

East Dunbartonshire Council's - **Tree Management Policy**



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East Dunbartonshire Council

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1 Introduction

The landscape of East Dunbartonshire is a blend of rural and urban communities rich in a variety of habitats, ranging from fertile agricultural land, rivers, peatland, grasslands and diverse specimen trees and woodlands.



The area has a range of beautiful landscapes that provide an attractive setting and biologically rich local environment, making East Dunbartonshire a popular place to live, work and visit. The area benefits from large numbers of tourists and visitors who are drawn to the area and contribute to local businesses, positively influencing the economy.

The woodland resource of East Dunbartonshire comprises of a number of different types – from ancient woodland to Policy planting, amenity hedges to signature trees, that all serve to provide a sustainable biological resource, clean environment and structural amenity within and around settlements. Council is committed to retaining, enhancing and developing the tree cover on publicly owned land where appropriate. As well as conserving this resource, Council will endeavour to carry out a programme of tree inspection and maintenance as required, and devise strategic hedgerow, tree- and woodland- planting programmes to replace any diseased or veteran trees lost because of Council Inspections and subsequent remedial actions. This *no net loss* of trees will strengthen the Council's aim to provide a sustainable and biologically rich landscape and an attractive and healthier environment for all.



The policy intends to focus on trees and woodlands within Council Parks, Open spaces, Schools and all other publicly adopted land or facilities including roads and roadside verges. The intention is that this Policy will complement the East Dunbartonshire Council Forest & Woodland Management Plan that focuses on the natural environment rather than the built environment where trees are planted as part of a designed landscape.

The policy is informed and directed by various legal requirements relating to tree management, which are listed below and detailed within Appendix 1.

1. Council as landowners have a legal responsibility or Duty of Care to protect the public from potential hazards via the Occupiers Liability (Scotland) Act 1960 and the Health and Safety at Work Act 1974.
2. Roads (Scotland) Act 1984 give Council powers to ensure that road users are safeguarded from danger from roadside trees and this includes trees on private land adjacent to or bordering the roadside.
3. In addition, the Town & Country Planning (Scotland) Act 1997 provides methods of safeguarding particular trees from harm via the use of tree preservation orders.



Council will aim to protect public safety by inspecting and managing trees that are growing on Council land. When a tree is deemed to present a hazard to people and/or property, then Council will organise remedial action to make the tree safe.

Council also has a long-term commitment to protect the tree stock and manage them appropriately to ensure they are free from disease and are in a healthy/stable condition.

Council will avoid all types of unnecessary or cosmetic works and encourage trees to grow naturally and unhindered.



All work identified by the nominated Council officer(s) will be undertaken in line with professional Arboricultural standards, ensuring compliance with the relevant health and safety legislation and to the British Standard BS 3998 (2010) Recommendations for Tree Works. Tree Protection will be in line with BS5837 (2012) Trees in relation to design demolition and construction.

The Policy will focus on how Council resources will be used and what priorities they will be working to.

Unfortunately there are many issues that members of the public may expect Council to deal with regarding trees on Council land which cannot be resolved. The Policy will set out the Council position regarding these issues, which will provide guidance to elected members, Council Officers and members of the public.

The advice contained in the Policy is generic in nature and individuals may wish to seek their own independent legal advice on specific issues.



2 Trees on Council Land

Trees on Council Land

- If a Council tree is deemed to pose a risk to people and/or property, and is thought to be an emergency, then Council will undertake appropriate action to make the tree safe as soon as is practically possible.
- If a Council tree is deemed to pose a risk, but the risk to the public is not high i.e. the tree is in a remote location with a low footfall, then the tree will be made safe in line with the perceived risk as calculated by the Council's nominated Tree Officer. The action identified could range from pruning to felling and the approach deemed as the most effective will be applied.
- If a Council tree is identified as having important historical value then the Service may consider alternative options to reduce the potential risk to members of the public such as physically supporting the tree or fencing the area off and creating a safety zone.
- Council will not cut back trees where they encroach or overhang onto a neighbouring private property, in order to provide additional light or for other cosmetic reasons.



Trees on Private Property

Trees on Private Property

- It should be noted that Council has no authority to intervene where a tree is privately owned. If the tree in question is at the centre of a neighbourly dispute, this is considered a civil matter and the expectation is that the two parties discuss the issue and hopefully come to an amicable solution, but at no point will Council intervene.
- Persons who have trees on private land that are within a Conservation Area or subject to a Tree Preservation Order should seek permission from Council via the Services Arboricultural Officer before undertaking any work.
- If the TPO tree is deemed to be of high risk (dangerous) and poses a danger to the public and/or property then work can be undertaken without formal Council consent. However, written and photographic proof of this would need to be provided within five days of the works to ensure there are no breaches of TPO or Conservation Area regulations.



