

TREE AND WOODLAND MANAGEMENT SERVICE

INTRODUCTION

Our first session in this Scrutiny Review detailed Stockton Council's Tree and Woodland Management Service, its structure / staff, the responsibilities and demands of this service.

We reviewed the Council's statutory obligations / legal duties toward tree management. We also reviewed how our resources are directed, which identified the current pressures the service is under.

SUMMARY

As a landowner, Stockton Council has legal duties of care within Occupiers Liability Act 1957 & 1984 to ensure a defensible system of tree inspection and maintenance to:

- Regularly inspect all trees and woodlands within its ownership/ maintain adequate records of surveys and inspection.
- Undertake essential maintenance work to ensure our trees are as safe as possible.

To comply with our Duty of Care we:

- Implement a survey cycle of three years for all areas with trees.
A higher frequency (once yearly surveys) undertaken in areas of high public use.
We also identified we are potentially liable for injury or damage caused by trees through claims of nuisance and/or negligence (if we fail to comply with this legal Duty of Care).
- We have a statutory obligation to ensure that trees on or adjacent to the highway network must also be maintained to ensure they do not interfere with its safe use.

We therefore ensure that:

- We have ongoing survey and inspections, within predefined survey zones and on appropriate cyclical timescales.
- The inspector prioritises maintenance where it is considered a tree is potentially hazardous, dangerous or might cause an actionable (legal) nuisance.

However, we also highlighted:

- Delivery of the routine priority work picked up within a survey is being carried out over a five-year cycle rather than fitting within the 3-year cycle, we are then required to carry out more reactive work in those areas, and this begins to have a negative effect on other work completion timescales.

- With one available team to complete this work, delays can occur. This can result in complaints regarding delays or expectations of work, coming through from residents to councillors or to our customer services staff.

For customer service requests:

- The Council adopt a priority system for dealing with the more common types of requests:
PRIORITY 1 SERVICE REQUESTS will be investigated for action within **1-10 working days**, as appropriate.
PRIORITY 2 SERVICE REQUESTS will be placed on the **inspection waiting list** with no predetermined response timescale. PRIORITY 2 Service Requests, concerning tree work will normally be assessed during the next scheduled survey for the area in question if this is within the same calendar year.

The panel wished to see a definition of the difference between these two types of request which is provided as *Appendix 1*.

The panel were keen on understanding the level of resources that other Local Authorities have at their disposal regarding the management of their tree stock.

The following summary table shows other authorities within Tees Valley and their resources towards tree management:

| LOCAL AUTHORITY | IN HOUSE TEAM | EQUIPMENT | ASH DIE BACK |
|----------------------|---|---|---|
| MIDDLESBROUGH | One tree surveyor Three grounds maintenance operatives (they don't work at height) more involved tree work is outsourced to external companies | Ground maintenance vehicles and equipment (not specialised tree equipment) | Monitoring stage / no action plan yet |
| REDCAR AND CLEVELAND | One tree officer (on long term sick) Role is supported by the Public Rights of Way officer (assessing tree issues and requests for work). Two grounds maintenance operatives They outsource work that is beyond their capability | Ground maintenance vehicles are used (rather than a specialised arb vehicle) One chipper | Ash dieback is very prolific in Redcar and Cleveland, this year a they had a contingency of £200,000 to deal with urgent issues. This involves outsourcing work, but the work is expensive for example to remove 6 large mature trees in |

| | | | |
|------------|--|--|--|
| | including Ash Dieback Management | | Guisborough on one road cost iro £10,000 |
| HARTLEPOOL | One tree officer Four operatives (two teams of two) | One arb van One chipper One cherry picker (mobile elevated platform) Grounds maintenance vehicles available | Monitoring stage: no action plan yet |
| DARLINGTON | One tree officer Four operatives (Two teams of two) | Two vans Two chippers One telehandler (craned vehicle that can deal with removal of tree stems) | Monitoring stage / no action plan yet |
| STOCKTON | One tree officer One technician Three qualified operatives One apprentice | One van One chipper | Monitoring stage / action plan being developed, pre-emptive work being undertaken. |

The panel also asked, if you started with a blank sheet of paper, what would an ideal service look like?

