

APPENDIX 1

Management Plan for Trees and Woodland on West Lothian Council Owned Land

February 2017



West Lothian
Council

Management Plan for Trees and Woodland on West Lothian Council Owned Land

Contents

- 1) Introduction
- 2) Aims of Tree and Woodland Management Plan and Guidelines
- 3) The Council's Legal Obligations regarding its own Trees and Related Legal Matters
- 4) Communication and Contact Information
- 5) Internal Management within the Council
- 6) Tree and Woodland Management Guidelines
- 7) Action Plan

Appendix A Legal Context

Appendix B Contact Information

Appendix C Guidelines for the Management of Trees and Woodland on West
Lothian Council Land, November 2016

Management Plan for Trees and Woodland on West Lothian Council Owned Land

1. Introduction

The West Lothian Council Tree Management & Safety Policy was agreed at the Council Executive meeting on 7 June 2016.

The Council Executive recommended that a management plan be developed and implemented for trees and woodland under the Council's ownership. This document includes an action plan for introducing a more holistic and planned regime for the management of trees and woodland growing on land owned or adopted by the Council. It includes management guidelines / rules as to how the Council proposes to manage its trees and woodland, including the management of associated risks and clarifying what the Council is or is unable to do in response to requests for service from the public.

In addition to remedial work to address tree safety issues or other problems it is important that the Council manages its trees and woodland to ensure the long-term sustainability of the tree population in each locality, thus maintaining the amenity, conservation, climate change mitigation and economic benefits which trees provide for both current and future generations.

This management plan is a working document which will be reviewed and updated periodically as work is progressed and circumstances change.

2. Aims of Tree and Woodland Management Plan and Guidelines

The Tree and Woodland Management Action Plan, together with the Tree and Woodland Guidelines included in this document, will assist staff, particularly those in the Tree and Woodland Team, to manage West Lothian Council's trees and woodland in a more consistent and planned manner. They will also ensure that this management and the reasons for it are clear and transparent to the residents of West Lothian, and others on whom the management of the Council's trees has an impact.

The guidelines will help put into practice the objectives within the agreed Tree Management and Safety Policy 07/06/16 namely:-

- To ensure a consistent and efficient approach across all council services to the management of West Lothian Council's trees and woodland areas.
- To manage the risks associated with trees at acceptable levels and in a balanced

and proportionate manner.

- To reduce the level of risk and potential liability to West Lothian Council resulting from tree failure.
- To develop and implement a systematic approach to tree inspections and risk management for trees and woodland under the ownership and responsibility of West Lothian Council.
- To satisfy the Council's legal responsibilities as a landowner under current legislation.
- To manage tree related incidents in the event of extreme weather.
- To undertake multipurpose woodland management including access and recreation, landscape enhancement, biodiversity as well as timber production.
- To use tree and woodland products to offset management costs where appropriate.
- To carry out appropriate maintenance, where feasible, to enable trees to achieve their potential and to reduce the long-term costs of remedial tree works.
- To manage trees and woodland to improve water quality, reduce flooding and ensuring long term tree stability.
- To take due consideration of areas or individual trees of environmental note, particularly those afforded statutory protection.
- To consult and communicate with the public regarding tree and woodland management planning.
- To use our trees and woodland as a resource for education.
- Where appropriate opportunities arise, the Council will expand its woodland and tree cover in order to contribute towards climate change targets and where this will improve the local environment.
- To use suitable opportunities to educate the public on tree safety including ecological studies.

3. The Council's Legal Obligations Regarding its own Trees and Related Legal Matters

The legal context is provided in the Tree Management and Safety Policy but has been expanded in Appendix A for reference.

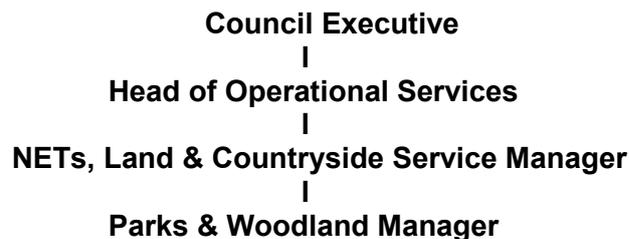
4. Communication and Contact Information

The information on tree related matters on the Council's website will be updated to include the Tree and Woodland Management Guidelines. Contact information is given in Appendix B, including how to make an enquiry or report a tree safety issue in an emergency.

Notes on how to direct tree related enquiries were provided to Customer services staff some time ago and this will be revised to reflect team restructures and information within this management plan.

5. Internal Management within the Council

The hierarchy of responsibility for ensuring that the Tree and Woodland Safety and Management Policy of June 2016, together with the Tree and Woodland Action Plan, is implemented as below. The day to day implementation of the policy will be carried out by the Tree and Woodland Team within the Parks and Woodland function of Nets, Land and Countryside, which in turn sits within Operational Services.



Regarding tree safety, the Parks & Woodland Manager, through the Trees and Woodland Team, is responsible for ensuring that:-

- the risk of hazards from trees on council owned land is assessed
- the requirement for tree inspections is determined and, if required, the frequency
- the necessary remedial works are carried out

All the above are subject to the necessary resources being available.

The majority of trees owned by the Council grow in woodland, parks and open space owned by the Council, and, as such, are the responsibility of the NETs, Land & Countryside Service. Their Parks and Woodland section has the responsibility for funding and implementing tree and woodland management in these areas.

Trees are also present on land managed by other Council departments. In these instances the Parks and Woodland section will be responsible for implementing the tree and woodland operations under a service level agreement, but the managing service is responsible for funding the tree safety inspection regime and any subsequent work.

Tree and Woodland staff are able to advise other departments on tree related matters. The time involved will be recorded so that the value of this work to the Council can be evaluated. The type of advice is given below:-

Council Service	Type of Advice
Development Management	Specialist tree condition inspections in relation to proposed developments, subjects of TPOs or within Conservation Areas where this is part of day to day applications. Larger scale tree condition surveys would require to be funded by Development Management
Roads & Transportation Trees on Council owned / adopted land	Tree condition inspections where this is part of day to day enquiries and which require specialist advice regarding tree health. A specialist inspection should not be required for straight forward pruning back of small/medium branches obstructing the carriageway, pavements, signs or lights. Larger scale tree condition surveys would require to be funded by Roads & Transportation.
Roads & Transportation Trees on private land adjacent to public road	As above, occasional inspections where there is concern over the health of a tree.

6. Tree and Woodland Management Guidelines

A number of rules and guidelines have been written to guide staff in their management of the Council's trees and woods so that this can be carried out in a consistent manner. They will also determine how requests for service from the public are dealt with, and the reasons for this.

This document is intended as a working document to guide Council officers and, as such, will evolve over time. Those issues which are most pressing, including tree safety management and providing guidance on dealing with the numerous enquiries received from the public, are addressed in this document. Some operations and issues e.g. a review of silvicultural systems most appropriate in different situations, production of timber and other bi-products of management, biosecurity measures etc. will be added in due course and amendments made with changing national and local policies.

7. Action Plan

The action plan outlining progress to date is provided below.

7.1 Tree and Woodland Management - Action Plan February 2017

Action	Timescale	Progress to Date
WLC Tree and Woodland Policies and Practice		
Overarching Tree and Woodland Safety and Management Policy		Approved by Council Executive June 2016.
Develop tree and woodland management guidelines	Feb 2017	Complete
More detailed operational policy and practice notes are to be produced for WLC woodland management and other topics as required. These will include multi-purpose management for access and recreation; landscape enhancement; biodiversity and timber production as well as woodland design and management to improve water quality, reduce flooding and increasing long-term tree stability.	July 2017 Ongoing	
Stakeholder consultation – further consultation with Roads & Transportation, Education and Housing to agree service level agreements	March - May 2017	Initial internal consultation was carried out on the overall policy
Tree & Woodland Asset Register Creation		
Identify and map the Council's woods	Ongoing	Information including woodland management plans is held in a number of formats, including GIS for many of WLCs 400+ woods including the IACS registration maps, previous management plans or projects prepared by CSGNT and consultants, in-house GIS maps. Some of the woodland areas are included in the Operational Services asset management maps but a spot check has identified significant omissions and errors.
Collate existing information into a single GIS asset database in preparation for uploading onto Operational Services system	October 2017	A start has been made to the compilation of known information onto an excel spreadsheet.