4 Tree Risk Levels



Tree Risk Levels

An emergency is defined as a tree that is in immediate danger, as outlined below:

Risk Level	Description	Symptoms
High Risk (Emergency) These trees are usually within urban areas or areas where there is a high footfall i.e. schools, town centres, shopping precincts	If the tree poses an immediate danger and the nominated Tree Officers assessment points to an imminent collapse. If the tree is causing an obstruction requiring urgent attention Under these circumstances, the tree will be made safe immediately or as quickly as is practically possible.	<ul style="list-style-type: none"> • Dead/Dying or an immediate risk to persons and/or property • Blown over or snapped. • Roots exposed, damaged or severely rocking at the base of the tree • A pronounced lean and/or supported by a neighbouring tree or structure • Large limb is snapped or hanging off the tree. • Tree or limb causing an obstruction to a road, footpath, access to property • Tree or limb has fallen onto a property or vehicle
Medium or low risk (Non- emergency) These trees could be situated in areas where there are fewer pedestrians or vehicles and are deemed to be of a lower risk	If the risk is deemed to be of a lower risk, the Service nominated Tree Officer will organise to make the tree safe within 6 months (medium risk) and 12 months (low risk) from the date of inspection	<ul style="list-style-type: none"> • Dead, but no immediate danger to persons and/or property • Dying, but no immediate danger to persons and/or property • Bark is loose and falling off • Signs of fungi or mushrooms growing on or near the tree • Historic splits or cracks in the trunk or large branches • Smaller branches falling from the tree

Members of the public can report a dangerous tree by contacting the Customer Service Centre **0300 1234510** or by email to **greenspace@eastdunbarton.gov.uk** with the details of the tree, the hazard, the location and a photograph if possible.

5 Memorial Trees

Memorial Trees

Council is aware that members of the public may wish to plant trees in our Parks and Greenspaces in memory of family and friends to commemorate their passing or to celebrate the life of loved ones who are no longer with them, but enjoyed the local environment. Council is willing to accommodate Memorial Tree requests as long as the location and species is suitable and there is sufficient space to plant the tree.

If anyone is interested in planting a commemorative tree in one of the Council's parks or open spaces they can contact the Customer Service Centre on **0300 1234510** or by email to **greenspace@eastdunbarton.gov.uk**. The Services nominated Tree Officer will contact them to discuss their specific request and the options available. The Service work to a specific list of tree species that will fit with the existing trees in the local environment.



6 Tree Issues, Disputes and Nuisances

Tree Issues, Disputes and Nuisances

The Council Tree Officer is occasionally asked to comment on disputes between parties relating to Trees. The following section is intended to provide guidance regarding nuisance to third parties/neighbouring trees.



6.1 Common Law Right to cut back overhanging branches and roots

Any person has the right under Common Law to remove/abate any nuisance associated with trees encroaching onto their property.

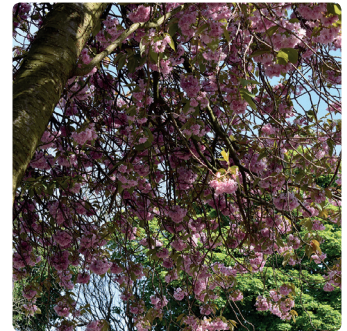
It should be noted that Council will not cut back trees where they encroach or overhang onto a neighbouring property whether it is a tree on Council land or private land.

The following advice should be given in relation to Common Law rights on encroaching trees:

- Only the parts of the tree which encroach on to the property can be removed. There is no legal right to cut or remove any other part of that tree;
- A professional tree surgeon should be asked for guidance on how best to prune back encroaching trees,
- Before any works to tree/trees are considered they must be checked to see if they are protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected, consent for any works will need to be gained by making an application or giving notice to the Council by contacting the Customer Service Centre **0300 1234510** or by email to greenspace@eastdunbarton.gov.uk. The location of Tree Preservation Orders and Conservation Areas can also be viewed on the Council's Web site at <http://eastduncouncil.maps.arcgis.com/apps/webappviewer/index.html?id=adc2b1448696422d9ce0cd0e327e649e>
- Any intention to prune encroaching branches or roots should be discussed with the owners first and any cuttings offered to them as legal owners. If the encroachment is from a Council owned tree, any cuttings must be disposed of appropriately and not returned to Council land.
- Root encroachment affecting buildings is very uncommon, but concerns about this should be referred to the owner's insurance company for further specialist investigation.

6.2 Trees affecting Light, View, TV (satellite reception) or Solar Panels

Council will not prune or fell trees to increase/improve TV or Satellite reception, natural light, reduce shade to gardens or solar panels or improve views. In addition, Council has no authority to intervene where a privately owned tree affects the occupiers of neighbouring property and will therefore not get involved. This is considered a civil matter and Council would advise that the neighbours should discuss with each other and attempt to resolve any potential issue amicably.





The only possible exception to this would be where the pruning of the trees could reasonably be enforced under the High Hedges (Scotland) Act 2013 as below:

- Scottish Law does not provide a right to light or a view. If natural light is reduced by the growth of a hedge then it may be possible to take action to reduce the problem by utilising the High Hedges (Scotland) Act 2013. Council is required to take account of the effect of the high hedge on the amenity of the area and whether the high hedge is of cultural or historical significance.

Included as Appendix 3 is a Planning guidance note relating to tree protection. This provides information relating to trees subject to statutory protection and what protocols are to be followed to obtain permission to undertake work to them.

6.3 General Nuisances associated with Trees

Council will neither prune nor fell to remove or reduce leaf fall, berries, sap and fruit, reduce bird droppings or the incidence of perceived pests such as bees, wasps, or wild animals.



- Leaf litter, berries and fruit from trees in the autumn is part of the natural cycle and cannot be avoided by pruning. The maintenance of properties (gutters, gardens) is the responsibility of the property owner and Council is not obliged to remove leaves etc. that may have fallen from Council owned trees. Where leaf litter regularly block gutters, Council suggests fitting gutter guards to provide a low maintenance solution. Council sweeps streets to clear leaf litter that may cause potential hazards on adopted pavements, footpaths and roads.

- Bird droppings are not considered to be a sufficient nuisance to prune or fell a Council tree. In addition, all wild birds, eggs and nests are protected under the Wildlife and Countryside Act (1981, as amended). Where bird droppings settle on cars or other properties then warm soapy water is recommended to remove any residue.