The service has looked at this and believes that the introduction of a second maintenance team would help deliver the ideal service.

The cost to run a second team would be in the region of an extra £120,000 per annum. These costs include an initial purchase cost of a specialist vehicle with ongoing running costs and the additional 3 staff required with associated machinery, tools, and PPE.

This cost could be reduced to around £76,000 per annum if a 32-week seasonal 'assist' team was introduced to undertake the simpler arboricultural maintenance tasks, such as pruning low canopy branches and basal growth and felling small trees, thus relieving pressure from the main team, to concentrate on specialised work operations.

Although not a requirement as part of an ideal service there may need to be resources available to undertake Ash Dieback survey work in the future

There was also an enquiry around TPO's (Tree Preservation Order).

The LA has powers to make and serve Tree Preservation Orders (TPO's) on private land for protection of prominent trees deemed 'expedient in the interests of amenity' (they contribute with good amenity value towards the character of a landscape). Therefore, in some areas, TPOs have been placed on trees, on private land mostly, where they contribute towards the landscape character of an area.

If a tree has a TPO, the tree owners apply to the planning section prior to undertaking work on protected trees. The planning section issue written consent prior to works. Failure to apply for work is an offence. Trees in Conservation Areas have a similar protection to those that are covered by a Tree Preservation Order.

The Chair asked if we could circulate the existing tree management policy

The relevant management policy related documents are within *Appendix 2*.

APPENDICES

Appendix 1 – 'Customer Services Guide' / Explanation of Priority 1 and 2 Service Requests

CUSTOMER SERVICES

PROCEDURES FOR DEALING WITH SERVICE REQUESTS FOR TREE WORK & ADVICE ON COUNCIL LAND.

The Council receives several hundred requests from members of the public and outside agencies each year, requesting advice or for work to be undertaken to trees, hedgerows, & woodlands. To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, the Council will adopt a priority system for dealing with enquiries as well as standard policies for dealing with the more common types of request:

PRIORITY 1 SERVICE REQUEST – STATUTORY OR ESSENTIAL SERVICES

The Council will prioritise dealing with enquiries where, based on the information provided, considers there to be significant health & safety issue, legal (actionable) nuisance or incident relating to trees.

The Council will respond to enquiries of this nature in accord with the Council's '**Customer Services Charter**' and ensure appropriate action or response is given within the required timescales e.g. **within 1-10 working days** as appropriate.

PRIORITY 1 SERVICE REQUESTS will include, for example, dealing with dead, dying or dangerous trees, storm damage, trees causing actual damage or direct interference with private property/structures, highway obstructions, street lighting, reports of vandalism or other incidents (examples are given in later section)

All other enquiries will be categorised as PRIORITY 2 SERVICE REQUESTS:

PRIORITY 2 SERVICE REQUEST – NON-STATUTORY OR NON ESSENTIAL SERVICES

All other enquiries and requests for service classed as PRIORITY 2 will be placed on a '**INSPECTION WAITING LIST**' and dealt with by officers only once any outstanding Priority 1 service requests have been resolved. These will not be allocated a pre-determined response timescale and will be dealt with as and when available staff and resources permit. Enquiries of this nature may include for example, requests to prune trees causing shade or complaints about leaf fall or other minor nuisances.

METHOD OF RESPONSE TO SERVICE REQUESTS

Initial standard response or holding replies will be given by SBC call centre staff to acknowledge receipt of all incoming service requests, including call reference number.

All Service Requests will be logged to the Council’s Customer Services database (FLARE system) and allocated a priority 1 or 2. These will then be assigned to the Council’s Tree & Woodland Officers who will respond as follows:.

PRIORITY 1 SERVICE REQUESTS will be actioned within **1-10 working days**, as appropriate.

