversity in mind. Management may also include thinning of roadside landscape consistent with silvicultural practice. All trees on Council owned land are to be subject to regular inspections to assess their condition consistent with the Council's Tree Management Strategy, section 2.1.

2.2.15 Management of hedgerows on CCC land.

Hedgerows are important elements in the landscape and provide valuable wildlife habitats. Management of hedges on CCC land will reflect these attributes. Hedgerows alongside highways will also be managed to ensure public safety.

2.3 Guidelines for the management of trees on privately owned land



2.3.1 Tree inspections

All trees on privately owned land are the responsibility of the landowner, occupier or tenant as specified in the Occupiers' Liability Acts 1957 and 1984.

Guidance

All landowners making enquiries regarding the safety of trees on their land are to be advised to arrange for those trees to be inspected for safety by a suitably qualified arborist. The County Council does not offer this service.

2.3.2 Trees which are dead, dying or dangerous

Landowners have a legal requirement to ensure that trees on their property are maintained to a safe standard. Local Authorities have various statutory powers, some of which are discretionary, to enforce the removal of dangerous trees.

Guidance

Members of the public who are concerned about trees on land in private ownership should be advised to firstly contact the owner who will be responsible for these trees, if this does not resolve the issue then legal advice should be considered via a solicitor. The Council will not usually get involved in private civil cases unless all avenues have been explored. Further information can be sort from the County Council's Tree Safety Officer and Arboricultural Officer. See also para. 2.3.8.

2.3.3 Overhanging branches

If overhanging branches are healthy and structurally sound, there is no legal requirement for their removal, except where they constitute a legal nuisance. There is however a statutory requirement on Local Authorities that the following minimum height clearances are maintained over footways and carriageways:

Footways – 3.3 metres

Carriageway – 5.1 metres

Guidance

In the case of overhanging into a neighbouring property: If branches are overhanging into a neighbouring property, the advice will be for the complainant to speak to the landowner with their concerns. If the landowner refuses to co-operate, the complainant has the right to cut back the branches to their boundary only. To comply with the law the complainant should offer these branches back to the landowner, if the landowner does not wish to accept them it is the person who cut them who has the responsibility to dispose of them correctly.

In the case of overhanging onto the public highway: The advice to landowners is to maintain their boundary adjacent to the highway, by retaining the branches within the heights as above. If a landowner fails to do so this will result in the Local Authority serving Notice upon them to remove the offending branches, using powers under Section 154 of the Highways Act 1980. After a reasonable amount of time, if the work has not been completed, the Authority will proceed with the work and recharge the landowner for all costs incurred.

2.3.4 Interference with day light

Establishing whether a legal right to day light has been affected by trees on a neighbouring property is a complex issue, and usually only applies to light in buildings rather than in gardens. In law there is no general right to light which includes a right to light for solar panels unless it is specified on the properties title deeds.

Guidance

Advice will be given that the person making the query should speak to the landowner direct. The authority will not become involved in such matters unless there is a legal claim. Planning Enforcement Department can provide further guidance, see additional information in 2.2.6.

2.3.5 Interference with satellite/TV reception

There is no legal requirement to prune or fell healthy trees to provide an improved satellite/TV reception.

Guidance

Advice will be given that the person making the query should speak to the landowner direct. The authority will not become involved in such matters.



2.3.6 Interference with overhead cables

Legal responsibility to maintain clearance around overhead cables to provide an uninterrupted service to their customers lies with the relevant utility companies.

Guidance

The Local Authority has no legal powers to become involved and will only offer this advice. The person raising any concerns with branches interfering with utility cables must contact utility companies direct. Utility companies should be expected to carry out work to BS3998:2010 standard.

2.3.7 Shedding of leaves

The shedding of leaves, twigs and leaf litter is a natural process and there is no legal requirement to clear fallen leaves or twigs from private property.

Guidance

The Council will not clear leaves or twigs from private properties. Leaf litter makes good compost and we encourage residents to use this on their gardens. If there are concerns that falling leaves and twigs from private land is causing damage to a person's property, they shall be advised to speak with the tree owner, should that fail then consult with their solicitor. The Council will not become involved in such private civil matters.

