



WOKINGHAM BOROUGH COUNCIL

A Meeting of an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held at Environment Meeting Room, Civic Offices, Shute End, Wokingham, RG40 1BN on **WEDNESDAY 22 FEBRUARY 2017 AT 4.30 PM**

A handwritten signature in black ink, appearing to read 'Andy Couldrick'.

Andy Couldrick
Chief Executive
Published on 14 February 2017

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WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

For consideration by

Angus Ross, Executive Member for Environment

Officers Present

Peter Baveystock, Service Manager, Cleaner and Greener

Arabella Yandle, Democratic Services

IMD NO.	WARD	SUBJECT
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IMD 2017/03

POLICY FOR ONGOING MAINTENANCE FOR COUNCIL OWNED TREES 5 - 18

Purpose: To Update Members on the “Tree Inspection Framework for Council Trees” and to Adopt a Policy for the ongoing maintenance of council owned trees.

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Agenda Item IMD3

INDIVIDUAL EXECUTIVE MEMBER DECISION REFERENCE IMD: 2017/03

TITLE	Policy for the Ongoing Maintenance of Council Owned Trees
DECISION TO BE MADE BY	Angus Ross, Executive Member for the Environment
DATE AND TIME	22 February 2017, 16.30pm
WARD	All.
DIRECTOR	Josie Wragg, Interim Director for Environment
REPORT TO BE PUBLISHED ON	14 February 2017.
VENUE	Environment Meeting Room, Second Floor, Shute End.

OUTCOME / BENEFITS TO THE COMMUNITY

Council owned trees, copses and woodlands are a benefit to the whole community. Wokingham Borough Council has an obligation to ensure that they are managed in a sustainable way for the benefit of the whole Community, and for future generations. The set of principles detailed in this report are designed to strike a balance between protecting our trees and the expectations of the Communities that live amongst them.

RECOMMENDATIONS: That the Executive Member for Environment:

- 1) Approves the Policies included below relating to the maintenance of Council owned trees; and
- 2) Notes the progress made since the implementation of the "Tree Inspection Framework for Council Trees" adopted on 15th February 2016

SUMMARY OF REPORT

This report aims to:

Underline the progress made in managing the Council's trees in relation to proactive inspections and the formal training of all staff and contractors who are/will be involved in tree management

To develop a sustainable system for the management of Council owned trees in line with a progressive Council.

To develop a single point, proactive customer focussed "Tree Contract".

Please note that further supporting information is included as detailed below:

Appendix 1 – Question & Answers – Trees

Appendix 2 – Risk Zones

Appendix 3 - Responsibilities of trees within Council teams

Background

In the summer of 2015 the Council created the post of Tree Inspection and Commissioning Officer who would sit in the Cleaner & Greener Team and would be responsible for the advice and management of all Council owned trees.

This has allowed a smoother flow of tree work to be processed by Customer Services and deals directly with tree issues due to the creation of the tree questions and answers in Appendix 1, and will continue to dovetail with a progressive Council.

Analysis of Issues

Recommendation 1 - To approve the Policy detailed below: Trees

Vision: A Borough where trees are valued for the significant contribution they make to wellbeing and quality of life within the area. Trees are managed to promote biodiversity, climate mitigation, and visual amenity whilst being safe.

Objectives

- To ensure that the Council's tree stock is maintained in a safe and healthy condition and minimise associated health and safety risks.
- To provide appropriate levels of information and advice to the public on the Council's tree stock.
- To identify and ensure appropriate management of trees in hedgerows which are important for; biodiversity as wildlife corridors, landscape features, or as part of the cultural heritage within the Borough. This would reflect the requirements of the Hedgerow Regulations which include cultural features and aspects.
- To minimise the health and safety risks of the Council's trees.
- To proactively manage the positive contribution made by trees to open spaces.
- To identify opportunities to create new and appropriate tree planting schemes including community orchards.
- To explore whether the management of trees could be seen through a progressive lens in relation to reducing future costs or identifying possible income streams such as memorial trees.