PRIORITY 2 SERVICE REQUESTS will be placed on the **inspection waiting list** with no predetermined response timescale – this will be dependant on the current volume and status of service requests at the time when the service request is logged.

PRIORITY 2 Service Requests, concerning tree work will normally be assessed during the next scheduled survey for the area in question if this is within the same calendar year.

All tree surveys zones are listed on an annual TREE SURVEY PROGRAMME

Examples of Common Service Requests under each category

| SERVICE REQUEST CATEGORY | PRIORITY 1 | PRIORITY 2 |
|---------------------------------|---|-------------------|
| Incident reporting | Vandalism to trees, snapped trees, ring barked, fire damage | |
| | Storm damaged or fallen trees/ branches | |
| | Dead, dying or dangerous trees | |
| | Vehicle accident, grass cutter damage | |
| | Actual Damage to property caused by falling trees or branches | |

| | | |
|---|---|--|
| Tree work & tree inspection Requests | Tree Causing direct obstructions in public Highway | Tree shading house or garden / blocking sunlight |
| | Blocking public path or road access | Overhanging branches |
| | Blocking driveway | Trees blocking view |
| | Obstructing road sign or signals | Tree interfering with TV or Satellite reception |
| | Obstructing street lighting | Tree too big / overgrown |
| | Tree causing <u>actual</u> visible damage to property, e.g. wall, driveway, subsidence to house | Tree shedding leaves, debris, flowers, fruit, twigs, seeds, bird mess, |
| | Trees touching house, buildings other structures that need cut back | Management of hedges, bushes other vegetation inc private |
| Tree Advice (verbal advice via telephone only) | Legal advice / Neighbour disputes / Private trees | <u>Requests for Advice on site are Priority 2</u> |
| | General advice about trees | <u>Requests for Advice on site are Priority 2</u> |
| | General Concern about tree safety or possible damage to property | <u>Requests for Advice on site are Priority 2</u> |
| | Tree Preservation Orders / Trees in Conservation Areas | <u>Requests for Advice on site are Priority 2</u> |
| | | |

| | | |
|--------------------------------------|--|---|
| Tree Planting (verbal advice) | | Memorial trees (application form required) |
| | | New / replacement trees |
| | | woodlands |
| | | hedges |

Appendix 2 – 'Policy and Procedures'

Tree & Woodland Management

Policy & Procedures

The Council receives several hundred enquiries from members of the public and outside agencies each year. This normally includes requests for advice or for work to be undertaken to trees, hedgerows, & woodlands. To ensure that enquiries and requests for works are dealt with efficiently, consistently and fairly the Council will implement a system for responding to all customers and adopt standard policies for dealing with the more common types of service request as follows:

Statutory or Essential Inspection & Maintenance

1. Tree Work Inspection & Maintenance Programme

All Council owned trees will be inspected on a regular cycle as part of an ongoing programme of 1-3 years depending on location. In most cases the Council will seek to address common management issues and arrange statutory, legal or essential tree maintenance as part of an ongoing work programme. 'Essential work' will include pruning trees to maintain clearances near structures, houses, road and footpaths, street lighting, signage and to maintain general health and safety.

2. Request for Services

The Council will register an enquiry where it considers there to be a significant health and safety issue, legal obligation or actionable nuisance to persons or property or an incident relating to trees each categorised as follows:

| CATEGORY | DESCRIPTION |
|--|---|
| *Incident reporting / Emergency Call Outs | Vandalism to trees, snapped trees, ring barked, fire damage |
| | Storm damaged or fallen trees/ branches |
| | Dead, dying or dangerous trees |
| | Vehicle accident, grass cutter damage |
| | Actual Damage to property caused by falling trees or branches |
| Tree work & tree inspection Requests | Tree Causing direct obstructions in public Highway |
| | Blocking public path or road access / driveway |
| | Obstructing road sign or signals |
| | Obstructing street lighting |
| | Tree causing <u>actual</u> visible damage to property, e.g. wall, driveway, subsidence to house |
| | Trees touching house, buildings other structures that need cut back |
| **Tree Advice (e.g. verbal advice via telephone/email) | General legal advice about trees |
| | Tree Preservation Orders / Trees in Conservation Areas |
| ***Tree Planting (verbal advice) | Memorial trees (complete application form) |
| | Donations |