2.3.8 Trespassing of root systems

If the tree in question is deemed to be healthy and safe, there is no legal requirement to remove trespassing roots unless unreasonable damage is occurring to adjacent properties (this includes structures, surfaced paths, and open land). The onus to prove that damage is occurring is on the affected landowner, and all decisions must be based on evidence.

Guidance

It shall be for the person who claims damage to their property to speak with the landowner. Should that fail then they will need to obtain an Engineer's and Arboriculturist report to prove that the tree is causing the damage. If no action is taken by the landowner after the production of the report, then legal advice should be considered via a solicitor. The Council will not get involved in such private civil matters unless the tree concerned is covered by a Tree Preservation Order or is in a Conservation Area.

2.3.9 Tree protection

The authority has legal powers to protect trees on private land from damage by third parties, which may include landowners, developers or residents.

Guidance

Before carrying out or authorising any work to any tree, all landowners have a legal responsibility to check that the tree is not covered by a Tree Preservation Order (TPO), and that it is not situated within a Conservation Area. If there is a TPO in existence, or the tree is in a Conservation Area then permission must be sought from the Local Authority prior to any works being undertaken. This requires an application to be made to the Planning Department, application forms can be found on the following web page: <http://www.carmarthenshire.gov.wales/home/residents/planning/conservation-countryside/trees/#.V-FQHkOUXIU>

If a number of trees are to be felled, a Felling Licence issued by Natural Resources Wales may also be required.

2.3.10 Biodiversity



There is legislation with regards to the protection of wildlife, these needs to be considered when carrying out works to trees, such as:

- Wildlife & Countryside Act 1981 (as amended) – Protecting wild birds, their eggs, young and nests.
- Conservation of Habitats and Species and Regulations 2019 (as amended). This gives additional protection to bats roosting in trees, and their roosts.

Guidance

Further advice regarding issues related to this topic may be sought from the Rural Conservation Section within Place and Sustainability.

2.3.11 Management of hedgerows

Hedgerows are important elements in the landscape and provide valuable wildlife habitats. Management of hedges on privately owned land should reflect these attributes. Hedgerows alongside highways must also be managed to ensure public safety. Where over-grown hedgerows impact on highway safety provisions in the Highways Act 1980 enables Carmarthenshire County Council to request that overhanging trees and hedges are cut back, see section 2.3.3 for more information.

2.3.12 High hedges

There is legislation with regards to high hedges growing on land that affects neighbouring properties, Part 8 of the Anti-Social Behaviour Act 2003 and the High Hedges Regulations 2005.

Guidance

Advice regarding such issues may be sought from the Enforcement Section within Planning and Sustainability Department.

2.4 Guidelines for the management of trees on privately owned land adjacent to a public highway or public right of way

Roadside trees play an important part in creating an attractive environment within Carmarthenshire. They are greatly valued for the ecology they support, their place in our local history and for the amenity and landscape they provide. They can also help reduce air and mitigate noise pollution, offset climate change and provide shade. However, dangerous trees, low branches or overgrown vegetation next to roads can cause accidents.

Many hedges and trees grow on the edge of the public highway and mark its boundary with private property. In such cases it is the responsibility of the adjacent private landowner or occupier to maintain them. This also applies to trees that overhang the public highway or those which may fall on to it. Similarly, private landowners are responsible for the safety of trees adjacent to Public Rights of Way.

For details of Public Rights of Way contact the Council's **Countryside Recreation & Access Unit:**

prow@carmarthenshire.gov.uk

tel. 01554 742216.

2.4.1 Legal requirements for maintenance

The Highways Act 1980 (Section 154) empowers Carmarthenshire County Council, as the Highway Authority, to protect the safety of public highway users by ensuring that owners and occupiers of land with trees next to the public highway, carry out their legal duties in respect of roadside hedges and trees. The Highway Authority will write to the owners of trees and hedges where they are considered to be safety issues or where they are posing problems to road users, and request that they fell these trees or carry out appropriate tree surgery.

The complete process involves four stages:

- the first notice/letter raises the concern;
- the second letter is the serving of a formal legal Notice and acts as a reminder, tree owners have a right to appeal against the Notice;
- the third letter explains that the Council will be entering the land to carry out the necessary work and the estimated costs of the work; and
- the fourth letter accompanies the Council's invoice for the works that have been carried out to rectify the problem. If the landowner fails to pay this, a land charge is levied on the property.