Action	Timescale	Progress to Date
Tree & Woodland Asset Register Creation cont		
Upload existing information onto the Operational Services' QGIS & Confirm based asset management system once developed by Technical Section	tbc	
Survey and update information on remainder of woods	Dec 18 Ongoing	
Identify and map Council's individual trees		Locations of approx. 20k individual trees within maintained grass areas, schools and high / medium tree safety zones within the Country Parks have been mapped.
Continue to capture location, and details on individual mature / feature trees	Ongoing	
Create Tree Safety Inspection and Management System		
Prepare Tree Safety management guidance		Draft completed
Tree Safety section of Individual tree asset management database to be created	Jan 2017	Draft completed
First localities to be surveyed to be zoned	Feb 2017	
Trees in first localities to be inspected & recorded on temporary Excel database	May 2017	
Roll out tree safety inspections across the Council area on a 3 or 5 year cycle, depending on zone, by in-house Tree Inspectors supplemented by contractors	June 2017 Ongoing	
Roll out implementation of remedial works by in-house Tree and Woodland squad supplemented by contractors recording this on tree database	Ongoing	
Create a failure log and guidance for input onto RIVO and on Tree Asset Database.	Jan 2017	Complete
Record on any failures on RIVO and on Tree management database. Report annually.	Ongoing	

Action	Timescale	Progress to Date
Woodland Management		
Restructuring Beecraigs Forest		Long-term forest plan approved and work being implemented. LFP pre-requisite for FGS grants UKWAS certification gained
Urban Woodland Management plans to be prepared / updated for all larger woodland areas by in-house staff supplemented by contractors / CSGNT as below:-		Initial consultations held for Almondell, Polkemmet, East Calder Woods (Oakbank, Calderhall, Hogshill)
Sommer's Park, Lizzy Bryce's Strip & Rawstrip	Mar 2016	Plan prepared and initial work completed (Openspace & Cemeteries project with CSGNT)
Calderwood	Mar 2017	Plan drafted by CSGNT
Almondell	May 2017	Plan in preparation
Polkemmet	Mar 2017	Plan in preparation
Livingston Woods (larger woods)	Mar 2018	
Ravencraig	Mar 2018	
Plans for other woods	Ongoing	
Roll out implementation of 1st 5 year cycle of woodland management	March 2017 onwards	
Emergencies and Severe Weather Events		
Procedures for emergencies and severe weather events to be reviewed again following the move to mobile working	June 2017	
Communication		
Update Council website with contact and details	Mar 2017	
Produce a frequently asked questions document for WLC's Tree & Woodland Guidelines	Mar 2017	Draft document to be finalised
Review the customer enquiry process for the Call Centre		Information was supplied to the call centre to assist with tree related enquiries but requires to be updated

Action	Timescale	Progress to Date
Communication cont		
Update guidance to the call centre and other council staff regarding customer enquiries to streamline the process using Operational Services Confirm asset management system	April 2017	
Summary woodland management plans to be made available during consultation and once approved	Ongoing	Beebraigs Long-term Forest Plan on www.beebraigs.com
Notify public regarding significant tree / woodland works by notices on the website and notices / interpretation on site	Ongoing	Temporary interpretation created for Beebraigs felling work
Resources		
In-house Tree and Woodland Team to be created		Former Forestry Team and Arboriculture Team restructured into Tree and Woodland Team within Parks and Woodland Section of NETS, Land and Countryside
Council capital funding to be sought	Jun 2017	SOBC bid submitted for next 5 and 10year programme. Progress with this action plan will depend on the resources available.
Grants and other external funding to be sought		Forestry Grant Scheme and LandTrust grants have been applied for and others are in the pipeline
Ensure that timber / wood products arising from woodland management operations are used as effectively as possible without detriment to the amenity / conservation value of the woods	Ongoing	Income from timber is to be used to offset tree & woodland management costs where cost effective to extract
Review ways of implementing tranches of work especially operations such as harvesting which require large machinery including possible partnership working with neighbours	Ongoing	
Prepare contract as per Public Procurement Scotland requirements to enable in-house work to be supplemented by Contractors for specialist or larger scale projects	May 2017	
Review		
Action plan to be reviewed on an annual basis and progress reported to PDSP.	Mar 2018	

APPENDICES

Appendix A - Legal Context

Appendix B - Contact Information

**Appendix C - Guidelines for the Management of Trees and Woodland on West
Lothian Council Land, November 2016**

APPENDIX A

Legal Context

APPENDIX A

Legal Context

Contents

- 1) Safety of Council Owned trees
- 2) Forestry Act
- 3) Roads (Scotland) Act 1984
- 4) Town and Country Planning (Scotland) Act 1997
- 5) High Hedges
- 6) Protection of Trees during Construction
- 7) Environmental legislation
- 8) Common Law Right – General householder rights and responsibilities

Appendix A

Legal Context to West Lothian Council's Tree and Woodland Management Plan and Related Matters

1. Safety of Council Owned Trees

The Council has a duty of care to maintain trees on its own landholdings in a safe condition where that is "reasonably practicable". Proactive management ensures that it is able to meet its legal obligations in terms the Occupiers Liability (Scotland) Act 1960; the Health and Safety at Work Act 1974, Section 3 (1); and the Land Reform (Scotland) Act 2003.

Guidance on the management of trees is provided in the Health & Safety Executive guidance "Management of Risk from Falling Trees" (SIM 01/2007/05) 2007 and the "Common Sense Management of Trees" National Tree Safety Group 2011.

The Council, in terms of the above legislation, together with established case law, is required to:-

- Identify those trees which might, if they fell, pose a significant risk to people or property by zoning the council's tree population.
- Within the highest risk zones undertake tree condition surveys to identify signs of disease or structural defects
- Tree condition surveys to be carried out by a competent person with sufficient knowledge of trees to enable them to identify defects and their likely impact
- Assess the risk posed by the defect and the likely damage, and take appropriate action
- Create tree reports, recording potentially serious structural faults posing a potentially serious risk to public safety, and show where a tree is to be retained.

2. Forestry Act 1967

Under the Forestry Act 1967 (as amended) in any three month period, up to 5m³ of trees may be felled without the requirement to obtain a Felling Licence from Forestry Commission Scotland (FCS) as long as no more than 2m³ are sold. Otherwise a Felling Licence should be obtained from FCS, except where:-

- the tree(s) are dead, dying or imminently dangerous;
- the removal of the trees in question are included within a planning permission. (Where tree felling is included in a planning application WLC planning department should consult FCS);

- they stand within a small garden, cemetery, orchard or openspace. The latter applies to areas of openspace laid out as a public garden or used for the purposes of public recreation excluding country parks and woods
- felling by statutory undertakers and other public bodies is needed for the purposes of the undertaker to allow maintenance and operation of their facility
- the felling and restocking of the woodland is covered by a Longterm Forest Plan approved by FCS

Unless there is an overriding environmental reason, FCS will normally require the replanting / regeneration of felled areas or compensatory planting elsewhere.

3. Roads (Scotland) Act 1984

As Roads Authority, the Council has a duty under the Roads (Scotland) Act 1984, to maintain public roads in a condition that does not hinder the reasonable use of the road. This duty applies to all Council owned and adopted streets, roads and car parks within the urban and rural areas except trunk roads (M8 and M9), which are currently managed by Amey on behalf of Transport Scotland.