	Policy	Links with National Legislation & Guidance / Existing Council Policies
1	Wokingham Borough Council will carry out a rolling programme of tree inspections and safety risk assessments together with an associated remedial programme of work.	The Occupiers' Liability Acts 1957 and 1984 (trespass) The Highways Act 1980 Health and Safety at work Act 1974 Wildlife protection and preservation law Tree Inspection Framework for Council Trees
2	The Council will respond promptly to tree matters involving safety (including highway safety) and will remove dead, dying (except where biodiversity issues	The Occupiers' Liability Acts 1957 and 1984 (trespass) The Highways Act 1980 Health and Safety at work Act 1974

	prevail) and dangerous or unsafe trees and branches on all Council owned trees including those on Tenant Services land.	
3	Where it can be demonstrated that a Council owned tree is the primary cause of direct damage to property, the Council will work with the property owner to overcome the problems and agree the action to be taken. The effects of tree litter such as leaves, twigs, fruit etc. will not be considered as direct damage.	Duty of Care The Occupiers' Liability Acts 1957 and 1984
4	Council will not normally prune its tree stock; to alleviate the obstruction of natural light or telecommunication signals, where branches overhang neighbouring properties, or for the effects of animal activity, bird droppings, squirrels, wasps etc.	
5	The Council may carry out work on trees in response to its development priorities. Development priorities may include site or neighbourhood redesign, the redevelopment of parks, gardens and other green spaces, or woodland management schemes but will be in line with the Council's wider duties to preserve and plant new trees and to protect important wildlife habitats such as trees, hedges, groups of trees and woodland,	Town and Country Planning Act (1990) – particularly the S197 duty to make provision for retention of trees and new planting Town and Country Planning (Tree Preservation)(England) Regulations (2012) s.40 duty to have regard to the purposes of wildlife conservation NERC Act (2006) PPG17 Open Space, Sport & Recreation Update – February 2012.
6	The Council will work with partners and community groups to identify opportunities to increase its tree stock through appropriate tree planting. This would include an opportunity for us to offer memorial trees to residents in approved areas and could create a further income stream.	
7	The Council will consider planting a new, rich variety of native tree species in appropriate locations to meet a variety of objectives. These include creating habitat and wildlife corridors, improving the visual aspect of existing urban spaces development, noise abatement, and the provision of shelter and the enhancement of the landscape.	PPG17 Open Space, Sport & Recreation Update – February 2012. Highways Design Guide
8	When introducing or adopting hedgerows or tree belts, the Council will be wary of the potential damage and inconvenience	.

	which planting in close proximity to other structures (footpaths and rights of way) can cause as they mature. In addition, the Council will recognise and take positive action to prevent the potential conflict of interest where developments are proposed in close proximity to existing Council-owned trees, tree belts and wooded areas, Tenant Services areas and public rights of way.	
9	The Council will respond responsibly and appropriately to any subsidence issue caused by tree roots following a submission / claim. However, it does not deem it appropriate or proportionate to carry out a preventative programme of tree pruning on the basis that it might prevent such occurrences.	
10	Where veteran trees are situated on publically maintained land, the Council will seek to retain these wherever possible and implement an appropriate management strategy for the ongoing management of these trees. This will include working in partnership with the Veteran Tree Association www.wdvta.org.uk	

Woodlands and Copses

Vision: A Borough where woodlands are valued and sustainably managed in order to provide a multitude of functions including wildlife conservation, spiritual reflection, recreation, carbon sequestration, landscape enhancement and screening. Where existing woodlands are protected and new woodlands are created for future generations to enjoy.

Objectives

- To ensure that the Council's woodlands are managed with nature conservation and biodiversity as a central objective with other uses only considered where they will not conflict with the needs of wildlife.
- To promote the development of new woodlands in order to meet a multitude of functions and to ensure that existing woodlands are sustainably managed in a way that maximises and reflects their individual character.
- To involve local communities and partners in the management and promotion of woodlands.