- Aphids (Greenfly) feed on trees and usually excrete a sugary sap known as Honeydew. The honeydew often turns black once it is colonised by a mould. 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 and 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 is more common especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted, trees are chosen that are less likely to cause this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if the car is washed as soon as possible.
- As a priority species in the Council Local Biodiversity Action Plan, Bees are monitored species and advice should be taken before considering their removal. Residents may be able to dispose of individual wasps using an aerosol insect-repellent spray, but this will not control or eliminate the nest itself. Ideally, the whole nest should be destroyed. This can be achieved with great caution but it is far safer to use pest control experts.



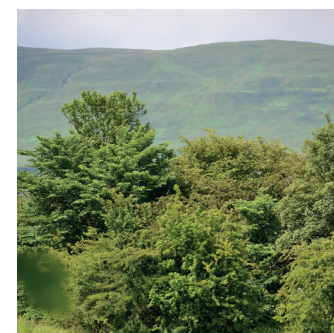
- Bats - All bats and their roosts are protected under the Wildlife and Countryside Act (Schedule 5) and the EU Directive Conservation of Habitats and Species Regulations 2010. These make it illegal to intentionally or deliberately kill, injure or capture bats; deliberately disturb bats, whether in a roost or not; or to damage, destroy or obstruct a bat roost. Given that trees can be significant hosts to bats, roost inspections will precede works where bat roosts are suspected. Where necessary Council will seek expert advice before progressing any works.
- Red Squirrel is also protected and it is an offence to intentionally or recklessly damage or destroy any structure or place a red squirrel uses for shelter or protection or disturb a red squirrel while it is occupying such a place. As trees are significant hosts, inspections will precede works where Red Squirrel dreys are suspected. Where necessary Council will seek expert advice before progressing any works.



6.4 Overhead Cables, Telephone Wires and/or Drains

Council trees will not be felled or pruned (including the roots) to prevent tree roots entering a drain that is already broken or damaged. The Council has no authority to intervene where roots from a privately owned tree affects a neighbouring privately owned property.

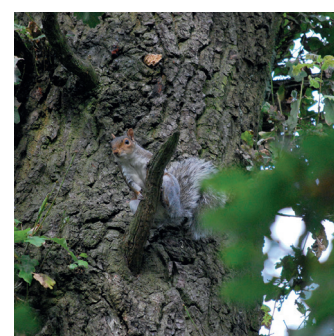
- Tree roots found in a drain are often symptomatic of an underlying problem-requiring repair of the broken pipe. If residents are concerned about the condition of their drains, they are advised to contact their water and sewerage company.
- Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, Council will encourage utility operators to adopt the most appropriate long term solution, giving consideration to tree health, local tree cover and visual amenity.



6.5 Nuisance to third parties - private

Council has no authority to intervene in a dispute concerning trees between neighbours. However, if the problem is due to a 'high hedge' guidance may be found by contacting Council Planning via Customer Service Centre **0300 1234510**

- If residents are unable to resolve their issues amicably then they may require engaging with a mediation service if they cannot amicably resolve a dispute between themselves and a neighbour. The Council Tree Officer can offer independent advice to both parties and can be contacted via the Customer Service Centre **0300 1234510**
- It should also be noted that Council will maintain hedges on Council land to a defined height of 1.5 metres. This is to comply with Health and Safety Risk Assessments and the potential associated risks with using machinery above head height.

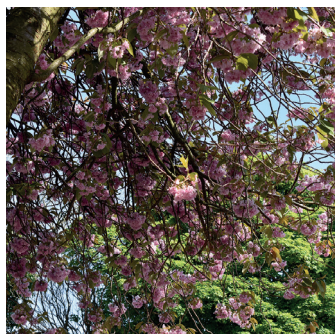




6.6 Roadside trees

Council will undertake work to a Council tree to maintain a minimum 5.5 metres height clearance over the public road and 2.5m over a roadside public pavement/footpath where reasonably practical and to maintain clear sight lines.

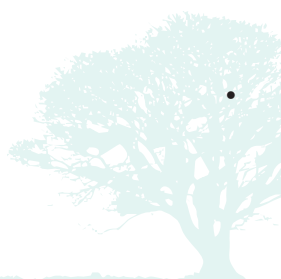
- Public carriageway and pavement obstructions due to trees. Council will undertake work to a Council tree to maintain a minimum 5.5 metres height clearance over the public road and 2.5m over a roadside public pavement/footpath where reasonably practical.
- The majority of trees at the roadside are in private gardens (ownership). The owner of the tree is responsible for the tree and has a duty of care to ensure the tree within the grounds do not cause danger to a public road or footpath. Powers exist under the Roads (Scotland) Act 1984 to instruct the owner of the tree to remove the obstruction. If they do not, the Council may do this work and recharge the owner, but will always take time to notify the owner and give them the opportunity to remove the obstruction in the first instance.
- If a tree is identified as a risk and in immediate danger of collapse or is causing an obstruction requiring urgent attention, it will be treated as an emergency and the Council will attend the site as soon as possible to make the situation safe. If the tree is not causing an emergency, a site inspection will be undertaken within 21 working days of receipt and the customer notified of what action is considered appropriate. The owner of the tree will be informed of what works they are responsible for to make the situation safe. If it is necessary that the Council undertake this work then the owner will be charged in full for the Council costs.
- Trees that are clearly a danger to, or are obstructing a public road and/or pavement/footpath should be reported to the Council's Customer Service Centre on **0300 1234510** or by email to **greenspace@eastdunbarton.gov.uk** with details of the nature of hazard, location and a photograph if possible.