The Council is responsible for ensuring that its own trees do not cause an obstruction on a public road. It is also within the power of the Council to issue a Notice to an owner of trees that border public roads to enforce necessary works to privately owned trees in relation to public roads and footpaths where they are causing interference or are dangerous. The Notice must specify the nature of the remedial works to be carried out, by the issuing of a Section 91 notice under the said Act.

4. Town and Country Planning (Scotland) Act 1997

The Council has the power, in terms of Section 160 of the Town and Country Planning (Scotland) Act 1997 (as amended) Act, to make Tree Preservation Orders (TPO). The form of a TPO and the procedure the Council must adhere to are contained in the Town and Country Planning (TPO and Trees in Conservation Areas) (Scotland) Regulations 2010. Permission to prune or fell trees covered by a TPO is required from the Council's Development Management Section.

The Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 provides the Council with the power to designate Conservation Areas. Prior to undertaking pruning work or felling trees within a Conservation area at least 6 weeks' notice is to be given to the Council's Development Management Section.

Under the Town and Country Planning (Scotland) Act 1997, any existing trees which could be affected by development have to be considered as part of the decision on a planning application. It is the responsibility of the Council's Development Management Section to ensure that the developer takes appropriate measures to prevent any protected trees from being damaged.

5. High Hedges

The High Hedges (Scotland) Act 2013 applies to evergreen hedges over 2m tall and which form a barrier to light. The Act provides the Council's Development Management with the power to issue a Notice instructing an owner to reduce the height of an evergreen hedge.

6. Protection of Trees During Construction

Many small scale works which are for the advancement of the Council's purposes may be carried out by the Council on its own land without the necessity to apply for planning permission under de minimis rules. Council trees in parks, streets and other areas may be in close proximity to such construction and development e.g. footpath creation, installation of lighting. These activities have the potential to damage trees by physical damage to branches and stems, severing of structural or fine roots, or compaction or waterlogging of soil, causing more gradual decline of the tree due to changes in the rooting environment. It is of key importance that trees are protected in the same manner as would be expected from a private owner in relation to development requiring planning permission, including adherence to BS 5837:2012 Trees in Relation to Design, Demolition and Construction.

The Council, through its Development Management section, also has a role in ensuring that the roots of existing trees, whether on Council or private land are not damaged by the laying of new pipes and cables. The utility providers are bound by the National Joint Utilities Guidelines in this respect.

7. Environmental Legislation

The following legislation affects tree and woodland management:-

Wildlife and Countryside Act 1981 which includes protected species and recognised designations such as Sites of Special Scientific Interest (SSSIs).

The Nature Conservation (Scotland) Act 2004, which includes increased protection for all breeding birds.

The Wildlife and Natural Environment (Scotland) Act 2011, which includes updates to the 1981 and 2004 Acts including increased protection for badgers. It also outlines the legal responsibility of landowners, including Local Authorities, to ensure that wild deer on their land

do not cause environmental damage or other problems such as vehicle collisions as per the Deer Code. <http://www.snh.gov.uk/docs/B949709.pdf>

The British Standard 8596 Surveying for Bats in Trees and Woodland was published in 2015.

8. Common Law Right - General householder rights and responsibilities

The Council does not have the power to compel a private owner to remove a dangerous tree unless it threatens a public road or footpath, see 3 Roads (Scotland) Act 1984 above, nor does it have powers to compel owners to carry out tree work on the basis of light deprivation, encroachment or damage to property. These are matters that need to be resolved through negotiation or, failing that, by resort to civil legal action. Householders do have a Common Law right to remove (abate) a nuisance associated with trees encroaching onto their property. The following advice is given in relation to the exercise of Common Law rights with respect to encroaching trees:

- A resident has the right to cut back branches where they cross the boundary of their property. There is no legal right to cut or remove any part of a tree that does not overhang or is beneath your property (i.e. the roots);
- Tree work on branches or roots that foreseeably may result in the tree becoming unsafe or results in the decline or death of the tree is not permitted. It is recommended that appropriate competent advice is sought before carrying out any pruning, especially when severing tree roots.
- A resident does not have the right to enter on to land not belonging to them in order to carry out the removal of branches etc. without the landowner's permission but does have the right to carry out these works from their own land.
- For a resident's own safety they are strongly advised to consult a professional arborist (tree surgeon) for guidance on how best to prune back encroaching trees.
- Before considering any works to a tree or trees, a resident should find out if they are protected by a Tree Preservation Order or are within a Conservation Area. See Contacts Information Appendix B.
- It is advisable to discuss with a neighbour any intention to prune encroaching branches. Legally the resident does not own the encroaching branches, they belong to the owner of the tree and should be offered back but in all likelihood, the resident will need to consider disposing of the arisings themselves.

APPENDIX B

Contact Information

APPENDIX B

Contact Information

Contents

- 1) Trees on Council owned Land
- 2) Trees on Private land
- 3) Other Useful Contacts

Appendix B

Contact Information

1 Trees on Council Owned Land

1.1 Requests for Service

Members of the public and staff out with Operational Services are advised to report requests for service regarding trees on Council owned land via the Council's Contact Centre Tel:01506 280 000, providing as much detail and, if possible, a photograph of the tree/s of concern. This enables the request for service to be properly prioritised and tracked through the Council's enquiry system. If the ownership of the tree/s in question is uncertain the request can be made giving a detailed location and this can be checked against the Council's ownership maps.

Information on the Council's website regarding tree and woodland management is to be updated and will include contact information for the public, along with Tree Management Guidelines answering frequently asked questions. A checklist for staff in the Contact Centre to use when dealing with tree enquiries was provided some time ago and will be updated.

If the tree in question lies within a Council house garden, householders should report the matter to their Housing Officer and those within school grounds to the school's Property Services Inspector, in the first instance.

Staff within Operational Services can make their requests for service directly through the Confirm management system.

1.2 Emergencies

A tree safety emergency is considered to be when a tree within falling distance of an area well used by the public, e.g. a busy road where traffic is often stationary, a school playground; a house, is found to be in imminent danger of failing. Examples of this are when the root plate of a large tree is partially severed and rocking in the wind; a large partially broken limb is hanging, a tree has partially windblown and is loosely hung up in a neighbouring tree over a road; a tree / large branch has fallen across a public road. (NB elsewhere a tree / branch which has actually fallen is less of a hazard except where people clamber over it.)

In an emergency, including out of hours, the incident should be reported by telephoning the Contact Centre, giving a contact telephone number, so that a member of staff from the Tree and Woodland Team can phone back.

If the emergency relates to a tree on private land which has fallen across a public road, or other similar situation, the Council's Roads & Transportation Section may request the Tree and Woodland Team to clear this.

1.3 Damage Caused by Trees

If damage to property has been caused by a fallen branch / stem of a Council-owned tree, the incident should be reported as soon as possible via the Council's Contact Centre as above. A Tree Inspector will visit to undertake an assessment as soon as is practical. The householder should also contact their household / car insurance company to report the damage and initiate a claim on their own policy. Their insurers will then discuss with the Council's insurers as to whether the damage was foreseeable or an "Act of God". The Council's Tree & Woodland Team may be able to assist with the clearing up of a Council tree.

Subsidence can be a problem in some parts of the UK where there are particular soil and climatic conditions. There are no known cases where tree roots have caused property subsidence in West Lothian.

1.4 Information on the Council's Management of Trees and Woodlands

More information on how the Council manages its trees and woodland is to be provided on the Council's website. This will include Management Plans and statements for its larger woodland areas or notable trees. Should further information be required, members of the public may contact the Parks and Woodland Team by e-mailing beecraigs@westlothian.gov.uk or by telephoning Beecraigs Visitor Centre at 01506 284516.

A service standard for Tree and Woodland Management is to be published on the above website.

1.5 Complaints

Any complaints regarding the service provided should be directed through Customer Services / the on-line complaints form.