Following inspection the Council will undertake work where it is deemed to require statutory or essential maintenance. It may also consider undertaking tree work where, for example, it considers it is in-line with good arboricultural practice and/or long term sustainable management and it will not detract from the future health and amenity value of the tree in question.

The Council is not obliged however, to take undertake work in response to requests that are considered non-statutory, non-essential, or contrary to good arboricultural practices, therefore in most cases the Council will decline any such requests.

****Incident Reporting/Emergency Call Outs***

The Council will respond to general incident reports within 1 – 10 days and all emergency call outs within 1 working day.

During normal working hours between 7.30am to 3.30pm, the Grounds Maintenance team will respond to incident reports and emergency calls outs via the customer service team on 01642 391959. Outside these normal working hours the Council will respond to incidents reported via the CCTV security centre on 01642 528989.

If an emergency call out is received outside normal working hours we will only respond to incidents that directly affect the safe use of the public Highway or cause significant direct damage to property. This will only include undertaking the minimum work necessary to make the site safe e.g. cordoning off affected areas and / or removing obstructions, debris, fallen trees or branches from the public Highway or affected properties. Once minimum works have been undertaken, any remaining clearance works or other non-urgent remedial works will be dealt with during normal working hours.

*****Requests for Tree Advice***

The Council will give general verbal advice over the phone or in some cases via email and where applicable will direct callers to sources of further relevant information, e.g. free on-line services, information leaflets or web link. Site visits will only be made if based on the information provided it is deemed to result in a request that requires further action by the Council, e.g. remedial tree work, potential insurance claim etc. Please refer to section regarding trees in Conservation Areas/ Trees Protected by Tree Preservation Orders (TPO'S)

******Requests for Tree Planting***

The Council will normally aim to replace trees that are removed on a one for one basis where appropriate and where resources are available.

Requests for Memorial or Commemorative trees can also be made via an application form obtainable via customer services on 01642 391959 or online at www.stockton.gov.uk/trees

New tree planting schemes and requests may also be eligible for the Community Participation Budget, subject to a feasibility assessment undertaken by the Tree Management team. The Community Participation Budget is a small budget that is allocated across the Borough on a ward-by-ward basis with the Ward Councillors determining the priorities for their own Ward. It is important to highlight that as this budget is limited and a high volume of requests are received it is necessary for the Ward Councillors to prioritise which projects are undertaken.

Non-Statutory or Non-Essential Services

This will include all other enquiries where the Council is not legally obliged to respond or take action or that are not considered to require essential tree works in line with good practice. For example, where there is no immediate danger or health and safety issue, or no direct damage or legal nuisance.

The Council will therefore not give priority to pruning trees that are reported to be blocking sunlight or a view, complaints about leaf fall, debris, overhanging branches, trees obstructing satellite dishes, overgrown trees etc.

These types of enquiry will not be logged for an officer response or further action, however the customer service team will provide general advice in accordance with the Council's policies and procedures: All policies relating to tree management are closely guided by Statute Law (Acts of Parliament), English Common Law (Case Law) and modern Arboricultural best practices.

Council Policies regarding Trees & Woodlands – Common Enquiries :

1. Overhanging or Obstructing Branches

The Council will only consider cutting back branches from trees that overhang adjoining private property if it considers the trees or vegetation in question are causing 'severe or substantial encroachment'.. It will not cut back trees on request if they are partially overhanging properties and otherwise not considered to be causing direct obstruction or unreasonable interference with the use and enjoyment of property. Landowners are also entitled to cut back to their boundaries (but not beyond) but are advised to check beforehand if the trees are protected by Tree Preservation Orders or located with a Conservation Area as permission will be required before undertaking work.