	Policy	National Legislation
1	The Council will aim to ensure that each Council-owned woodland/wooded area has an up-to-date management plan in place which will be reviewed on a regular basis. Management plans will reflect the complexity and sensitivity of the site	The Occupiers' Liability Acts 1957 and 1984 (trespass)

2	Non-native introductions will be gradually removed from ancient, semi-natural woodland. Restoration will be achieved by planting stock of local provenance in exceptional circumstances. Otherwise restoration will be achieved through natural recolonization.	
3	The Council will encourage community involvement with woodland management through partnership working with the establishment of friendship groups, volunteer schemes and "Tree Wardens".	
4	The Council will encourage the creation of new woodlands in appropriate locations ensuring layout and selection of species reflects the local woodland character. New woodlands will be designed to minimise conflict with local residents and at all stages of the woods evolution, and will take full account of other habitats, landscape character and the cultural heritage of any proposed site.	
5	The Council will seek to realise any economic potential of woodland through the marketing of timber and other woodland products where this does not conflict with other priorities.	
6	The Council will, where appropriate and practicable, consult with adjacent residents on work to be carried out to maintain a woodland or copse. However, in carrying out this work the Council's only requirement is to ensure that the woodland or copse is safe, sustainable and does not cause or risk damage to adjacent properties. Furthermore, a woodland or copse owned by the Council cannot be maintained to provide; security, seclusion, noise abatement or a loss of amenity that may be caused by the partial removal of any part of the woodland or copse.	

Recommendation 2 - To note the progress made since the implementation of the "Tree Inspection Framework for Council Trees" adopted on 15th February 2016."

The following has been achieved since the adoption of this IEMD:

1. There has been significant cross council sign up, by up to forty relevant officers, for level 1 tree inspection training due in February 2017.
2. An expression of interest by Dinton Pastures for level 2 training for one of their officers.
3. Agreement with relevant teams, including Highways and Car Parks regarding the recording of level 1 tree inspections (on a negative reporting basis).
4. The zoning of trees according to their risk level as per Appendix 2.
5. Mapping of Risk zones on to the Council's digital mapping system.
6. A detailed script sheet for Customer Service advisors.
7. Play Areas and trees with existing risks, are now on a three year proactive level 2 tree inspection regime.

8. Undertake level 2 inspections of all Local Authority funded school sites every 3 years.
9. Dinton Pastures now carry out annual documented inspections of their sites.
10. The Council's Public Rights of Ways Team will inspect trees adjacent to rights of way well within the seven year cycle proposed in the Tree Strategy. Our byways and restricted byways where there are four or more dwellings will be inspected to the same level as recommended by the Highways Maintenance Management Plan (HMMP) for minor roads, which is every 12 months.

It should be noted that appropriate software/hardware to enable more efficient and effective on site recording and actioning of tree issues and inspections should be established as a priority within the progressive programme.

Procurement

Historically the Council has spread the work generated to manage and maintain its own trees across up to ten local contractors. This practice has worked well but a review looked at three options as follows:

- a. Develop a framework agreement to procure services, much as we do now
- b. Split the Borough into sections and carry out a competitive tender for each area
- c. Let a single / larger tender to one Contractor

On balance it is felt that option c) offers the best value for money and fits in better with the planned operation of the council in that we will only have to interact with one Contractor. It will also allow us to offer a consistent service across the Borough (excluding Country Parks) and develop an output and risk based Contract that further underpins and reinforces our "Tree Inspection Framework". This will also include a proactive approach to dealing with deadwood (deadwood for removal is quantified as anything over 50mm in diameter and / or 1 metre in length) on trees next to high target areas.

In developing an output based Contract for this service we will be able become more proactive resulting in a much more preventative approach in relation to public safety issues such as dead wooding.

It would be proposed that we make this Contract finish date co-terminus with the end of the Grounds Maintenance Contract (30th September 2026) allowing consideration for this work to be included in a wider Grounds Maintenance Contract.

It is envisaged that emergency tree works on the highway will remain within the "Highway Maintenance Contract".