2 Trees on Private Land

2.1 High Hedges

See the Legal section above and the Council's Development Management Section <https://www.westlothian.gov.uk/article/3280/High-Hedges> or through Customer Services 01506 280 000.

2.2 Tree Preservation Orders (TPOs) and Conservation Areas

See Legal section above and the Council's Development Management Section <https://www.westlothian.gov.uk/article/3087/Tree-Works> or through Customer Services Tel 01506 280 000.

2.3 Felling Licences

See Legal section Appendix A.

For further information <http://scotland.forestry.gov.uk/supporting/grants-and-regulations/felling-licences>

Contact Forestry Commission Scotland – e-mail centralscotland.cons@forestry.gsi.gov.uk; Tel 0300 067 6006.

3 Other Useful Contacts

3.1 Woodland Trust Scotland

WTS owns a number of woodland areas around Livingston and elsewhere in West Lothian. The location of these woods is shown on the Landranger OS maps, many of their woods have threshold signs with their logo and details of the woods can be found on the trust's website www.woodlandtrust.org.uk

To contact the main office in Scotland e-mail scotland@woodlandtrust.org.uk or Tel 0173 863 5544

In an emergency during holiday periods an answer machine message will provide information regarding a central contact number.

3.2 Forestry Commission Scotland

FCS manages several forests in West Lothian on behalf of the Scottish Government. These are shown on the OS Landranger maps and their forests have threshold signs with their contact number.

Scottish Lowlands District Office, e-mail: scottishlowlands@forestry.gsi.gov.uk or Tel 0300 067 6700.

The Forestry Commission's grants and regulatory role is undertaken by staff at their Central Scotland Conservancy Office e-mail: centralscotland.cons@forestry.gsi.gov.uk or Tel 0300 067 6006

For details of grants for farmers and other landowners for woodland creation and management works under the Scottish Rural Development Programme see <https://www.ruralpayments.org/publicsite/futures/topics/all-schemes/forestry-grant-scheme/><https://www.ruralpayments.org/publicsite/futures/topics/all-schemes/forestry-grant-scheme/>

3.3 Central Scotland Green Network Trust (CSGNT)

CSGNT undertakes woodland and other greenspace projects within West Lothian both on private and council land. Further information can be found on <http://www.csgnt.org.uk/>

APPENDIX C

Guidelines for the Management of Trees and Woodland on West Lothian Council Owned Land

APPENDIX C

Guidelines for the Management of Trees and Woodland on West Lothian Council Land

Contents

1)	General Approach to Tree and Woodland Management	4
2)	Woodland Management Planning	6
3)	Woodland Management Policy and Practice	7
4)	Management of Individual Trees or Groups of Trees	11
5)	Tree Safety Management	15
6)	Trees along Streets or Road Verges	18
7)	Tree Enquiries or Requests for Service	21
8)	Crime and Anti-social Behaviour	22
9)	Perceived Nuisance	22
10)	References	27

Appendix C

Guidelines for the Management of Trees and Woodland on West Lothian Council Land

1 General Approach to Tree and Woodland Management

1.1 Pro-active Management

West Lothian Council will take steps to bring its trees and woodland under active, appropriate and informed management

The approach to managing the Council's trees and woodland is based on good management practice, and, in particular, on the guidance produced for the owners and managers of trees by the Health & Safety Executive (HSE). Good management practice is not set out in any one text, but the Council will be guided in its approach to achieving the right balance between safety and the conservation of amenity by the document "Common sense risk management of trees", produced in 2011 by the National Tree Safety Group and endorsed by many bodies, including the HSE.

Tree safety is an important consideration, but not the only consideration to be made when managing tree populations and woodland, and the principle of managing these sustainably for future generations will be a key part of their management, aiming to have a succession of different aged trees within each settlement or locality.

An action plan for bringing the Council's Trees and Woodland into pro-active management has been prepared.

1.2 Tree and Woodland Asset Databases

The Council will set up comprehensive tree and woodland databases to assist with the management of this asset.

The Council owns >1000ha of woodland ranging from the 270ha Beecraigs Forest to small tree belts within housing areas in Livingston and other settlements, totalling over 400 individual woods. Information on these woods exists in a variety of written and mapped formats and is to be compiled into one GIS mapping system together with an integrated wood / compartment database. Woodland management will consider the whole unit rather than focusing on individual trees, except where there may be safety issues with individual

trees adjacent to roads, properties etc. In this case these will also be included in the Tree Management Database below.

The Council also owns 1000s of individual trees / groups of trees within its parks, gardens and road / streetscape. A Tree Management Database will be used to aid the management of these individual trees. It will not be feasible to capture every individual tree and initially the effort will be concentrated on those trees which are most likely to pose a risk to people or property.

2 Woodland Management

2.1 Woodland Management Planning

The Council will prepare long-term woodland management plans for all its larger woods and shorter management statements for smaller, less complex areas.

Long-term plans, covering the management of the woodland, other habitats, public access and any other important features on the site, will guide the management of the woods allowing for forward planning and budget preparation. These plans are often a pre-requisite for felling licences and grants from Forestry Commission Scotland and other external funding bodies.

The primary objectives for most of the Council owned woods is for public access and amenity but these will be determined on a site by site basis, with some being particularly important for nature conservation, others for flood mitigation and others capable of producing quality timber or firewood, the income from which can be used to contribute to management costs. In most cases multi-purpose woodland management is to be practised.

Local residents and those who use the wood/s in question will be consulted along with statutory agencies such as Scottish Natural Heritage to inform the preparation of the management plans.

A programme of management plan preparation is underway, starting with the larger and most well-used areas. It will take some years to complete plans for all the Council owned areas. It will be important to ensure the timely implementation of the work recommended within the plans, and that they are reviewed on a 5 or 10 yearly cycle.

3 WLC Woodland Management Policy and Practice

3.1 Woodland management Policy and Practice Guide

The Council will manage its woods in accordance with industry best practice and a WLC Woodland Management Policy and Practice Guide will be prepared.

Woodlands are generally managed as whole units rather than as individual trees. A policy and practice guide will be prepared to help guide staff and others regarding appropriate management practices in the different types of woodland the Council owns. A summary of the main items to be covered are given below.

3.2 Continuous Cover Forestry

Wherever possible the Council's woods are to be managed under a Continuous Cover Forestry regime.

Continuous cover forestry is where mature trees are thinned or groups felled to allow space for younger trees to grow up into the canopy, thus the woodland can gradually regenerate without any major change in the landscape. This is only possible where suitable tree species exist and on less exposed sites which are less susceptible to windblow. Plantations in more exposed areas and small woodland areas will require to be clearfelled and replanted.

Thinning of young woodlands is often required to reduce density and to allow maturing trees room to grow. This involves the removal of a proportion of the trees and is a normal part of woodland management. If it is not done, trees within the woodland may become spindly and unstable, leading to the woodland becoming unstable in later years.

Where possible woodland works will be carried out in a planned manner and packaged such that economies of scale can be achieved.

3.3 Timber / Firewood Production

Where possible, cost effective and appropriate, the Council will extract felled logs and small roundwood resulting from its woodland operations.

In larger woods, felling and thinning operations can produce substantial quantities of timber and, where it can be extracted and sold, produces an income. This is used to offset the other costs of managing the trees and woodland under the Council's care.

The Council receives regular enquiries regarding firewood or the supply of other forest products. The Council will investigate possibilities of managing all its woods in a manner

where its forest products are used effectively without detracting from the amenity and conservation benefits of the woodland in question.

The public is not permitted to remove wood (or other parts of a tree) from Council owned or managed land. Unauthorised persons are not allowed to use a chainsaw of any type on Council owned or managed sites.

3.4 Deadwood

The Council will retain standing and fallen dead wood within its woodland areas.