6.7 Roadside trees – Obstructions (sight-lines, traffic signal, street/road sign, street lights and trip hazards)

Council will undertake work to a tree in Council ownership to maintain clear sight lines (where reasonably feasible) at junctions and access points (associated with a street, road or highway), and cut back trees where they encroach on and obscure traffic signals, road signs or street lights, and undertake measures to make safe an unacceptable trip hazard caused by tree roots.

- Standards for visibility vary according to the class of road and speed limit in force. If a privately owned tree is causing an obstruction to the visibility at a road junction (sight line) or a trip hazard in a roadside pavement, powers exist under the Roads (Scotland) Act 1984 to instruct the owner of the tree remove the obstruction. If they do not, Council can do the work and recharge the owner.
- Anyone can report a tree that is clearly causing an obstruction at junctions or is obscuring traffic signals, a road sign or street light (associated with a street, road or highway) or report a trip hazard caused by tree roots by contacting the Customer Service Centre **0300 1234510** or by email to **greenspace@eastdunbarton.gov.uk** with details of the nature of the hazard, location and a photograph if possible.



7 Tree Inspection

Tree inspection

The Law does not consider trees to be dangerous, however, Council has a duty of care to take reasonable steps to prevent or minimise the risk of personal injury, or damage to property, arising from the presence of any of its trees on adopted Council land.

- Council trees are inspected regularly to identify issues and ensure they do not pose any unnecessary risks from being in poor condition.
- The following inspection frequencies are based on location priorities:

Priority	Locations	Inspection Frequencies
High	Schools, Parks, Cemeteries, Town Centres,	Less than 5 years
Medium	Housing open-spaces	Greater than 5 years
Low	Woodland	But less than 10 years
Reactive	As requested	As required

The above Tree Management Policy including inspection frequencies applies to trees managed in Parks, Cemeteries and open spaces.

Trees situated on Council Education, Social Work and Housing land will be subject to inspection as part of an internal Service level Agreement and each individual Council section should budget for the regular inspection and any remedial works identified of their tree stock and cost of any remedial works identified.



8 Vandalised Trees



Vandalised Trees

Vandalism to Council trees will be treated as a criminal act and will be reported to Police Scotland. The damage will be inspected and appropriate action taken within the resources available. Council will generally plant large trees that are less susceptible to vandalism.

- The Council encourages local communities to report incidence of vandalism to trees owned by the Council by contacting the Customer Service Centre **0300 1234510** or by email to **greenspace@eastdunbarton.gov.uk**.

9 Strategic Tree Planting

Strategic Tree Planting

Council will actively seek to replace every lost Council tree on a one for one basis. If Council has to fell a Council tree then this will be recorded on our Tree Database and a suitable replacement will be identified and planted in the same area, or as close to the existing area of their tree stock and cost of any remedial works identified.

During the Planning phase of any development, Council will insist that established trees are retained as part of the development. However, if the removal of trees is agreed as part of the planning process as a result of a new housing development then the Service will seek compensatory planting within the development, or appropriate off-site mitigation.



10 Trees and New Developments

Trees and New Developments

Trees can be overlooked during the construction of new developments and as a result some are either lost or given inadequate protection that results in their demise within a few years. In 2012, the British Standard BS 5837 "Trees in relation to design, demolition and construction - Recommendations" was released and this is now considered the benchmark document for how to successfully retain suitable trees in proximity to development.

Trees have to adapt to their immediate surroundings and any changes will have some effect, therefore, it is essential that a detailed tree survey that complies with the British Standard is undertaken before a scheme is designed. This will schedule the trees according to their suitability for retention and identify the extent of land required to ensure that they have the best chance of survival. Older trees are more vulnerable and they are often the most desirable to retain for both their amenity and conservation value.



Appendices

Appendix 1 -

Tree Management Legislation and Guidance Legislation

Occupiers' Liability (Scotland) Act 1960 and Health & Safety at Work Act 1974	Under the Health and Safety at Work etc. Act 1974, all occupiers have responsibilities to ensure the safety of those not in their employment. "Occupier" is generally taken to mean any person occupying or having control of premises, in this case land. Thus there are clear legal responsibilities to assess risks that arise from trees and take suitable and sufficient steps to control such risks. In addition, occupiers have duties under the Occupiers Liability Act 1984. This states (s2) that the occupier owes a "common law duty of care" to visitors and those who enter his land or premises.
Roads (Scotland) Act 1984	The Health and Safety Executive (HSE) has highlighted the role and responsibility of local authorities with regard to the safety of trees. The HSE has confirmed that councils have a duty of care to people using the roads. In addition the Council has potential liabilities if it was deemed to be not effectively using its powers under the Roads (Scotland) Act 1984 Section 91 to prevent danger from trees in the vicinity of a road but which are in private ownership.
Town & Country Planning (Scotland) Act 1997	Covers legislation for Tree Preservation Orders (TPOs) & Trees in Conservation Areas. TPOs are used to protect selected trees from threats such as felling, pruning or uprooting. Anyone wishing to carry out such works to a tree protected by a TPO must apply in writing to the Local Planning Authority. Most trees within Conservation Areas have protection and anyone wishing to carry out work to a tree must provide written notice of the proposed work to the Local Planning Authority six weeks in advance.
The European Habitats Directive	This is the main piece of EU legislation that identifies habitats and species of EU community importance requiring protection



Appendix 2 - Protected Trees - Frequently Asked Questions



1. What is a tree? (When does a large bush become a tree)

It has generally been agreed that a tree is a woody perennial plant on a single stem, which can attain a height of some 6 metres. In Conservation Areas you do not need to give notice if the tree trunk is less than 7.5cm in diameter at a height of 1.5m above ground.