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Met within existing budgets	
Next Financial Year (Year 2)	£0	Met within existing budgets	
Following Financial Year (Year 3)	£0	Met within existing budgets	

Other financial information relevant to the Recommendation/Decision

Cross-Council Implications (how does this decision impact on other Council services, including property and priorities?)
<p>The Tree Inspection Framework for Council Trees, including; Country Parks, Tenant Services areas, Highways, Public Rights of Way and Schools*, adopted in February 2016 and this policy for the “Ongoing Maintenance of Council Owned Trees” clearly identifies the need for all Council departments to be aware of their respective responsibilities for the trees in their service areas. Furthermore, it is important to note the environmental and aesthetic importance that trees have whilst at the same time be aware of the inherent risks that trees pose to residents, visitors and members of staff and how to mitigate against these.</p> <p><i>* It should be noted that whilst all Local Authority maintained Schools are covered under the “Inspection Framework” and this Policy, Free Schools, Academies and Community Schools are not. However, this is not withstanding any other statutory rights that may apply such as the Health & safety at Work Act 1974 and The Occupiers’ Liability Acts 1957 and 1984 (trespass).</i></p>

SUMMARY OF CONSULTATION RESPONSES	
Director – Finance and Resources	No Comments
Monitoring Officer	No Comments
Leader of the Council	No Comments

List of Background Papers
None

Contact Peter Baveystock	Service Environment
Telephone No 6338	Email: peter.baveystock@wokingham.gov.uk
Date 10 February 2017	Version No. 1

Appendix 1 - Questions and Answers – Trees

- 1) **Will the Council give me advice on tree works?**
- 2) **What are my responsibilities as a tree owner?**
- 3) **My tree / a branch has fallen and caused damage / injury, am I liable?**
- 4) **Do I need permission to remove or prune trees on my land?**
- 5) **Can I cut back overhanging branches?**
- 6) **How can I find out whether the trees on my land are subject to a Tree Preservation Order or any other constraint?**
- 7) **Can I prune / fell my tree if it is subject to a Tree Preservation Order?**
- 8) **I live in a Conservation Area can I prune / fell my tree?**
- 9) **Planning Permission was granted on my property, and the building work was completed within the last five years – how can this affect the management of the trees?**
- 10) **Does the Council offer a tree pruning service for private trees?**
- 11) **Does the Council have a List of Approved Contractors?**
- 12) **How do I apply for a Tree Preservation Order to preserve a tree?**
- 13) **How high is my neighbours' tree allowed to grow?**
- 14) **How close can my neighbours' tree be to my house?**
- 15) **Who owns the tree?**
- 16) **I would like you to prune a Council Tree**
- 17) **The tree hasn't been pruned, so it must need it?**

1. Will the Council give me advice on tree works?

- a. The Council's Tree and Landscape Officers are unable to provide onsite arboricultural advice on private trees and it is therefore advised that you contact a competent arboricultural professional or tree surgery company.
- b. The Council can provide on request, a list of tree contractors that are used for the pruning of Council owned trees but there are other equally competent contractors working in the industry. The Arboricultural Association have a wider list of industry approved contractors and consultants on their website www.trees.org
- c. The Council does operate a telephone Duty Line offering generic arboricultural and related legal advice. The Duty line is available Monday-Friday 10am-3pm on 0118 9746503
- d. A member of the Tree Team is available during duty hours at the Council Offices for generic arboricultural and related legal advice.

2. What are my responsibilities as a tree owner?

- a. As a tree owner you have a legal duty of care over the health and condition of your tree.
- b. Legislation states that you should take reasonable care so to avoid acts or omissions that can be reasonably foreseen as likely to cause harm or damage.
- c. The Law does not require you to fell a healthy tree to eliminate all risks as a healthy and structurally sound tree does not constitute a foreseeable risk. Healthy and sound trees should be retained wherever possible to enhance the amenity of the area.
- d. You must take reasonable care to identify possible causes of foreseeable danger and take appropriate steps to alleviate them, as far as reasonably possible.
- e. If a tree is located where there is a potential for it to cause harm, it would be advisable to have it inspected at appropriate intervals to ensure it is not a source of possible and foreseeable danger (see Q1)

3. My tree / a branch has fallen and caused damage / injury, am I liable?

- a. If a tree or branch falls and causes damage or injury, the tree owner may be liable if it can be demonstrated that they were negligent by not carrying out their duty of care.
- b. If the failure was foreseeable and the tree owner did not take reasonable steps to alleviate the unacceptable risk then the tree owner could be liable.