Some people find dead trees and branches unattractive but they are an important part of the ecosystem of a woodland providing habitats for many insects, birds and fungi. Unless there is a valid public safety / management reason for clearing them, dead branches will be left on the woodland floor. A proportion of logs will also be left and, where safe to do so, a number of dead trees will be left standing. The Council will adopt the Woodland Trust's guideline of 20 cubic metres of deadwood per hectare of woodland wherever practicable to help support biodiversity.

In more formal amenity areas, or where there is a high fire risk, all the arisings will be removed or chipped.

3.5 Forest Certification

The Council will seek UK Woodland Assurance Scheme Certification for its larger, more productive Woods

UKWAS is an independently audited certification scheme which checks that the woodland management being practised is sustainable, carried out in accordance with the UK Forest Standard and to high environmental standards. The current UKWAS is endorsed by the international Forestry Stewardship Scheme (FSC) and the Programme for Endorsement of Forest Certification (PEFC). Beecraigs Forest is UKWAS certificated which has meant that the timber produced from thinning and felling operations has received a premium. Most of the major sawmills and users of other forest products in the UK now require their timber to be sourced from certified forests and, as part of Public Procurement Scotland guidelines, timber products purchased by public bodies including the Council should be FSC / PEFC certified.

3.6 Replanting and Maintenance of Woodland

The Council will ensure that any felled woodland areas are restocked and maintained to ensure that the woodland is re-established successfully.

Restocking felled areas either by natural regeneration of self-sown seedlings, or by planting, is usually a condition of a felling licence from the Forestry Commission. The

species of trees to be replanted will be considered on a site by site basis as part of the management plan. Further guidance will be given in the Woodland Management Policy and Practice Guidance for staff and others, currently under preparation.

3.7 New Woodland Creation

The Council will look for opportunities to plant new areas of woodland where this will contribute to Green Networks or enhance sites as part of West Lothian's contribution to the Edinburgh and Lothians Forestry & Woodland Strategy.

The Scottish Government has a target of at least 10,000hectares/annum of new woodland creation as part of its plans to mitigate against climate change. As part of the National Planning Framework III it has supported the vision of the Central Scotland Green Network, including the creation of new woodland in appropriate locations.

The Council's main priority at present is to bring its existing trees and woodland into pro-active management but it will also look for opportunities to create new woodland. New woodland creation will be particularly appropriate where it can be used to improve the amenity and conservation value of vacant and derelict land, in locations which link existing woodland or other green spaces to improve the green network, or where it can help to alleviate flooding or provide shelter / screening. Woodland is generally much less costly to maintain over the long-term than frequent grass cutting and may be a way of reducing maintenance costs in some locations. Care needs to be taken that woodland is not created on areas with other valuable habitats such as species rich grassland or where it would impact on sites of archaeological / historical importance or spoil important views.

Guidance on "preferred" locations for new woodland is given in Edinburgh and Lothian Forestry & Woodland Strategy 2012-17.

3.8 Woodland Protection

The Council will protect its trees from significant damage caused by insects and mammals including population control.

Trees are vulnerable to damage from insect pests and browsing animals, particularly when they are young. Where this damage is significant, measures will be taken to protect the young trees e.g. by spraying weevils with pesticide, and protection from rabbits and deer with tree shelters or deer and rabbit net fences. Where the rabbit or roe deer population is high and causing significant damage it will be necessary to control their numbers. This would only be done in consultation with Scottish Natural Heritage and with strict health and safety controls in place.

3.9 Tree Diseases

The Council will monitor the spread of Chalara – Ash dieback and other tree diseases and be prepared to take action when this becomes necessary.

In recent years a number of pests and diseases have had a drastic effect on tree populations within the UK. Many of them are thought to have been introduced through the importation of nursery stock from out with the UK. Those which are affecting or are most likely to affect large numbers of trees in West Lothian are *Chalara* or Ash dieback and *Phytophthora ramorum* affecting Larch.

Chalara is already widespread within young plantation trees within West Lothian, including the Council's Broxburn Community Woodland, Witch Craig and Ravenraig, and has been reported to Forest Research. Rangers and other staff patrolling woodland sites have been asked to report any new discoveries of the disease. If large areas within these young woods fail they will require replacement planting with an alternative species. There is currently a veto on planting ash while research is continuing to try to find resistant strain/s.

Chalara has already had a significant impact on mature ash trees in South East England with thousands of trees dying over a span of just a few years. There, it is having a similar effect to the dramatic loss of trees due to Dutch Elm Disease in the 1970s and is likely to cost large sums to remove dead and dangerous trees. It is also likely to have a drastic effect on the landscape as it is a prolific tree throughout the West Lothian area. The Tree Inspectors will record the presence of Ash as part of their tree safety surveys even if they are currently healthy, in order to determine the size of the Ash population and its distribution.

Phytophthora ramorum has affected Larch trees in the west of the UK and the Forestry Commission have ordered sanitation felling around any diseased trees, to try to slow down its spread, resulting in 1000s of hectares of larch woodland having to be felled. As yet there have been no cases of this disease in West Lothian but a watching brief is being kept on Council owned larch woods.

4 Management of Individual Trees or Groups of Trees

4.1 Necessary Tree Works

The Council will not carry out works to trees, or fell them, unless it is necessary to do so. When works are carried out, the reasons for the work will be documented and recorded. Tree work will be carried out to appropriate industry standards.

The Council's approach is only to carry out works where necessary, either for safety reasons, disease control, for the health of the tree/woodland or for amenity management reasons. Tree removal is regrettable but, under a number of circumstances, is necessary. The decision to remove a tree is not taken lightly and, apart from when a dangerous tree needs urgent attention, we will endeavour to inform local residents when and why we believe that tree felling is necessary.

Occasionally, trees may have to be removed to allow certain works to be carried out, such as road re-alignment or construction projects. Often these latter types of work are subject to planning legislation, and there is an opportunity for public debate about proposals before they are approved.

Trees may be pruned for a variety of reasons, including the removal of damaged, poorly formed or crossing branches, to reduce the likelihood of failure by taking 'weight' out of the tree and generally to keep a tree in a healthy safe condition.

Trees in parks and other greenspace owned by the Council are managed to reflect the circumstances of the individual site and the type, age and condition of the current or historic trees. Trees in parks generally have more room to grow compared to street trees and typically achieve their full height and spread. Ongoing maintenance includes the felling for health & safety reasons or the removal of low branches and deadwood near pathways only where they pose a risk to public safety. Street trees in West Lothian include some larger 'landscape' type trees growing in architecturally significant street spaces. Given this, street trees need to be regularly monitored to keep them in a safe condition. Only trees that are deemed unsafe are removed/felled. It is the Council's intention to retain street and parkland trees in a safe condition, as a public amenity, for as long as is reasonably practicable.

The Council aims to carry out works to trees to the appropriate industry standards. The relevant standard is British Standard 3998: 2010 'Tree work - Recommendations'.

4.2 Disposal of Arisings

Where practicable, all arisings (logs, branches etc) from tree works in high amenity areas will be removed.

When trees are pruned or felled, arisings (i.e. logs, branches leaves etc) need to be dealt with appropriately. How arisings are disposed of will vary from site to site and according to practical constraints. Generally, all arisings from tree work in parks, gardens, streets and cemeteries will be removed from site. Chipped branchwood may be spread thinly to compost naturally in areas where this does not damage other vegetation.

4.3 Tree stumps

The Council will seek to remove stumps where practicable and appropriate. In woodland locations, stumps will generally be left to decay in situ.

Normally when a tree is felled, a stump is left. It is usually not possible to remove the stump at the same time. Stumps in parks, gardens and streets may be unsightly and can be a trip hazard and can take many years to decay naturally. Where they are likely to form a trip hazard or interfere with grass cutting, and it is practical to do so, the stumps will be removed as a separate operation. Removal of stumps from pavement and roadside locations can be difficult and complicated as there may be underground utilities present, and works may involve temporary road closures.