2. Shading and Loss of Light

The Council will not normally prune or remove trees to alleviate light loss unless they are causing substantial encroachment into a property or in the Council's opinion, are considered to be causing unreasonable interference with the use and enjoyment of property.

There is currently no legal right to direct sunlight or to a view and often pruning trees will only have a negligible impact on the amount of natural light reaching a house or garden.

In exceptional cases and at its discretion, the Council may consider some remedial pruning work where it considers there will be sufficient benefit without compromising the health or amenity value of the trees in question.

3. Overgrown Trees

The Council will not normally prune or remove trees that are perceived to be 'overgrown' or 'too big' unless they are causing some form of direct interference or legal nuisance in some way that requires the Council to take action, e.g severe encroachment, obstructions, hazards etc.

There is no specific law on the size or height that trees are allowed to grow with the exception of evergreen conifer hedges (Leylandii). Restriction in height may be applicable under the High Hedges Bill (Antisocial Behaviour Act 2003) where a formal complaint is logged with the Council's Planning Enforcement section – contact Planning administration on 01642 526022 for further guidance.

4. Dangerous Trees

All Council owned trees are inspected on a regular cycle to assess their health and condition and to identify any essential maintenance, (e.g. pruning to provide clearances over roads/paths/signage, remove dead wood or dead/dying trees etc). The Council will prioritise responding to reports of 'dangerous trees' based on the information provided at the time such as reports of storm damage, signs of breakage, dead/dying or diseased, obstructions caused. It will not prioritise or undertake additional tree inspections in the absence of adequate supporting information or reasons given, such as 'tree too big / moving in the wind / taller than the house'.

5. Television and Satellite Reception

Although a television licence allows the operation of equipment to receive a transmission, it is not a guarantee of television reception and a television owner does not have a legal right to a viewable image. Removal or pruning of trees to enable a clear television/satellite reception will not normally be considered unless minor works can be undertaken without having any adverse effect on the trees in question.

Most televisions allow for a degree of variation in reception, which usually enables a viewable image, whereas satellite-television dishes need a clear line of view to the satellite. Where there is a persistent problem and tree pruning cannot provide a reasonable solution it will normally be necessary to seek further specialist advice to assist in either repositioning or improving the quality of the aerial device.

6. Minor Nuisances (*e.g. bird droppings, falling leaves, fruit/flowers, conkers, seeds or other deposits, insects, pollen allergies*)

These types of nuisances sometimes associated with trees are natural and usually seasonal occurrences however, they are not regarded in Law as causing a 'legal nuisance' that requires remedial action by a tree owner. Instead the Law regards these types of nuisance as 'inconveniences' which should normally be dealt with by individual landowners as part of their own ongoing 'property maintenance' (in some cases this may require assistance from others or paid services but the Council has no legal duty to assist)

The Council will not therefore undertake tree pruning or removals to try and alleviate the effects of this type of nuisance. Other forms of minor nuisance where the same applies may include, for example, Insects, pollen, allergies or asthma.

If a member of the public however has concerns over the cleanliness or safety of local public footpaths, they are advised to contact Care for your Area on (01642 391959), who can consider additional cleansing work.

7. Overhead Cables

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 clearance between trees and their apparatus (eg overhead electricity cables). The Council will not arrange this maintenance work but will cooperate with utility operators to adopt the most appropriate long term solution, giving consideration to tree health, local tree cover and visual amenity.

Problems caused by branches interfering with privately owned telephone wires can usually be dealt with through appropriate pruning, e.g. ‘thinning’ of tree canopies to prevent tree branches contacting cables – where noted during inspections this will normally be included in routine maintenance programmed by the Council. Priority will also be given to pruning trees affecting cables required to provide 24 hour care call services to residential homes.