Trees and hedges notices/letters are issued throughout the year to ensure safety of the public is maintained at all times. Similar measures apply to trees on private land next to public rights of way.

The Council's Ranger Service (which includes Level 1 tree inspectors) is responsible for maintaining public rights of way, and where a dangerous tree is identified the landowner will be informed, but the service is not responsible for inspecting these trees for their safety. This remains the responsibility of the private landowner.

Should the Ranger Service identify a dangerous tree, this will be discussed with the landowner and if necessary, the Council would follow the same procedure as set out in the above list.

2.4.2 Owners and occupiers of private land are required to:

- Trim hedges and trees to ensure growth does not obscure the view of road signs
- Trim hedges adjacent to the public highway to maintain visibility for road users, particularly at junctions and on the inside of bends
- Trim any hedge that directly abuts a public highway or right of way (including footway and cycle way) so that growth does not prevent the passage or affect the safety of the public highway user, including cyclists and pedestrians
- Remove dead or decaying trees and other growth that may fall across the public highway

- Remove branches and other growth that may prevent the passage of high sided vehicles or obstruct light from a public lamp (street light)
- Ensure the public highway (including the footway and drainage features accompanying that public highway) is left clear of debris from the cutting operations (Section 148, Highways Act 1980)

2.4.4 Who undertakes the work?

Under the Occupiers' Liability Acts 1957 and 1984, owners of trees and hedges have a "duty of care" to ensure that their trees and hedges are in a safe condition and to prevent or minimise any risk to a third party.



2.4.5 What if the landowner/occupier fails to undertake the work?

Where growth along a public footway or carriageway is becoming a problem Carmarthenshire County Council may serve a legal Notice on the owner/occupier requiring the work to be completed within a stated period. If the work specified is not carried out, the Council may undertake the work and claim back any costs incurred. The Council will do the necessary work to remove the danger but will not be responsible for the clearance of any timber etc. that can be left safely on private land.

2.4.6 Timing the work

The maintenance of trees and hedges can be time consuming and depending on the work required, may require professional assistance. For health and safety reasons trees and hedges may be maintained at any time throughout the year. However, where the safety of public road users and pedestrians is not put at risk, owners/occupiers are recommended to undertake trimming between December and February for the following reasons:

- To ensure that berries and nuts are available for wildlife during early winter.
- To reduce the chance of disturbance to breeding birds. All nesting birds and other species such as bats and dormice are given legal protection under the Wildlife and Countryside Act 1981.



2.4.7 Traffic management / Signs and Health and Safety

Work on trees and hedges must not compromise the safety of workers and public road users and where necessary appropriate traffic signs and traffic management should be used. You are strongly advised to consult with CCC's Street Care Department to find out what traffic management is required.

2.4.8 Guidelines for the management of trees on privately owned land

The management of trees on privately owned land remains the responsibility of the landowner at all times. Advice should be obtained from a suitably qualified tree professional, further information can be found on the websites.

Arboricultural Association; <https://www.trees.org.uk/Find-a-professional>

National Tree Safety Group; <https://ntsgroup.org.uk/>

2.5 Contact information

For CCC owned and managed sites please contact the Premises Responsible Person for the site in question. These details can be provided by the Council's Customer Service Centres, contact the main switch board on 01267 234567. For out of hours emergencies contact Careline 01558 824283

Further information on tree related issues can be found on Carmarthenshire County Council website; www.carmarthenshire.gov.wales/home/council-services/planning/conservation-countryside/trees

For discussions relating to tree risk, please contact:

Jason Winter
Tree Safety Officer

jewinter@carmarthenshire.gov.uk

For a discussion relating to protected trees and planning, please contact:

Stephen Edwards
Arboricultural Officer

StEdwards@carmarthenshire.gov.uk

Appendix 1 Legal Overview

Civil Liability Negligence: A duty to take reasonable care for the safety of those (being any person who can be reasonably foreseen) who may come within the vicinity of a tree. The standard of care that is used for benchmarking purposes is that of the “reasonable and prudent landowner”.