2. What is a protected tree?

A tree may be protected by being in a Tree Preservation Order (TPO) or a Conservation Area or by Conditions placed through Planning Permissions.

3. How can I find out if a tree is protected?

You can check by contacting Customer Services Centre on **0300 1234510** or by emailing **greenspace@eastdunbarton.gov.uk** Also, when a TPO is in place it is recorded at the Register of Sasines (Land Register) and becomes a legal burden on the land.



4. What is a Tree Preservation Order? (TPO)

A TPO is a legal form of protection that councils can put on trees that are of value in the area. It is often used to protect trees under threat from development or changes in land ownership.

5. What is the purpose of a Tree Preservation Order? (TPO)

To protect trees, groups of trees or woodlands that add to the character and appearance (amenity) of an area, for the benefit of the local residents and the wider environment. The TPO allows the council to control lopping or destruction of trees without consent and replacement planting where required.

6. What restrictions are there on doing work to trees in Conservation Areas?

If you want to carry out work to a tree in a Conservation Area, you must give the council 6 weeks' notice of the intended work. It is an offence to carry out work within that period without consent.

7. What is a Condition on a Planning Permission?

Planning permission is granted to owners or developers usually to carry out building work. If there are trees on the site which are valuable enough to require protection, a condition will be put on the permission. This prevents any unapproved work to the trees and requires protective fencing to be put up for the duration of the building work and maintained.

8. What type of trees can be protected?

Any tree, regardless of species or size, could be protected if it contributes enough to the amenity of the area. Bushes and shrubs are not protected.



FAQs

9. There is an attractive grove of trees near my house that is not protected. How can I request that a TPO is made?

A request should be made in writing to Council at the address below or via e.mail greenspace@eastdunbarton.gov.uk giving an accurate location for the trees. They will be inspected and if a TPO is recommended the legal procedure will be begun.

10. Does a TPO come into effect immediately?

In exceptional situations, a TPO can be made to come into force immediately. This is very rare. Normally the process will take several weeks and will include a survey, ownership check, document preparation, advertising in a newspaper and serving on the owner.

11. How will I know when the Planning Authority has made a new TPO?

If you are the owner, the legal papers will be sent to you. You will have 28 days to object. If you are not the owner, you may read the advertisement in the newspaper or make an enquiry to GCC at the address below or via e.mail greenspace@eastdunbarton.gov.uk. An appointment can also be made to view the TPO document.

12. How can I object to or support a TPO?

You can e.mail greenspace@eastdunbarton.gov.uk within the objection period. We will take all comments into account.

13. Who is responsible for looking after the trees?

It is the owner's responsibility to maintain the trees in a healthy and safe condition. A TPO is not a guarantee that a tree is healthy or safe. You are liable for any damage that a tree you own causes to other people or their property, so it is worth having your trees checked by a qualified arborist every few years.

14. How can I check if an owner has permission for work on a protected tree?

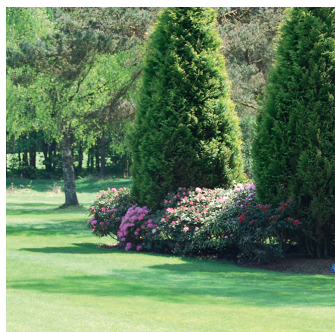
You can emailing greenspace@eastdunbarton.gov.uk or by asking the owner to show you the letter of consent.

15. How do I get permission to work on a protected tree?

You must obtain permission in writing from the Council for any work to a tree protected by TPO. If your tree is in a Conservation Area you must give six weeks notice of your intention to carry out works, no matter how small. We will normally inspect the tree within the six weeks, discuss the works with you and send you a letter of consent for the agreed works.



FAQs



16. Do I always need the Planning Authority's permission to work on a protected tree?

The most likely times when you may not require permission are when the tree is dead, dying or dangerous. You should notify us as soon as possible before or in exceptional (emergency) cases after the work is done, with survey photos of the tree as a record. There are other more unusual times when you may not need permission, such as pruning a commercial orchard or controlling a legal nuisance, but these should be checked with us.

17. A tree in my garden is showing signs of disease. It is protected. Does this mean I cannot carry out the necessary work?

First, have your tree examined by a tree surgeon who can advise on work required. Then apply to the Council for permission to carry out the work. We will inspect the tree as soon as possible and give consent for any work required.



18. Will I have to plant a replacement tree?

If a tree was removed the council would normally require that you plant a replacement. However this is not always the case and there are some places where this would be inappropriate. A replacement tree is covered by the same protection as the original.

19. What if I carry out work on a protected tree without permission?

You would have broken the law and potentially be liable to a fine of up to £20,000 per tree, depending on the circumstances.

20. What if my application to carry out work is refused?

We will let you know if your application has been refused and if you do not agree you have a right of appeal to the Scottish Government.



21. A neighbour's trees are overhanging my garden. Can I cut them back?

Provided the tree is not protected you may prune the branches back to the boundary line. You may not cut back beyond that line or enter your neighbour's property to do the work unless they give permission. Legally the cut branches belong to your neighbour, but you should check if they want them back. If the tree is protected you must follow the procedures above.

22. There is a tree in the pavement outside my house. Who is responsible for its maintenance?

If the pavement is an adopted footway maintained by the Council then the Council is responsible for the tree. If it is a private pavement then the landowner is responsible. Your house deeds should tell you whether you share responsibility for the tree.



FAQs

23. A tree on land adjoining my property looks dangerous and I am concerned that it may damage my property. What can I do?