8. Damage caused by Tree Roots

Many tree conflicts arise on account of the presence of tree roots and the perception that they are causing damage. Enquiries will be investigated on an individual basis in accord with the following guidance to assess the level of nuisance and to identify appropriate remedial action:

9. Root Invasion in Gardens

Tree roots in gardens are a natural and common occurrence and in most cases cause no direct interference with properties.

Where they trespass from neighbouring land and cause a direct problem however, landowners have a common law right to cut them back to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree preservation order (TPO) or within a Conservation Area. The owner of the tree is not normally obliged to take preventive or remedial action unless actual ‘damage’ is caused (does not normally include lawns). The Council will therefore not cut back trees or their root systems unless it is considered absolutely necessary to abate an actionable nuisance or where in its opinion considers there is unreasonable interference with use and enjoyment of property and actual damage has been caused to property. A landowner may also be entitled to make a claim for cost of repairs for any sustained damaged to property.

10. Damage to Walls, Fences and Paths

It is normally possible to build or repair garden walls, fences and paths to take account of adjacent trees. (For example, installing a section of railing or bridging foundations around the base of a tree). Where trees are considered to be causing damage to walls or fences, the Council will consider tree removal where the wall or fence is of exceptional importance or clearly pre-dates the tree e.g. a retaining wall of historical interest. 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. The Council will not necessarily remove trees if this is the case but may permit or consider some root pruning prior to repairs. An assessment will also be made of the amenity value of the tree and its long term suitability; or if there is likely to be persistent conflict; or if repairs are not considered feasible. In some cases, a landowner may also be entitled to make a claim for cost of repairs for any sustained damaged to property.

11. Damage to Drains or Water Pipes

There is no evidence to suggest that tree roots can actively penetrate an intact pipe or drain, however fibrous roots will commonly exploit defects in pipe work that result in water leakages. In these situations, the owner of the drain should seek to get the drain repaired or replaced at their own expense and prune roots directly interfering with the pipe work. The council will not normally accept liability for this type of damage therefore tree removal will not normally be considered. In some cases, there may be an exception where a tree has been planted directly on top of an existing service and the expansion of its root plate (anchorage roots) is causing direct displacement of pipe work. Cases such as this will be assessed on an individual basis with consideration given to options for remedial works, associated costs, tree asset value, future sustainability. The Council will also be guided by 'Northumbrian Water – Tree planting and Water Services'.

12. Subsidence

Tree related subsidence is generally only a problem in those areas which are underlain with shrinkable clay soils. Although trees are commonly implicated as being a cause of damage, a variety of factors can cause structural failure, such as inadequate foundation design, major works to adjacent properties, previous internal alterations, differential foundation depths between

buildings and extensions, change of surface materials in close proximity to trees, or seepage from broken or poorly maintained water pipes.

13. Providing technical evidence of tree related damage.

Applications for works to protected trees on private land (i.e. those within a Conservation Area or under a Tree Preservation Order) in relation to alleged damage, or requests/claims to remove trees on Council land are expected to be accompanied by evidence to show that the trees in question are a significant contributory factor in any damage, for example:

- Structural Engineer's report providing documented evidence of actual damage including crack and/or level monitoring records as appropriate (up to 1 year monitoring to show patterns of movement)
- Category of Damage as per Building Research Establishment (BRE) classifications
- Arboricultural report to assess all relevant trees and vegetation within the theoretical 'zone of influence' of any reported damage.
- Formal identification of live roots of the same family or species found below the level of the foundation depth
- Geo-technical survey indicating location of trial pits and soil profiles; moisture contents; evidence of desiccated shrinkable clay soil
- Details of foundation design/depths and whether the building was constructed before or after the tree was planted
- Other evidence may be required in some circumstances, such as a drain survey, or other structural assessments
- Photographic evidence, eg of any visible damage caused by trees.