Occupiers’ Liability the Occupiers’ Liability Acts provide that an occupier with control over premises is obliged to take reasonable care such that either the visitor (under the 1957 Act) or trespasser (under the 1984 Act) will be reasonably safe. A higher standard of care is owed to a visitor than that to a trespasser. An even greater duty of care is owed to a child and occupiers must expect children to behave with less care than adults and, for instance, to climb the trees.

Criminal Liability the Health and Safety at Work Act 1974: This places a duty on employers to ensure, so far as is reasonably practicable, that employees and members of the public (and other persons such as self-employed people) are not put at an unacceptable level of risk as classified by the HSE framework for the tolerability of risk.

The Management of Health and Safety at Work Regulations 1999: Regulation 3 requires employers and self-employed persons to make suitable and sufficient risk assessments regarding health and safety. Breaches of either the Act or Regulations can result in a criminal prosecution against the employer.

Arboricultural Terms

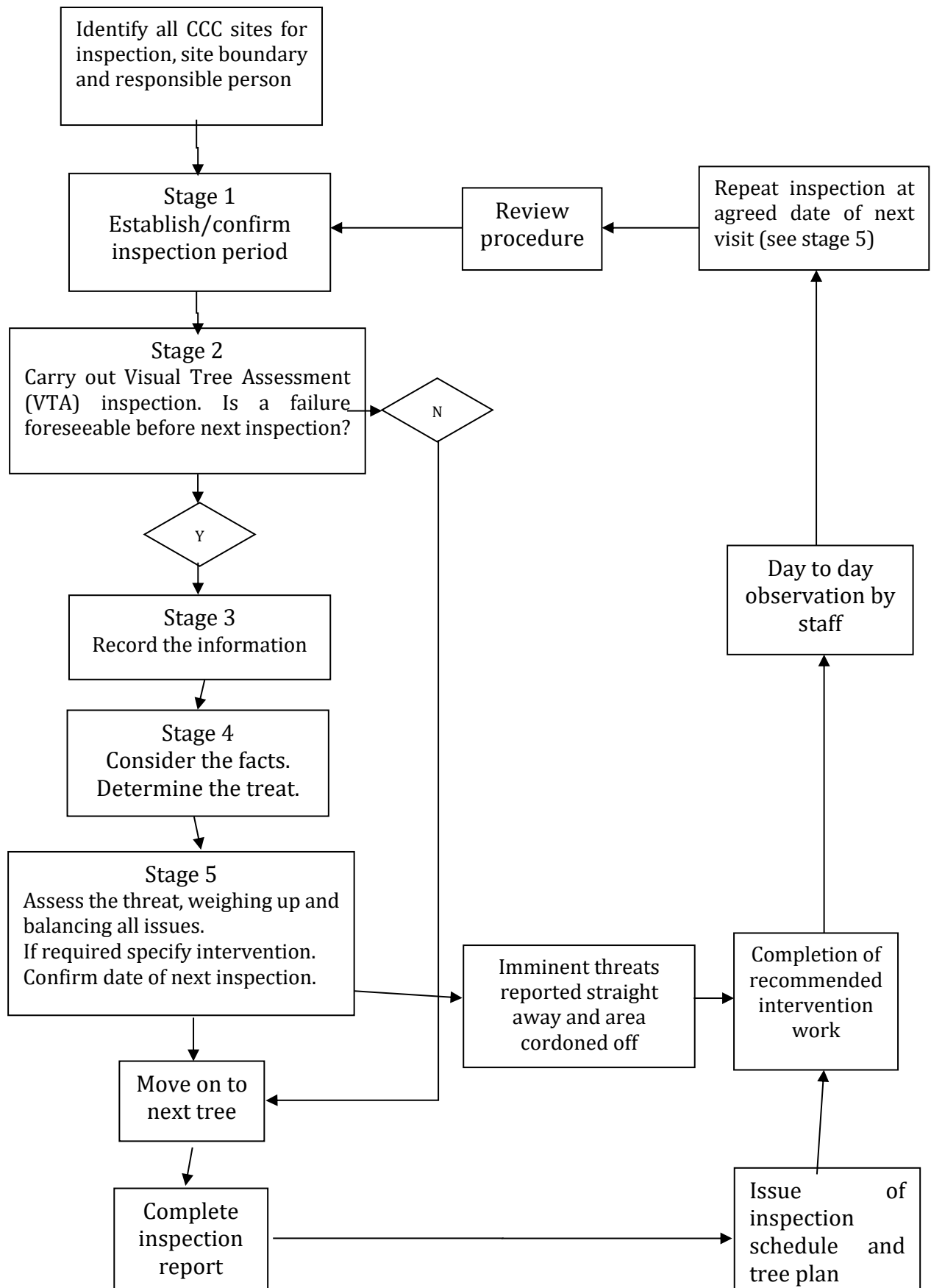
Visual Tree Assessment (VTA) the standard approach to tree risk assessment consisting of the diagnosis of structural defects and the evaluation of their significance from visible signs and the application of biomechanical criteria. Simple equipment such as a sounding mallet, probe and binoculars are commonly used (Mattheck & Breloer 1994).