4.4 Ivy and Trees

The Council will control ivy on trees only where it is having a significantly negative effect.

In some areas, ivy growth on trees is common. Often it poses no risk in itself, and often provides a valuable wildlife habitat. However, in some circumstances it can threaten the stability of trees, either through an increased sail effect in high winds, or by increasing risk of failure because snow accumulates in it. It can also make inspection of the tree for any defects difficult. In severing or removing ivy, consideration must be given to the potential presence of bird nests and bat roosts.

4.5 Protection of Trees during Construction

The Council will ensure that all construction and development, including temporary installations and placement of movable equipment, near to trees follows BS:5837 (2012) "Trees in relation to design, demolition and construction - Recommendations" and that the most recent National Joint Utilities Group "Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees" are followed where carrying out works in root protection areas cannot be avoided.

Trees in parks and streets and other areas may be in close proximity to sites for construction and development. Examples are the creation of footpaths, the installation of lighting in parks, or the erection of temporary structures. Trees may be affected by physical damage to branches and stems, the severing of structural or fine roots, or the compaction of soil, which reduces the amount of air and water available to the tree. It is of key importance that trees are protected. This brings the protection afforded to the Council's own trees into line with the expectation placed on private owners in relation to development.

4.6 Heritage or Veteran Trees

The Council will manage veteran trees sympathetically according to good arboricultural practice, striking a balance between public safety and biodiversity.

Heritage (or veteran) trees are important for both their historic and cultural value at the local level and conservation value in the creation of habitats for fungi and insects. Many trees have important cultural or historical significance, whereas others have been the source of traditions or folk tales.

Trees can be made safe by pruning or felling. Usually the Council will employ the most cost effective approach but, for certain high value trees, will consider other options to reduce risk to an acceptable level, including those that reduce the likelihood of the tree failing or the likelihood of a person being close to the tree if it did fail.

The Council could compile, or encourage volunteers, to compile a list of heritage trees in West Lothian. This can involve a lengthy process of background research and public consultation but is an excellent way of engaging the public with their local trees and woodland and helping them to appreciate them. This type of project could be co-ordinated with creative arts projects similar to the exhibition on trees in Calderwood and elsewhere in West Lothian being shown in the Howden Centre November 2016.

4.7 Tree Planting

The Council will endeavour to replace trees which have had to be felled, so that the overall tree population in a locality is enhanced and not depleted in the long-term.

Opportunities will be taken to plant new trees in parks, streets and other greenspace where there is sufficient space to ensure that the next generation of trees is well established prior to older trees having to be felled as they come to the end of their life.

Replacing street trees is complicated by the nature of the trees location. Many factors hinder the replacement of lost street trees such as underground utilities, space available for

the tree to grow above or below ground and the increased costs associated with the establishment of street trees.

The Council endeavours to follow a “Right Tree, Right Place” policy. The principle of this approach is to consider the constraints and opportunities of any proposed planting site and the desired features (or not) of proposed trees. This approach also takes into account the merits of both native and non-native tree species in order to support wildlife and safeguard against potential pests, diseases and the effects of climate change. It is generally recognised that large trees bring considerably more benefits than smaller trees. Finding room for large trees can be a problem in many of the more urban locations, especially streets. The Right Tree, Right Place approach is intended to allow any trees planted to reach full height and maturity and remove the requirement for regular pruning programmes, which are very resource intensive, and also to minimise any later nuisance impact. Having a mix of native and non-native tree varieties within West Lothian is an important measure in order to safeguard against the increased risk of a devastating loss of one or more tree species due to a new pest or disease becoming established, or the more gradual effects of climate change. Clearly other factors should also be taken into account, such as site character and design considerations, especially as part of historic planting schemes.

A Tree Management Policy and Practice Guide for individual trees to be prepared to provide further guidance to staff and others.

5 Tree Safety Management

5.1 Tree Safety Inspection

Trees and woodland in the Council's ownership, within well-used locations, will be inspected for safety on a cycle between one and five years according to size, targets, condition and survey recommendation. The inspections will be carried out from ground level by people who are qualified, and experienced in carrying out Visual Tree Assessments (VTA). The information will be recorded on the Council's database.

The threat levels of different potential target zones are set out in the table below:-

Threat Level	Potential Target Zones	Council Sites at risk: Examples	Inspection Frequency
High	Occupied buildings Main roads car parks Playgrounds School grounds Other high use	Schools across West Lothian with mature trees within the boundary or nearby Housing Properties with mature trees within gardens or nearby Public footpaths within town	3 yearly and after severe storms*
Medium	Country roads Well-used footpaths Public areas	Main rural paths and trails within parks and woodland areas. Minor "C" and "U" Class Roads with verges with mature trees Public open spaces such as sports pitches by areas of	5 yearly and after severe storms*
Low	Low level use areas Field boundaries Footpaths Woodland near footpaths	Rural footpaths with low pedestrian usage	Reactive only when issues arise

*Highlighted trees with known defects but which merit retention will receive an annual inspection.

Trees are living organisms and can decline in health rapidly due to disease or physical damage, usually caused by wind / snow, therefore the failure of intact trees can never be ruled out due to the forces of nature. The Council requires to balance the resource available for tree inspection against the likelihood of any failure in determining the frequency of inspections. At present the extent of the Council's tree population within high and medium risk zones is unquantified and so the amount of time required to carry out inspections cannot be estimated. The tree inspection programme will be rolled out over the

next few years according to the resources available and will commence with those areas where the risk is greatest achieved by zoning.

5.2 Prioritising Work

The Council will prioritise tree work according to the individual tree's health and safety risk, taking into account available resources

Remedial work identified in the surveys, and also identified as a result of requests for service, will be prioritised according to the likelihood of injury to a person or damage to property. This will be determined by an assessment of the tree's location, the likelihood of it to fail based on its condition and the likely severity of harm based on the size of the defective branch or whole tree. The Council's resources are limited and it is important that the surveys are focused on those areas where there is the greatest risk.

The ranking of priorities is inevitably an imperfect business as trees are living organisms and failure rates cannot be predicted with the same accuracy as engineering structures. The availability of appropriately qualified and experienced staff (assisted by contractors when necessary) to make judgements is therefore key.

In most woods, not within built up areas, the risk presented by defective trees is less, so the type of work undertaken will reflect this. Where possible tree safety works, e.g. removal of dead, diseased or part windblown within falling distance of paths, will be included in planned silvicultural operations.

More detailed guidance on the proposed Tree Safety Management System is given in the draft West Lothian Council Tree Safety Policy and Practice Guide.

The Council's own Tree and Woodland Team is currently fully occupied in dealing with requests for service from the public and other Council departments. The addition of work from the proposed new tree inspection regime will increase the number of trees requiring remedial work. It is anticipated that new, more streamlined methods of working, using mobile technology, will help to enable both planned and reactive work to be undertaken. However, the need to prioritise those trees which pose the greatest threat may require some non-urgent requests for service to be delayed. In addition to the in-house staff resource, capital funding will be required to make significant progress in bringing the Council's trees and woodland under a planned and holistic management regime. To this end a bid for capital funding has been made with its Strategic Outline Business Case and awaits a decision under the Council's next Capital funding round.

5.3 Warning Signage

The Council will warn the public regarding potentially dangerous trees where they are unable to attend to them immediately.

Some of the Council's woods have been severely affected by windblow over the last few years, causing major hazards within forests such as Beecraigs Country Park, Dechmont Law and Knowes Colliery. It may not be possible to deal with largescale clearing of windblow immediately and, in this situation, areas of the forest or woodland will be closed until the area can be made safe. Part windblown trees are particularly dangerous and can be further destabilised if people clamber over / under them. Notices and, if required, barriers are erected to warn the public of the danger. Unfortunately not all visitors are willing to adhere to such restrictions even though they are put in place for their own safety.