4. Do I need permission to remove or prune trees on my land?

- a. You do not require permission unless one of the following applies;
 - i. the tree is subject to a Tree Preservation Order (see Q7)
 - ii. The tree is situated in a Conservation Area (see Q8)
 - iii. The tree is part of an approved Planning Consent (see Q9)

5. Can I cut back over hanging branches?

- a. You can prune overhanging branches back to your boundary line as long as the tree is not situated in Conservation Area , subject to a Tree Preservation Order or planning conditions
- b. If the tree is subject to a Tree Preservation Order you will need to make an application to the Borough Council to obtain written consent (see Q7)
- c. If the tree is situated in a Conservation Area, you will need to serve 6 weeks Formal Notice on the Borough Council prior to works (see Q8)
- d. If the tree is subject to Planning Conditions, you will need to make a conditions application to the Borough Council for written permission (see Q9)
- e. The cuttings remain the property of the tree owner and you should offer them back, however the tree owner is not obliged to accept them back and you should be prepared to dispose of them in a safe and legal manner.

6. How can I find out whether the trees on my land are subject to a Tree Preservation Order or in a Conservation Area?

- a. Please email treesandlandscape@wokingham.gov.uk with details of the site address and the species and location if the tree(s) if known. Please note that we are planning to detail all Tree Preservation Orders on our web site.
- b. Alternatively, please contact the Tree and Landscape Team's Duty Officer line on 0118 9746503, Monday – Fridays: 10am to 3pm.

7. Can I prune / fell my tree if it is subject to a Tree Preservation Order?

- a. You are required to make an application to the Borough Council for written consent prior to undertaking any work to a protected tree. Exemptions to this requirement are:
 - i. The tree or branch is dead
 - ii. The tree or branch is in an imminently dangerous state
 - iii. If points i or ii apply, you are required to serve 5 days written notice before undertaking the necessary safety works, that is the minimum amount of work required to make the tree safe.
 - iv. In certain circumstances, the 5 days' notice can be served retrospectively – keep photographic and any other evidence in case it is required.

- b. The determination period for a TPO application is 8 weeks, so bear that in mind when timing works. Any consent notice will be valid for 2 years and if the work is not undertaken within this time another application will be required.
- c. When applying for consent, you need to be as accurate and specific as possible when describing the proposed works. If you are looking to fell a tree because you consider it to be dangerous or causing damage for example subsidence, then you will need to submit technical arboricultural information to support your statement
- d. You can complete and submit the application form yourself but you must include the correct level of information for the application to be valid. There is no fee required to make or process an application.
- e. If you have not had a decision before the 8 weeks has expired, you have the right to appeal against non-determination to The Planning Inspectorate, although the Council will continue with the application process. You cannot undertake the proposed work until you have received written consent.
- f. Download an application here www.wokingham.gov.uk/parks/trees/tpo/documents

8. I live in a Conservation Area. Can I prune or fell my tree?

- a. You are required to serve 6 weeks Formal Notice on the Borough Council prior to undertaking any works to trees that have a greater diameter than 7.5cm (when measured at a height of 1.5m.)
- b. The same exemptions apply as with TPO trees
- c. Although not a legal requirement, you are recommended to serve notice using the relevant form as it will guide you to provide all the required details to assess the proposed works however a Formal Notice can be made by letter or email.
- d. Once the 6 weeks has expired you can undertake the works that you have specified, the Council however may contact you within the 6 weeks to let you know that they have no objections and you can go ahead with the works.
- e. The Council may consider making a Tree Preservation Order, if it is clear that a tree with high public amenity is to be felled or inappropriately pruned.
- f. Any Formal Notice or letter of no objection from the Borough Council are valid for a period of 2 years, after which Notice will need to be re-served
- g. Download an application here www.wokingham.gov.uk/parks/trees/tpo/documents

9. Planning Permission was granted on my property, and the building work was completed within the last five years – how can this affect the management of the trees?