The owner of the land is responsible for any trees on it and for any damage, they may cause. The Council has no powers to make an owner carry out works to a tree unless it is likely to affect a public road or footway. If you have spoken to the owner without success, you may have to contact a solicitor for advice.

24. How can I be sure the tree surgeon will do a good job?

Always use a reputable contractor who is properly trained, equipped and insured. Ask to see references, their Public Liability Insurance and test certificates. Never accept offers to do tree work from a passing 'white van man' as this will often end in poor and illegal work. We recommend that you get three estimates for the work from businesses with proper addresses where you can contact them if problems arise.

25. How are trees on development sites protected?

They can be protected in exactly the same ways as listed above. If the site is not in a Conservation Area and the trees are particularly valuable the Council may decide to put a TPO on them. There will normally be Conditions placed by Planning Permissions.

26. Can I carry out work to protected trees which are in the way of a proposed development?

Only if they are directly in the way of a development that is about to start and which has full Planning Permission. You may not carry out tree work based on an Outline Planning Permission. A site should not be cleared prior to full planning and submission of relevant surveys to the Planning Department.

27. Can I stop planning permission being granted by getting a TPO imposed on trees on the site?

No, a TPO does not prevent Planning Permission being granted. When deciding planning applications the Council will consider the likely effect on protected trees.

28. Useful Contacts

- Council Customer Services Centre on 0300 1234510
- Council Streetscene Technical Team - greenspace@eastdunbarton.gov.uk
- Registers of Scotland

Glasgow Customer Service Centre, Hanover House, 24 Douglas Street, Glasgow G2 7NQ
LP 12 Glasgow 9
DX 501752 Glasgow 9
Tel. 0845 607 0164
Fax. 0141 306 1721
Email. customer.services@ros.gov.uk
web: www.ros.gov.uk/registersdirect/index.html



Appendix 3 - High Hedges - Frequently Asked Questions

High Hedges (Scotland) Act

The High Hedges (Scotland) Bill was passed on 28 March 2013. The High Hedges Act came into force on 1 April 2014. The Act aims to provide a solution to the problem of high hedges, where neighbours have not been able to resolve the issue amicably. The Act seeks to provide an effective means of resolving disputes over the effects of high hedges which interfere with the reasonable enjoyment of domestic property.

The Act gives home owners and occupiers a right to apply to a local authority for a high hedge notice and empowers local authorities to make and enforce decisions in relation to high hedges in their local area.

Below is a number of 'Question & Answers' to provide information on what the bill covers, how it will work.

1. When will the High Hedges (Scotland) Act come into force?

The bill was passed on 28 March 2013 and received Royal Assent on 2 May 2013. The Act came into force on the 1 April 2014. The guidance will set out guidelines on making a complaint and also on the criteria that councils use to adjudicate on complaints to ensure that the process is transparent.

2. Meaning of a "high hedge"

This Act applies in relation to a hedge (referred to in the Act as a "high hedge") which:

- a. is formed wholly or mainly by a row of two or more trees or shrubs
- b. rises to a height of more than two metres above ground level, and
- c. forms a barrier to light.

A hedge is not to be regarded as forming a barrier to light if it has gaps which significantly reduce its overall effect as a barrier at heights of more than two metres.

In applying the Act in relation to a high hedge, no account is to be taken of the roots of a high hedge.

3. Are all trees be covered by the bill?

No. Single trees will not be covered, and it will be for the investigating tree officer to decide whether trees are planted closely together form a hedge, or not.

4. I have heard that only hedges made up of certain types of trees covered, is this true?

No. All types of hedge – whether they be made up of evergreen, semi-evergreen or deciduous trees – a covered by the bill. However, the hedge must be over two metres tall before it can begin to be considered a high hedge – but not all hedges over two metres will automatically be termed a 'high hedge' – only if a complaint is made and that complaint is upheld by the council.

FAQs

5. Do I need to do anything before I make a complaint to the council?

Yes. Before making a complaint, you must be able to demonstrate to the local authority that you have tried to reach a solution with the hedge owner by alternative means – such as by mediation. Where the issue has been longstanding, fresh attempts must be evidenced, such correspondence must be sufficiently recent and include at least one document dated after the 1 April 2014.

6. I have tried to reach an agreement with my neighbour, but have not been able to. What do I do next?

If you've been unable to reach an agreement over the hedge, at that point you will be able to raise a complaint with the local authority. A fee will be payable at this point by the person making the complaint. This is in order to ensure that councils can cover the costs of investigating the complaint. It will be for councils to decide how the fee structure operates, including whether or not refunds will be offered to complainants where the complaint is successful. This also includes whether or not to offer any discount to those receiving benefits or pensions.

7. What happens after I have paid the fee and the complaint is lodged?

The local authority will notify the hedge owner that a complaint has been made, and then someone from the local authority will go out to the property to assess the hedge, and its impact on the light levels of the complainant's property. Once they have made a decision, they will notify both parties of their decision.

8. The local authority has said that the hedge is not a high hedge, but I disagree. What can I do next?

If you disagree with the decision of the local authority, you will have the right of appeal to Scottish Government ministers.

9. The local authority has determined that the hedge is a high hedge. What happens next?

The local authority will communicate their decision to both parties, and the hedge owner will be given a deadline to meet the terms of the high hedge notice. If they fail to take the remedial action on the hedge in that time, the local authority will arrange for the work to be carried out. The council will have the power to recover the cost of any work carried out from the hedge owner.

10. I am the hedge owner. The council have said my hedge needs to be cut back but I disagree - can I appeal?

Yes. Both sides have the same right of appeal to Scottish Government ministers. Both parties can only appeal once.