Tree Preservation Order (TPO) an order made under planning legislation regulating care and removal of trees, especially those in urban situations.

Conservation Area a designated area of historic and architectural interest. There are legal restrictions on what changes can be made to buildings, greenery and street furniture in order to preserve the unique character of the place.

BS3998:2010 Tree work. Recommendations the British Standard for tree work which includes guidance on best practice management of all trees from establishment to maturity.

Appendix 2 - Tree Assured procedure (TreeWorks (West Wales) Ltd 2014)



Appendix 3 – Risk v Benefit Assessment Methodology

A tree risk rating is calculated by considering the following inputs:

1. the presence of targets (people or property) that may be harmed by a tree failure
2. the likelihood of a whole or partial tree failure during the survey period
3. the severity of a failure based on the size of part most likely to fail

The following values are used to calculate the risk rating:

Target value (TV)	Potential to fail (PtF)	Severity / Size of part (SoP)
1 Very likely- Constant	1 Very likely- 75 - 100%	1 Fatality / 300mm + dia.
2 Likely- Frequent	2 Likely- 50 - 75%	2 Significant injury / 150 - 300mm Dia.
3 Unlikely- Infrequent	3 Unlikely- < 50%	3 Minor injury / 50 - 150mm Dia.

Trees provide many benefits, and where these benefits are tangible, a higher level of risk may be tolerable, especially if risk intervention measures are likely to cause the loss or significant reduction of the benefits for only a minor reduction of the risk.

Therefore, for trees posing a moderate risk (risk rating 6 - 8), the risk is further considered for tolerability based on any tangible benefits the tree provides.

The tree is assigned a benefit value on the following basis:

Benefits	Benefit value
Ecological, Cultural and Aesthetic	3
Ecological or Cultural and Aesthetic	2
Ecological or Cultural or Aesthetic	1
None	0

Benefit definitions

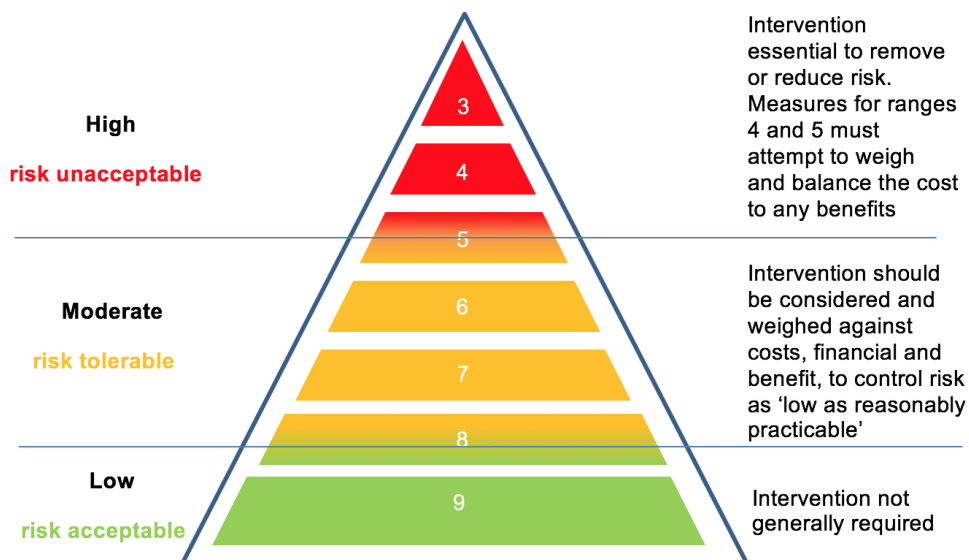
An **Ecological** benefit is provided by a tree hosting at least one confirmed habitat associated with a European Protected Species (EPS) and/or other niche habitats identified by an Ecologist.