- a. When planning permission is granted, the Borough Council can apply conditions which control the retention, maintenance and replacement of dead trees and shrubs for up to five years following the completion of the building works.
- b. To find out if any planning conditions are applicable on your property, contact the Planning Duty Officer between 10am and 3pm Monday – Friday on 0118 9746282

10. Does the Council offer a tree pruning service for private trees?

- a. No, The Council does not offer such a service for private trees at this time

11. Does the Council have a List of Approved Contractors?

- a. The Council does not operate an 'approved list' and does not make any recommendations. However, we do have a list of Contractors that are known to the

Tree Team and to date, have carried out competent work for us in accordance to the industry British standard BS 3998:2010 (Tree Work Recommendations)

- b. The Contractors on the list have provided the Borough Council with valid documents of insurance for undertaking tree work and certificates of competence for the use of relevant arboricultural machinery. They have also supplied evidence that safe working procedures are in place by their company, which is in accordance with current health and safety legislation and best practice.
- c. Please email treesandlandscape@wokingham.gov.uk to request the list or phone the Tree Officer Duty line between 10am and 3pm - 0118 974 6503.
- d. The Arboricultural Association has an approved list that can be found at www.trees.org.uk/find-a-professional/Directory-of-Tree-Surgeons

12. How do I apply for a Tree Preservation Order to preserve a tree?

- a. If you consider a tree that is of particular high amenity value is under threat of removal or poor management, you can apply using the relevant form and returning it to the Tree and Landscape Team.
- b. Consideration will be given to the trees' amenity value; it should be highly significant when viewed from a public place such as a road or footpath. Trees that can only be viewed from a neighbouring property and are not significant in the wider landscape might not be included.
- c. Council owned trees are not normally protected by Tree Preservation Orders as they are managed for public benefit and are not usually under threat.
- d. The tree should be safe and healthy, capable of a reasonably long life and not be contributing to any known damage to buildings (e.g. subsidence damage).
- e. It must be expedient to include the trees in a TPO. This usually means that they are under some form of threat, such as from a proposed development. We will not normally protect trees at individual properties, which are perceived as being under threat from more general risks such as changes of ownership.
- f. Any species of tree, but not commercial fruit trees, hedges, bushes or shrubs may be included in a Tree Preservation Order. The order can cover anything from a single tree to woodland.
- g. The Borough Council is currently prioritising the making of new Tree Preservation Orders to the four Strategic Development Locations (SDL) identified within the Wokingham Borough's Core Strategy and Managing Delivery Development Document.
- h. Requests for TPO's in other locations, where there are no known or specific threats to trees (i.e. Low expediency) will be kept on file and reviewed following the completion of the SDL protection programme. Any requests to include trees in a Tree Preservation Order will be considered on their merit and prioritised accordingly.
- i. Download an application at www.wokingham.gov.uk/parks/trees/tpo/documents please include as much information as you can including photographs if possible, which are very helpful.

13. How high is my neighbours' tree allowed to grow?

- a. There is no legislation that governs the maximum height that a tree is allowed to grow
- b. A tree owner however needs to comply with their legal Duty of Care, which requires them to take reasonable care to avoid acts or omissions which they could reasonably foresee would be likely to cause injury or harm to persons or damage to property. In other words, a tree owner needs to ensure that their tree is in a safe and healthy condition so that they minimise any potential risk that the tree may pose.

- c. If there is a line of 2 or more evergreen or semi-evergreen trees that have become a barrier to light or access then under the Anti-Social Behaviour Act (Part 8 – High Hedges), an affected neighbour may be able to make a Formal Complaint to the Borough Council. If upheld, the Tree Owner will be instructed to reduce the trees to a specified height and to maintain them within a given margin. This instruction is attached as a land charge to the property. (See our 'Trees and The Law' document)
- d. There is a fee payable for making an application of Formal Complaint, currently £751.80

14. How close can my neighbours' tree be to my house?

- a. There is no legislation that governs how close a tree can be growing near to a property either existing or newly planted, however the tree owners' legal Duty of Care would still need to be adhered to (see Q2)
- b. Consideration is given to the proximity of existing trees and proposed planting during the process of a planning application, especially if the tree is subject to a Tree Preservation Order or situated within a Conservation Area.