FAQs



- 11. I live in a property which suffers from lack of light due to a high hedge, but the hedge is not on land immediately adjoining my property. Can I still make a complaint?**

Yes. The hedge does not have to be on land immediately neighbouring the property of the person making the complaint. It just needs to be a significant barrier to light.

- 12. Does the bill cover issues such as problems caused by pine needles blocking trains, leaf fall and root damage?**

No. Where plant life is causing damage to a property, there are existing civil methods that exist to address these issues. This bill is designed to deal with the problems resulting specifically from hedges creating a significant barrier to light.

- 13. Will the bill be reviewed?**

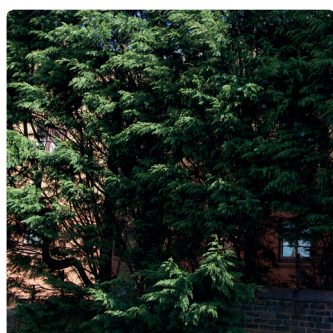
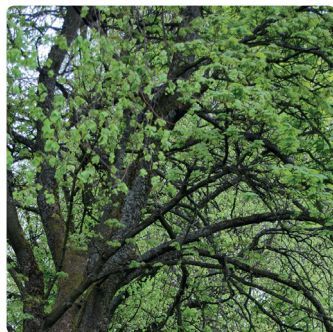
Please contact the Council's Planning team for current rates.

- 14. What is the fee for an application?**

The fee for an application is £382.

- 15. How do I apply?**

An application form needs to be submitted with the current fee and details of attempts to deal with matters, i.e. letters to neighbours should also be submitted with the application.



Appendix 3 - Guidance on Good Arboriculture Practice

The under noted is an extract from Tree Protection Guidance Notes pertaining to good practice when undertaking Arboriculture works.

This information refers only to deciduous broadleaf trees in general, as evergreens and conifers often have different requirements. In addition, it should be noted that even the trees dealt with here might have their own very specific requirements. The following is no more than a guide, if in doubt, seek expert advice.

Is Pruning Good for Trees?

Pruning is a form of wounding that can actually be very harmful to a tree and should be carried out only when necessary. Pruning should only be undertaken to compensate for identified hazards as recognised by a competent arborist (see www.trees.org.uk/treework.php) or where the growth of a tree is causing an obstruction. Trees unnecessarily or badly pruned can lead to permanent damage, visual disfigurement and create expensive, long-term problems to the tree owner. Trees need and deserve proper management (see www.trees.org.uk/leaflets.php) if they are to remain a valuable asset for future generations.

How can Trees be damaged by Pruning?

Pruning can remove vital energy reserves, stored in branches, which a tree needs to maintain good health. In many cases, these reserves cannot be replaced following heavy pruning and the tree soon goes into decline. In urban areas, trees used to be pruned by lopping and topping, a technique now generally frowned upon. It can result in an unsightly pole of a tree. The regrowth often leaves weaknesses where branches could snap away and the risk of rot in the main stem is increased. Lime trees can tolerate this treatment better than most, but the result is often unattractive to look at. Other trees, such as Beech, can be killed by this treatment.

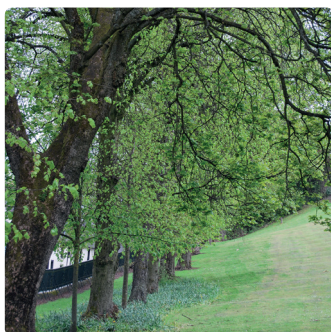
The wounds created by pruning can allow fungal spores to enter the tree, which can lead to decay. If a tree has to be pruned, a good arborist will know where to position the cuts in order to minimise the adverse effects caused by wounding. Wounds caused by 'lopping and topping' are the worst cuts of all because they are not carried out at a natural branch union and instead leave flat topped stubs that fail to heal properly. They also leave the tree disfigured and any new re-growth is weakly attached to the parent limb. A competent tree surgeon should avoid the practice of 'lopping and topping' and will carefully prune the limb back to a side branch in order to retain the natural flowing branch line of the canopy.

Pruning Trees – Natural Target Pruning

The practice of natural target pruning makes use of the branch collar to identify the proper location to remove a branch. There is a three-cut process that must be used to remove branches in order to preserve the bark tissue and the branch collar. The first two cuts remove the weight of the branch.



FAQs

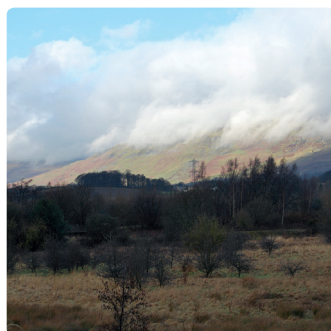


Different Pruning Methods

The shape of the tree is dictated by the structural framework of the main branches. If those are pruned, the shape of the tree will be changed.

Crown Reduction: gives a far more pleasing result where the overall size of a tree has to be reduced. Crown reduction involves the overall reduction of just the crown of the tree, so there is little change in the overall height. Such reductions are usually quoted as percentages, the usual maximum, being 30%. Most reductions will be in the 10% – 20% range, if the tree can accommodate such works in the first place.

Crown Thinning: Where crown reduction would leave a dense mass of branches, thinning may also be carried out. Again, a guideline maximum is 30%. This procedure is best carried out in winter when it is easier to select the branches to be pruned. An exception to this is thinning selectively to decrease shade.



Crown Lifting: As its name implies, this technique is used to increase the bare stem height below the crown. The most common action is to obtain clearance above highways (up to 6 metres) and footpaths (up to 2.5 metres). None of these works should normally require removal of structural branches.