A **Cultural** benefit is provided by a tree planted to commemorate a specific event or a tree of such an age that it provides a direct link to local history.

An **Aesthetic** benefit is provided by a tree making a significant contribution to the local landscape character, either by itself or as an essential part of a tree group.

The assigned ‘benefit value’ is added to the ‘risk rating’ to provide the ‘risk tolerability score’ for the subject tree.

RISK MATRIX



INTERVENTION PRIORITISATION MATRIX

Risk	Tolerability score	Intervention measures	Timeframe / priority of implementation
Very high	3	Remove or significantly reduce risk	Within 3 months
High	4 - 7	Remove or significantly reduce risk, balancing measures against their cost (time, trouble, money and tree benefits).	Within 12 months
Moderate		Firstly, consider options that remove / reduce target occupation rates	
Low	8+	Control future risk increases with low-cost measures	Advisory-only if resources allow
Very low			

Appendix 4 – TreeAssured Inspection Template



TREE RISK INSPECTION

Site:

Date:

Time on Site:

Inspector:

Weather:

Inspection Interval:

Habitat Potential:

Site Information	
Site Use	
Visitor Numbers	
Notes	





Tree / Tag No.	Intervention Work Required	Timeframe	Date Completed

Signed:

Date:


Tree No.	Species	Comments	Failure Foreseeable Y/N	Intervention Required Y/N	Timeframe
		Target:	Risk Rating:		
(Photographs to evidence comments)					

Appendix 5 – Ash Dieback Decision Guide

Crown category		Intervention	
4	0 -25% dieback 	<p>High use areas Basal symptoms?</p> <p>Yes → Remove</p> <p>No → Annual monitoring</p>	<p>Moderate use areas</p> <p>Annual Monitoring</p>
3	25 – 50% dieback 	<p>High use areas</p> <p>Remove</p>	<p>Moderate use areas Basal symptoms?</p> <p>Yes → Remove</p> <p>No → 6-monthly monitoring</p>
2	50 – 75% dieback 	<p>High use areas</p> <p>Remove</p>	<p>Moderate use areas Basal symptoms?</p> <p>Yes → Remove</p> <p>No → 3-monthly monitoring</p>
1	75 – 100% dieback 	<p>High use areas</p> <p>Remove</p>	<p>Moderate use areas</p> <p>Remove</p>

Risk Colour Scale

Low Moderate High



Appendix 6 – Severe Weather Event Procedure

The procedure is to be used when a severe weather event, which affects Council properties, has been issued by the Meteorological Office (Met Office). Severe weather events affecting trees include strong winds, heavy rain and snow, and thunderstorms. The process will follow the same pattern and colour code used by the Met Office.

Weather Warning Issued.

- Yellow – React to concerns raised by general public and other Council departments when safe to do so.
- Amber – Close site prior to warning coming into force*. Carryout walk through survey as soon as practical once the warning has expired.
- Red – Close site prior to warning coming into force* If not already done so, close site until a walk-through survey and any necessary intervention work has been completed.

*Due to the short notice of amber and red warnings, it is not always practical to close the site prior to the warning coming into force.

This procedure must be actioned in line with site specific emergency operating procedures that exist on large sites such as Pembrey Country Park.

Met Office Weather Warning Guidance



Yellow – Severe weather is possible over the next few days and could affect you. Yellow means that you should plan ahead thinking about possible travel delays, or the disruption of your day-to-day activities.



Amber – Amber means there is an increased likelihood of bad weather. You need to be prepared to change your plans and protect you, your family and community from the impacts of the severe weather.



Red – Extreme weather is expected. Red means you should take action now to keep yourself and others safe from the impact of the weather.