In country parks and woodlands prone to windblow, signs will be placed on notice boards advising the public not to walk in wooded areas during severe weather such as strong winds or heavy snow, which can cause the trees to blow over or branches to snap. Under the Outdoor Access Code the public have to take reasonable measures to ensure their own safety.

5.4 Tree Failure Log

The Council will record and retain a record of tree failures.

In the event of any significant tree failures whether damage or injury is caused or whether it is a near miss, a record of this is to be entered onto RIVO, the Council's Health and Safety database, and reported annually. The location and details of the failure will also be recorded on the Tree Management Database.

This information will help to inform the estimation of real risks and, over time, will produce patterns providing base data about potential tree failure and possible preventative / corrective actions.

6 Trees along Streets or Roads Verges

6.1 General Approach to Street / Roadside Trees

Problems with trees along streets or roads are to be investigated by the Roads Inspectors in the first instance. They can determine whether or not the tree in question is located on land owned or adopted by the Council and, either deal with small issues themselves, or place a works order through the Council's Confirm asset management system for clearance of obstructions. A specialist tree inspection is to be requested where there is concern regarding symptoms of disease.

6.2 Tree Safety

Tree safety management of trees owned by the Council, including adopted road or street verges, is dealt with above.

Very often the land adjacent to roads is not in fact owned by the Council but the adjoining landowner, who has the responsibility for the safety of trees on their own land. The Council's Roads Department has the power under the Roads (Scotland) Act to issue a Section 91 notice instructing the owner to make safe a tree which is deemed to pose a significant hazard to road users. The Council's Roads Inspectors are responsible for carrying out inspections along the Road network and the Tree Inspectors may be called upon to give specific specialist advice regarding tree health / condition if required.

6.3 Roads - Sight line obstruction

The Council will undertake work to a tree in its ownership to maintain clear sight lines (where reasonably feasible) at junctions and access points (associated with a street, road or highway).

Standards for visibility vary according to the class of the road and the speed limit in force. The Council will undertake work to a tree in its ownership to maintain clear sight lines (where reasonably feasible) at junctions and access points (associated with a street or road).

If a privately owned tree is causing an obstruction to the visibility at a road junction (sight line), powers exist under the Roads (Scotland) Act to make the owner of the tree remove the obstruction through the issuing of a Section 91 Notice by a Roads & Transportation Officer.

6.4 Trip Hazards

The Council will undertake measures to make safe an unacceptable trip hazard in streets, roads or the public highway caused by the growth of a council owned tree.

In response to a reported tree trip hazard on a public pavement, a joint inspection will be carried out between a Tree Inspector and Roads Officer to assess potential solutions. There are a number of ways the Council can repair a pavement damaged by tree roots. The pavement surface can be 'built-up', or isolated roots can be pruned (if these do not affect the stability of the tree) and the pavement surface repaired. In some circumstances it may be appropriate to consider the installation of a root barrier or more flexible pavement surfacing, which can prevent problems re-occurring. Removal of the tree is usually the last resort (accepting that in some circumstances where the tree is low value or can be replaced, removal may be the most appropriate solution).

If a privately owned tree is causing damage to the pavement leading to a trip-hazard, powers exist under the Roads (Scotland) Act for Roads & Transportation Officers to make the owner remove the obstruction if necessary. The order would be served by a Roads and Transportation Officer.

6.5 Trees obstructing an adopted road

The Council will undertake measures to make safe any unacceptable obstruction to passage along roads or pavements caused by the growth of a council owned trees, maintaining a height clearance of 5.5m over roads and 2.5m above pavements, where feasible.

Sections of road or pavement which are obstructed by council owned trees and require cutting back of branches / crown raising will be identified and work programmed. Where possible, complete sections of a road will be dealt with at the same time as scheduled tree safety works.

If privately owned trees are causing the obstruction, the Council has the power under the Roads (Scotland) Act to order a landowner to carry out such clearance. This order would be served by a Roads and Transportation Officer.

6.6 Street light – obstruction by tree

The Council will undertake work to a tree in its ownership to ensure that it does not unduly obstruct the streetlight zone of illumination.

The Council will prune branches if they affect the zone of illumination. When the Council puts in new street lighting or wishes to move a lighting column, consideration is made of

the impact on existing trees. Similarly, when new trees are being planted, these are to be placed so they do not cause problems to existing streetlights.

If a privately owned tree is causing an obstruction to a street light, powers exist under the Roads (Scotland) Act to make them remove the obstruction. This order would be served by a Roads and Transportation Officer.

6.7 Traffic signals or road signs – obstruction by a tree

The Council will undertake work to a tree in its ownership to ensure that trees do not unduly obstruct traffic signals or street signs.

As per Street Lights above.

7 Tree Enquiries or Requests for Service

7.1 Timescales

The Council aims to respond to enquiries or requests for service within the timescales given below:-

Type of Report or Enquiry	Confirmation	Initial Response
Emergency		ASAP within 24 hours
Tree safety – non emergency	5 working days	2 weeks
Other enquiries	5 working days	4 weeks
Damage claims	5 working days	2 weeks

The Council is endeavouring to adopt a proactive approach to tree management. Work planned in advance can be implemented more efficiently so, as far as possible, it is the intention to generate work programmes from the results of systematic survey work and routine inspection programmes. The Council receives many enquiries relating to trees, many of which are legitimate, and which require an inspection to be made.

Once the Tree Inspector has gained further information and undertaken a site visit, if necessary, any work required will be prioritised according to the risk posed by the tree and / or other tree work planned in the locality.

From time to time damage may be caused to private property by trees. In the event that an owner considers that their property has been damaged by a Council tree (for example a fallen tree or branch) they should contact the Council as soon as possible. It is advisable that they contact their insurance provider for advice. In addition, if they wish to make a formal claim for damages or to formally notify the Council with concerns about future damage, it should be done in writing, supplying full details of the circumstances. (See contacts). Following an inspection, a report will be prepared by an officer within Parks and Woodland and passed to Risk and Insurance who will process the claim.

During, and after, severe weather events including gales or heavy snow when many trees are damaged, the target timescales are unlikely to be achieved.

8 Crime and Anti-social Behaviour

Where a Council owned tree or woodland is associated with criminal activity and/or anti-social behaviour, measures to alleviate the problem will be implemented on a site-by-site basis in consultation with the Police, communities and neighbourhood teams.

Occasionally, trees which are considered to be exacerbating crime and/or anti-social behaviour may be felled but, generally, only lower branches will be removed to allow sight lines through the trees so people cannot use them for cover. Where a tree is associated with criminal activity and/or anti-social behaviour, steps to reduce the problem will typically require the co-ordination of a number of agencies, including the police. Just pruning or felling a tree is not always the answer to the problem. Some research shows that areas with lots of trees actually help to make places safer. But neglected spaces with overgrown trees and untidy areas can encourage criminal activity and/or anti-social behaviour. The Council's own maintenance programme, sometimes supported by grant funded Woods In and Around Towns (WIAT) schemes, seek to improve these areas by making the local environment cleaner, greener and safer.

9 Reported Nuisance Caused By Trees

Non-Tree Safety Related Requests for Service

The Council is unable to undertake tree work where there is no safety issue; however, if justifiable as part of good tree management, the Council may undertake appropriate tree work to alleviate the situation.

The Council regularly receives enquiries or complaints from residents relating to trees owned by the Council, which are not safety issues. The Council needs to focus its resources on tree safety and the sustainable management of the tree and woodland population as a whole. It is therefore generally unable to carry out works to abate a perceived nuisance to a particular household, to the possible detriment to the wider community in terms of loss of overall amenity, or by reducing its capacity to undertake the more important tree safety works.

The most frequent subjects of these enquiries, and how the Council will respond, are given below. These have been compiled into a document which will be available on the Council's website and residents will be advised to check this prior to making an enquiry.