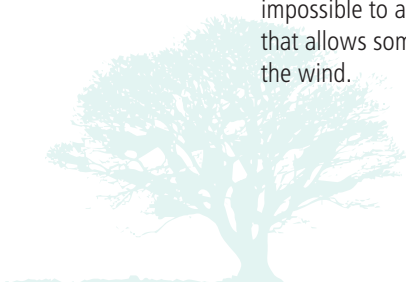
It is often hard to justify works to a mature tree just for a view, particularly when the pruning may require the loss of major branches. This can result in a poor looking tree and the wounding involved may unnecessarily shorten the life of the tree. There are a number of cases where pruning requirements are for particular problems. A few examples are given below:

Clearance Pruning: This may be required when the canopy of a tree is very close to a building, especially to the north side. If the wind and sun cannot get to the building, the exterior becomes permanently damp and this encourages algae and moss to grow, which in turn increases the dampness. Clearance pruning should always be just of young growth. Depending on the individual circumstances, 1-2 metres clearance between a building and the tree canopy should allow a reasonable airflow. This pruning may be required at regular intervals.



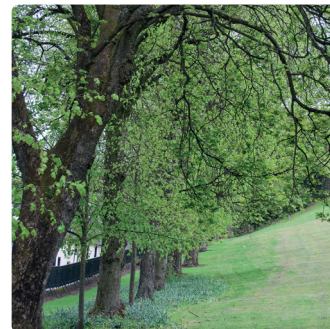
Formative Pruning: This is the procedure carried out on young specimen trees to remove foreseeable problems, such as tightly forked and rubbing stems, and to create the structural framework for the mature tree. There is no reason why such pruning should not be carried out from an early age until the desired final shape of the tree forms.

Bracing: Another past practice was bracing to prevent the forces of the wind taking their natural course. The problem is that once a tree is braced, by wire, chain or rod, it may be impossible to assess how safe it will be. There is, however, a new flexible form of bracing that allows some natural movement in the tree, but reduces the most damaging effects of the wind.



FAQs

Summer Pruning is recommended for some trees that weep copious amounts of sap. Species prone to this include Walnut, Hornbeam, Mulberry, Birch, Lime, Acer and some Poplar. It is also recommended for those trees that could otherwise suffer from infections prevalent in springtime, such as silver leaf disease of Prunus. It can also be useful when thinning for ambient light. It should, of course, be remembered that most trees can be pruned in the summer. The main obstacles to work being carried out at this time is the tree surgeon's ability to see the structure of the tree, the fact that wood is difficult to cut when the sap is flowing and, last but by no means least –birds and bats may be using the tree for nesting or roosting. This is not something to take lightly as disturbing nesting birds or a bat roost is an offence. However, as far as the health of a tree is concerned, the only time pruning should never be done is during the spring growth period. The issue of wound paint is simple: When pruning out dead branches it is important to realise that the tree was aware of the dead branch long before it became visible to humans. The tree has probably already taken the necessary compensatory steps to protect further dieback. Never cut beyond deadwood without taking expert advice, or you could undo all of the tree's good works.



Ivy Does Not Strangle Trees

Ivy is very beneficial for wildlife. It is a natural component of the countryside providing food, roosts, nesting and hibernation sites for a wide variety of wildlife. Ivy can cause damage, however, if it establishes in the crown or on limbs. The tree has developed in tune with its own weight. When Ivy gets high up into the tree, the extra loading it puts on branches can cause them to snap, particularly in high wind. More importantly, in the long term, ivy can cover up problems in the stem of a tree. A good rule of thumb is that ivy needs controlling once it appears as a mass in the crown.



Seek Professional Advice

The Local Authority cannot recommend tree surgeons, as it interferes with free competition. However, it is strongly recommended that you always turn down the 'today only' offer from the uninvited caller, however much a bargain you may seem to be offered. Suitably qualified Tree Surgeons can be identified through the Arboricultural Association who can be reached at the following web address www.trees.org.uk/index.php

If you need to trim trees near overhead cables, always employ a professional tree surgeon. Bringing down a telephone cable may be expensive, but shorting out electricity cables may be deadly. We hope that you have found this information helpful. Whilst the council have tried to cover the broad outlines there maybe something that has been missed, if you have any doubts please contact the Planning Authority. Please note that this note is for guidance only. The terms and techniques used are to aid tree owners, no more.



Further Information

Should you require further information please do not hesitate to contact:

The Planning Office
East Dunbartonshire Council
12 Strathkelvin Place
Kirkintilloch, G66 1TJ
Tel: 0300 123 4510

The Arboricultural Officer
East Dunbartonshire Council
Broomhill Industrial Estate
Kilsyth Road
Kirkintilloch G66 1TF
Tel. 0300 123 4510

Website: www.eastdunbarton.gov.uk



East Dunbartonshire Council's - **Tree Management Policy**



sustainable thriving achieving

East Dunbartonshire Council

www.eastdunbarton.gov.uk

Other formats

This document can be provided in large print, Braille or on CD and can be translated into other community languages. Please contact the Council's Corporate Communications team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank,
Kirkintilloch, G66 1TJ Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510

اس دستاویز کا ترجمہ اسٹریٹجی (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿਚ ਮਿਲਵਾਏ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਫ਼ਿਰੋਪਾ ਕਰਕੇ 0300 123 4510 ਫ਼ੋਨ ਕਰੋ।

Gabhadh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòn gu 0300 123 4510

अनुवाद करने पर यह दस्तावेज़ हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फ़ोन कीजिए।