Removal of trees will not normally be considered without sufficient evidence to show that trees are an effective cause of damage or where building or foundation design has failed to take into account the presence of existing trees at the time of construction. The Council may however in some instances agree to tree removals where there are clear visible signs of direct damage caused by the tree/s in question; they are unsuitably located in view of species characteristics /

future mature size and/or it is clearly foreseeable they will cause continuing damage. Other options for remedial works / tree management will also be considered in each specific case.

14. Insurance Claims Relating to Council Owned Trees

All claims are to be directed in the first instance to Stockton Council's Insurance Section, Municipal Buildings, Church Road Stockton TS18 1LD or by email to insurance.services@stockton.gov.uk

Please note supporting information will be required, where applicable, as detailed in section 13. All claims will require submission of a 'NOTICE OF CLAIM' form which can be sent via post or email.

15. Tree Works within Conservation Areas and to Trees Protected by Tree Preservation Orders (TPO's)

Trees in Conservation Areas and trees covered by Tree Preservation Orders (TPO'S) are protected in law under the Town & Country Planning Act 1990 (inc. subsequent regulations) . The Local Planning Authority may make provision for the preservation of trees or woodlands in their area if it appears to them to be 'expedient in the interests of amenity'. This normally includes for example, prominent trees that contribute to the visual amenity and character of the local landscape and environment.

The owner of the tree must apply to the Local Planning Authority to obtain formal written consent prior to undertaking any works. Failure to do so is an offence under the Act and the owner or persons undertaking the work may be liable to conviction in a Magistrates Court, leading to imposed fines.

Applications forms and relevant guidance notes are available on line at www.stockton.gov.uk and completed forms should be returned to SBC Development Control, Municipal Buildings, Church Road, Stockton-on-Tees TS18 1LD.

The landowner is responsible for the management of trees within their ownership, not the Local Authority, whose role is purely to regulate permissions to undertake works to trees and where applicable, apply conditions to specify nature and extent of what work is permitted. The owner of a protected tree can apply to do works at any time, free of charge. In some cases, there are

exemptions (exceptions) from the formal requirement to obtain written consent. For example, for the immediate removal of 'dead or dangerous' trees. The tree owner will require authorisation from the LPA before proceeding with any such works under an 'exception' or will need to retain evidence (e.g photographs) of tree condition and works undertaken if they need to be carried out immediately (e.g unstable trees).

The Council will normally undertake site visits on request to give 'pre application guidance' or to verify/authorise works that can be done under exemption.

Assessment of Tree Work Applications

The Council will normally grant written consent, subject to conditions, where the work is deemed to be appropriate or necessary tree maintenance; in line with good arboricultural practice and not likely to have a negative impact on the long term health and amenity value of the tree/s in question.

Applicants may also be required to provide independent technical reports to substantiate proposals to fell or prune trees that are claimed to be hazardous or to be causing structural damage to properties.

There is a standard duty to replace trees that are removed on 1 for 1 basis and the Council will serve a Replacement Notice if this is not undertaken within a reasonable time period following removal of a protected tree.

The Council can also provide a list of Arboricultural contractors and consultants and general guidance on employing a contractor to do tree work.

Further Guidance:

www.legislation.gov.uk (UK Statute Law)

www.trees.org.uk (UK Arboricultural Association)

www.stockton.gov.uk/trees (SBC web site)

Frequently Asked Questions (FAQ's)

Trees are overgrown and need cutting back?

The council will only cut back trees if they are severely overhanging into a property and considered to be causing unreasonable interference with use and enjoyment of property, not simply if they are considered 'too big' in a general sense or only lightly overhanging a boundary.

Can I cut back trees to my boundary?

A landowner is entitled to cut branches or roots back to their boundary but not beyond. You must also check first if the trees are protected by a Tree Preservation Order or you are within a Conservation Area as you will need to apply for permission first.

Trees are blocking light/ shading my garden?

There is no absolute right to light or to a view. The council will only consider cutting back trees if they are severely overhanging into a property or if it considers them to be causing unreasonable interference with use and enjoyment of property.