15. Can you tell me who owns the tree?

- a. The Council would be able to advise you if the tree is situated on land owned by Wokingham Borough Council but we are unable to advise on private ownership
- b. The Land Registry Office keeps records of all registered land in England and Wales, they can be contacted www.landregistry.gov.uk or call 0844 892 1111 (call charges apply).

16. I would like you to prune a Council tree

- a. The Council will undertake the necessary pruning works required to fulfil their Duty of Care as a tree owner, the statutory requirements of the Highway Act and to abate an actual legal nuisance
- b. The Council will not however undertake pruning or the removal of an otherwise healthy and well-formed tree for reasons of:
 - i. Tree size or height - including requests for canopy reduction, unless deemed appropriate for safety reasons by a Tree Officer or Inspector.
 - ii. Loss of light/shading to adjacent properties or blocking of views
 - iii. Branches solely overhanging adjacent properties
 - iv. The fall of seasonal debris such as twigs, leaves, seeds, catkins, fruit, nuts, berries, cones, pollen or flower litter
 - v. Interference with satellite, television or radio signals or solar panels
 - vi. Fall of sap - honeydew exudation -including attraction of insect activity such as bees & wasps
 - vii. Bird activity - Fall of bird droppings onto vehicles, buildings and paved areas
 - viii. Branches causing interference with overhead utility wires and cables
 - ix. Alleged or perceived root damage to property
 - x. Reduced security to property by virtue of concealment

17. The tree hasn't been pruned, so it must need it?

- a. A tree is better left alone if there is no actual need to prune it (See our 'Why is it not good to prune a tree?' document)

- b. Heavy pruning will inhibit the tree's ability to create energy and when undertaken at the wrong time of year, can have a huge impact on the health and vigour of the tree.
- c. Often a tree will produce rigorous re-grow in an attempt to recoup its lost ability to photosynthesis, which can be counterproductive to the desired end result
- d. The regrowth will never be as strong at the newly created unions and this can lead to future branch failure if left un-managed.
- e. Every piece of pruning creates a wound that could be colonised by insects, disease or decay fungi which in turn could lead to branch failure in the future or the demise of the tree.

If unsure on who to contact please email customerservice@wokingham.gov.uk or call: 0118 974 6000

Appendix 2

Risk Zone	Zone examples	Pro-active Expert Level 1 Inspection - frequency
1	Highway principal	3 years
1	Parks near play area	3 years
1	Open space on or adjacent to sites with identified risks	3 years
2	Highway other including Car Parks	5 years
3	Parks general and open spaces high risk near paths or adjacent to private properties.	7 years
6	Open spaces low risk	Reactive
6	Woodland	Reactive

Appendix 3 – Responsibilities of trees within Council teams

Cleaner and Greener Services

- Responsible for the management of Council owned trees situated in Cleaner and Greener designated areas
- Undertake level 2 inspections of all the Borough's school sites every 3 years
- Provide a level 2 inspection service on request for trees situated in other Council owned areas for example Tenant Services, Public Rights of Way

- Fulfil the Council's legal Duty of Care regarding its trees, which is:-
 - Maintain trees in a sound and healthy condition and take reasonable measures to alleviate a foreseeable incident from occurring that is likely to cause injury or damage.

Tree and Landscape Team (Development Management)

- Determine applications for Tree Preservation Orders, Conservation Areas, High Hedges, Hedgerow Regulations,
- Provide support for the enforcement of tree related legislation due to non-compliance or contravention
- Provide a consultation service for planning applications and new development schemes including Council re-developments for example Wokingham town centre and Elms Field.
- Provide advice on matters relating to legislation attached to private trees
- Create, serve and confirm new Tree Preservation Orders, to prevent unnecessary tree loss or inappropriate tree pruning

If unsure on who to contact please email customerservice@wokingham.gov.uk or call: 0118 974 6000