

## Denbighshire County Council

### Dealing With Trees - A Guide for the Public

This summary gives guidance on how the Council manages its trees and how it will respond to the most common enquiries. The Council recognises the long term benefits trees provide so decisions will always be in the long term public interest.

It deals with **Council- owned trees** and is taken from an internal document providing guidance for officers. It is hoped this will also help members of the public.

Complaints or enquiries about trees on **private property** are not the responsibility of the Council. Please see the section '[Common Law Rights](#)'.

**Contact:** If you have a query about a Council owned tree, in the first instance contact;

Denbighshire County Council Customer Contact Centre on 01824 706000 (Monday –Friday, 8.30am to 5.00pm)

#### Tree Preservation Orders.

Tree Preservation Orders (TPOs) aim to protect individual trees or a group of trees. In legal terms they make it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the local planning authority's permission.

Further information and application forms can be found on the Denbighshire County Council (DCC) Planning webpage.

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/tree-preservation-orders.aspx>

If you wish to establish whether a tree is afforded protection, please use the Council's main webpage mapping tool (see 'My property / My Maps').

<https://maps.denbighshire.gov.uk/MyDenbighshire.aspx>

#### 1. Tree Enquiries

**TP1:** When the Council is contacted and asked to inspect a tree the most important aspect of assessment will always be safety.

#### 2. Tree Risk Assessment

##### The Council's Responsibilities as Land Owner

**TP2:** As landowner, the Council has a duty of care to ensure, as far as is reasonably practicable, all of the trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk.

#### 3. Light

**TP3:** The Council will not prune or fell Council owned trees to improve natural light for a property.

#### **4. Shading of Solar Panels**

**TP4:** The Council will not fell or prune Council owned trees to allow for the effective installation of solar panels.

#### **5. Seasonal Nuisance**

**TP5:** The Council will not fell or prune Council owned trees solely to alleviate problems caused by natural and / or seasonal phenomena.

#### **6. TV / Satellite Reception**

**TP6:** The Council will not prune or fell Council owned trees to prevent interference with TV / satellite installation / reception.

#### **7. View**

**TP7:** The Council will not prune or fell Council owned trees to improve the view from a private property.

#### **8. Roads - Sight Line Obstruction**

**TP8:** The Council will undertake work to Council owned trees to maintain clear sight lines (where reasonably feasible) at junctions and other points (associated with a street, road or highway).

#### **9. Height**

**TP9:** All Council owned trees will be left to reach their natural height and shape unless they pose a significant health and safety risk.

#### **10. Damage to Property**

**TP10A:** The Council will not fell or prune trees that are suspected of causing damage to dwellings or services without sufficient conclusive evidence.

**TP10B:** The Council will not fell or prune trees or cut the roots of trees causing disruption to pavements, kerbs, garden paths or walls. In these cases engineering solutions will be sought.

Examples of conclusive evidence are Structural Engineer's or Chartered Surveyors reports. In some cases it may be necessary for the Council to get the views of its own Structural Engineer or specialist before action is taken.

#### **11. Drains**

**TP11:** The Council will not prune, fell or cut the roots of Council owned trees to prevent roots entering a drain that is already broken or damaged.

#### **12. Dangerous Trees**

**TP12A:** If a Council owned tree is in such a condition that it poses an immediate high risk to people or property, instruction will be given to a tree contractor to make the tree safe as soon as possible. The Council may seek to recover costs from owners of private land where tree works have had to be carried out in the interests of public safety.

**TP12B:** If a Council owned tree is identified as dangerous, but the risk to the public is not high, then the tree will be made safe depending on the degree of risk identified at the time of inspection. If privately owned, the owners will be notified and requested to make the tree safe within an appropriate timescale. The Council have powers under the Highways Act 1980 to ensure that trees on private property do not cause a hazard on the adjacent road and these will be used as and when appropriate. The Council may take enforcement action or carry out the work and seek to recover costs if necessary.

### **13. Diseased Trees and Pests**

**TP13:** The health of trees with diseases will be monitored. Each tree will be assessed on an individual basis and the felling of a diseased tree is considered a last resort.

### **14. Standards of Pruning**

**TP14:** All tree work undertaken by, or on behalf of, the Council will be in accordance with accepted practice set out in Arboricultural British and European Standards and Guidelines.

Trees will only be pruned if they are considered to be dangerous, obstructive to vehicles or pedestrians, are directly touching property or require intervention for arboricultural purposes.

### **15. Tree and Footpath/Pavement Obstruction**

**TP15A:** The Council will undertake work to Council owned or managed trees to maintain a minimum 2.5 metres height clearance over a footpath associated with a street, highway or road and 3 metres where there are cycling rights. Any works necessary to prevent the obstruction in the width of a footpath associated with the highway due to the presence of a Council owned tree will be considered on a case by case basis.

**TP15B:** The Council will not remove or cut the roots of a tree that is causing the uplift of a pavement. In these cases engineering solutions will be sought.

### **16. Wildlife Protection /Biodiversity**

**TP16:** The Council has a number of responsibilities under British and European Law to protect wildlife and enhance biodiversity. Before carrying out work to trees or hedges the Council will ensure that it does not cause any disturbance or any other negative impact.

### **17. Ivy**

**TP17:** The Council will not cut or prune ivy from Council owned trees.

### **18. Power and Telephone Lines**

**TP18:** The Council will contact the relevant Utility Companies if a Council owned tree is interfering with overheads lines. The issue can be reported to the relevant company via these links;

Powerlines

<https://www.ukpowernetworks.co.uk/internet/en/our-services/report-trees/>

[https://www.spenergynetworks.co.uk/pages/contact\\_us.aspx](https://www.spenergynetworks.co.uk/pages/contact_us.aspx)

Telephone

<https://www.openreach.co.uk/orpg/home/contactus/tellussomething/tellus.do>

### **Trees on Private Property -Common Law Rights**

If a tree is encroaching onto your property, you have a Common Law right to remove (abate) the nuisance. However;

You can only consider removing those parts of the tree from the point where they cross the boundary of your property;

You are strongly advised to discuss with your neighbour your intention to prune encroaching branches.

You are strongly advised to consult a professional tree surgeon for guidance on how best to prune back;

You should find out if the trees are owned by the Council and if they are protected by a Tree Preservation Order or are within a Conservation Area.

<https://www.trees.org.uk/Trees.org.uk/media/Trees-org.uk/Documents/GuideToTreesAndTheLaw-Web.pdf>

### **Further Information**

For information on **tree preservation orders, high hedges and conservation areas**, explore the links below on the DCC website;

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/tree-preservation-orders.aspx>

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/conservation-areas/conservations-areas-landing-page.aspx>

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/tpo-pdfs/high-hedges-2018.pdf>

<http://www.denbighdp.co.uk/Webfiles/SPG/trees%20ENG.pdf>

<http://gov.wales/topics/planning/policy/tans/tan10/?lang=en>

For help with **biodiversity advice**:

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/biodiversity.aspx>