Trees are blocking a street lamp/obscuring a road sign/blocking a road or path?

The Council will arrange to inspect the tree/s and have the necessary work carried out to ensure adequate lighting and visibility in the highway – if the trees are privately owned we will write to the landowner first and request they carry out the work.

Tree is damaging my fence/wall/driveway etc?

The Council will log a Priority 1 Service request and an officer will contact you to arrange an inspection and advise what action can be taken. In some cases you may be entitled to claim repair costs for any damage caused.

Tree/s are damaging my drains?

The Council will not normally accept any liability for reported damaged to drains and is therefore unlikely to prune or remove trees. Tree roots will often exploit defects in pipe work/seals etc but will not 'break and enter' an otherwise intact drainage system.

How tall is a tree allowed to grow? There is no law on how tall a tree can grow although in some cases there are restrictions on Evergreen Hedges (Leylandii) – please contact Planning Enforcement for further advice.

Does the council do work to privately owned trees or can the council recommend a suitable tree work contractor?

The Council does not undertake tree work on private land but can provide a suggested list of contractors and consultants if required.

Is my tree protected by a Tree Preservation Order?

The Council's Planning Department has records of all protected trees – please contact SBC Development Control on 01642 526022

Tree is interfering with my TV reception/satellite dish?

There is no legal right to receiving a tv or satellite reception therefore the Council will not normally prune trees back to alleviate interference, and not if it is likely to damage or disfigure a tree.

Tree is dropping sap/honey dew on my car?

This is not classed as a legal nuisance and the Council will not therefore undertake pruning to alleviate this -the owner of the car would be expected to either wash or cover the car, or park elsewhere.

Does the Council clear fallen leaves?

Usually no, except where in some instances where some Council depts have special arrangements for this, e.g. Clearing roadside gullies, Care Homes etc It is and landowners responsibility to undertake maintenance of their properties regardless of where leaves originate from.

I think a tree is dangerous?

Please state where the tree is and why you think it is dangerous : if it has suffered recent damage or is dead /diseased etc this will be given priority for an inspection by one of the Council's Tree & Woodland Officers, but not if it is merely because it is considered 'too big' or 'moving in the wind'

I rent a house from THIRTEEN HOUSING GROUP and would like a tree pruned or cut down?

Please contact your nearest Housing Office with all tree work or inspection requests.

How often does the Council inspect trees?

All trees and woodlands are on a cyclical survey programme and are inspected by a qualified arborist a minimum of every 3 years. Some trees are inspected more often, for example trees in town centres and schools are inspected once a year.

I would like a tree/ trees to be planted near where I live?

Please contact SBC Customer Services give details of where you would like tree/s planted . Details of your request will be logged and reviewed prior to the next planting season (Dec-March). This will be dependent on funding however an officer will contact you to discuss your request in more detail a few weeks beforehand.

I would like a memorial tree to be planted in a cemetery?

Please contact Care for your Area and request and complete and return application form. Your request will be reviewed prior to the next planting season (Dec- March). An officer will

contact you to discuss your request in more detail a few weeks before the start of the planting season

Does the Council have a programme for planting new trees/

Yes the Council has a tree planting programme which identifies priority areas for new tree and woodland planting. This includes major green spaces, parks, highways and other public open space where new trees are likely to provide the greatest benefit to the environment and public amenity. These sites will targeted for new planting where funding opportunities arise.

When will my tree be inspected? – I phoned up a few weeks ago?

All service requests are logged and given a priority rating:

Statutory or Essential Enquiries will be inspected within depending on priorities and volume of other requests – priority will be given to dealing with anything health & safety related or that implies a legal obligation on the Council. An officer will respond to you in the near future.

Non-Statutory or Non-Essential Enquiries will not be logged for an officer response as these are deemed to be low priority nonactionable service requests. However the trees in your area will be assessed during the next programmed tree survey (1-3 year cycle) and the Council will seek to programme any essential maintenance it considers necessary at the