9.1 Tree Branches Overhanging Property

The Council is unable to deal with requests to remove overhanging branches unless this can be accommodated within a planned work programme e.g. woodland thinning, or the branches are actually touching and could cause damage to a building. However, it accepts the right of householders to remove overhanging branches, (subject to compliance with Tree Preservation Orders and/or Conservation area status). See Common Law Right in Appendix B. If the branches are anything other than small twigs householders are requested to inform the Council's Tree Inspectors who will advise on the standards of work and health and safety requirements. NB tree work should always be undertaken by fully insured and appropriately trained arborists.

9.2 Tree Branches Touching a Property

Where a tree, or its branch, is touching a property and may cause damage to a property, the tree will be pruned in such a manner to avoid repeat pruning within a 3 year period. In some circumstances it may be necessary to fell the tree.

9.3 Tree Roots and Drains

Tree roots typically invade drainage pipes which are already broken or damaged. Trees themselves rarely break or damage the pipe in the first place and roots found in a drain are usually symptomatic of an underlying problem requiring the repair of the broken pipe.

9.4 Tree "Too Big" or "Too Tall"

A tree is not dangerous just because it may be considered too big for its surroundings. Other problems would need to be identified for the Council to consider it to be dangerous. Generally, a site inspection will not be required.

9.5 Leaves

The Council does not carry out a public leaf collection service. Although complaints are sometimes received about the problems caused by leaves falling from trees, the loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning. The maintenance of rhones and/or gutters is the responsibility of the landowner and the Council is not obliged to remove leaves that may have fallen from Council owned trees. Where rhones/gutters are regularly blocked by fallen leaves, gutter guards may be fitted to provide a low maintenance solution. For roads, streets and parks, the Council

carries out a leaf collection in the autumn to clear fallen leaves from some paths which may become slippery, or areas where the grass may be damaged e.g. sports pitches. This is carried out by the Street Cleansing Section and collected leaves are usually sent for composting.

9.6 Light / Obstructing a view

In law there is no general “right to light”, and there is no right to light or a view in connection with open land, such as a garden. Owners can exercise their Common Law right to remove (abate) the nuisance associated with encroaching trees Appendix B - Common Law Right.

9.7 Bird droppings

Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law). Warm soapy water will usually be sufficient to remove the bird droppings.

9.8 Wild animal / insect pest

Bees, some animals, and many birds, are protected species and advice should be taken before considering their removal. Advice on dealing with animal pests such as wasps, flies, midges or wild animals can be obtained from the Council’s website or by calling Customer Services Tel 01506 280000.

9.9 Fruit / berries / nuts

Fruit trees such as apple, cherry and pear have the double benefit of spring blossom and autumn fruit. This makes fruit trees good for wildlife and a source of free food. There are some locations where fruit trees are less desirable, for example where soft fruit would make the pavement slippery or where anti-social behaviour could encourage fruit being thrown at houses or cars. When considering what tree to plant the Council takes account of the likelihood of such problems. Equally, where fruit trees are established but there is a significant anti-social behaviour problem the Council will consider phased removal and replacement. Where fallen fruit is leading to significant anti-social behaviour problems the council will consider measures to reduce the problem, including whether a phased removal and replacement with alternative species is reasonable.

9.10 Sap / Honeydew

Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black. Unfortunately, there is little that can be done to remove the aphid which causes the problem and pruning

the tree may only offer temporary relief. Any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by greenfly and, in some years, greenfly are more common, especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted we try to choose trees that are less likely to cause this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if you wash the car as soon as possible.

9.11 Pollen

Whilst some kinds of tree pollen are known to bring on in sufferers the symptoms of hay fever, this is not considered justification for either the pruning of Council trees, or their removal.

9.12 Telephone wires

It is the telephone service providers' responsibility to maintain your service. Several options are available to the utility company that do not require pruning of a tree to maintain your service. Often pruning is a temporary solution and the problem may re-occur when branches grow back. For example the cable can be sheathed at points of high friction; the line can also be redirected through the tree canopy.

9.13 TV / Satellite Reception

It may be that a satellite or TV provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or means to boost the signal.

All enquiries received relating to nuisance trees will be assessed in accordance with the criteria set out in Appendix D.

Although there is not a formal appeals process for decisions by officers on work to nuisance trees, the customer may request a second opinion from an alternative officer from the Council.

10 References

Common sense risk management of trees – landowner summary of guidance on trees and public safety in the UK for estates and landholdings. National Tree Safety Group 2011
<http://www.forestry.gov.uk/safetreemanagement>

Management of the risk from falling trees, HSE advisory SIM 01/2007/05
http://www.hse.gov.uk/foi/internalops/sims/ag_food/010705.htm

Principles of Tree Hazards Assessment and Management, David Lonsdale, DETR, 1999

Research for Amenity Trees no 9. Trees in Towns II – A new survey of urban trees in England and their condition and management Executive Summary by Chris Britt and Mark Johnston 2008

http://committeeadmin.lancaster.gov.uk/documents/s21579/Appx2_TreesInTowns.pdf

Trees in the City – Trees and Woodlands Action Plan City of Edinburgh Council, January 2014

Tree Risk Management Plan for Council Owned Trees Rushmoor Borough Council, January 2011

Tree Management Guidelines – Frequently Asked Questions Leeds City Council

UK Forest Standard 3rd Edition. Forestry Commission 2011 -
<http://www.forestry.gov.uk/ukfs>

Including UKFS Guideline

Series:-

- Forests and Biodiversity
- Forests and Climate Change
- Forests and Historic Environment
- Forests and Landscape
- Forests and People
- Forests and Soil
- Forests and Water

UK Woodland Assurance Scheme <http://ukwas.org.uk/wp-content/uploads/2012/05/UKWAS-Third-Edition-version-3.1-20122.pdf>

Arboricultural Association - Help and Advice Section <http://www.trees.org.uk/Help-and-Advice>

Legal framework regarding nature and protected species. Summary on SNH website.

<http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/legal-framework/>

Code of Practice on Deer Management SNH <http://www.snh.gov.uk/docs/B949709.pdf>

APPENDIX D

Assessment criteria for nuisance trees

Tree Enquiries

Assessment of Nuisance Trees

Section A should be completed accordingly for each individual assessment.

Thereafter, Section B must be completed for every assessment providing comments that outline the action to be taken; or alternatively provide comments explaining why no action is required.

When the assessment is completed Section C must be completed and the assessment filed in the appropriate fileplan.

Section A

1. Is the tree causing a safety concern? Yes [] No []
Yes – Follow the tree safety policy – *the tree has to be managed in accordance with the Tree Management & Safety Policy*
No - Go to question 2
2. Is the tree owned by West Lothian Council? Yes [] No []
No – Inform the Landowner, respond to the customer and update CONFIRM
Yes – Complete questions 3 to 7
3. Is the tree species suitable for its location? Yes [] No []
Yes – No action required
No – Appropriate action required
4. Is the tree located too close to a property? Yes [] No []
No – No action required
Yes – Appropriate action required
5. Is the tree in a healthy condition? Yes [] No []
Yes – No action required
No – Appropriate action required
6. Is the tree causing or likely to cause structural damage? Yes [] No []
No – No action required
Yes – Appropriate action required

7. Is the tree causing nuisance?

- | | | |
|---------------------|---------|--------|
| ❖ Light | Yes [] | No [] |
| ❖ Leaves | Yes [] | No [] |
| ❖ Satellite signal | Yes [] | No [] |
| ❖ Obstructing views | Yes [] | No [] |
| ❖ Bird droppings | Yes [] | No [] |
| ❖ Fruit/berries | Yes [] | No [] |
| ❖ Wild Animals | Yes [] | No [] |
| ❖ Sap/honey dew | Yes [] | No [] |
| ❖ Pollen | Yes [] | No [] |
| ❖ Telephone wires | Yes [] | No [] |

Section B

Comments:

Section C

Name _____ Title _____

Signature _____ Date/time of assessment _____