



Tree Management Principles

Introduction

Climate change, air pollution, loss and degradation of our environment and habitat for wildlife, flood risk, and anticipated temperature rise all pose significant threats to a prosperous, healthy borough. Trees can make a key contribution to addressing these issues.

Trees deliver a range of benefits, sequestering and storing carbon, enhancing biodiversity, providing access to nature, managing water, air, soil and noise pollution, reducing flood risk, stabilising land, reducing soil erosion, strengthening landscape character, and providing shade and cooling to combat high temperatures.

It is also well documented that having green, tree filled local environments can make a huge contribution to quality of life, promote good mental and physical health and make liveable places. These benefits that translate into health costs saved and working days gained.

These Tree Management Principles set out the principles **which the council will follow on tree-related matters**. The purpose of the principles is to ensure a consistent approach to managing and protecting our trees.

The principles cover common scenarios and queries related to trees and set out the instances when the council will take action and when it will not. It is important to recognise that the primary responsibility for trees usually lies with the landowner: where the council is not the landowner or it is not a highway tree, its responsibilities are more limited. Trees covered by Tree Preservation Orders (TPO) and trees in Conservation Areas are subject to additional controls.

In the context of increasing concern regarding climate change and environmental sustainability, our overarching aim is to protect and extend the tree stock in the borough. Where a departure from the Tree Management Principles is proposed, it will be by exception and robustly justified.

The Tree Management Principles fall into five broad categories:

- [Tree management](#)
- [Trees and property](#)
- [Trees along highways](#)
- [Tree planting](#)
- [Miscellaneous](#)

Please note that the responsibility for a tree rests with the landowner. These Tree Management Principles relate primarily to the council's approach to council owned trees, for example, trees in the borough's parks, cemeteries, in the gardens of council homes and along our streets. The council has a limited role in relation to issues associated with a tree on privately owned land. [Find out if a tree is council-owned](#) or [find out if a tree is protected](#).

Tree management

1. General tree management

The council will manage its trees sustainably in accordance with the British Standard for Tree Work BS3998, so they make a positive contribution to their locality, and will encourage other owners of trees to accord with those standards too.

2. Tree felling and pruning

Trees are at risk from many things, such as pest and diseases, severe storms, development pressures and statutory undertakings (including repairs to utilities).

Therefore, the felling or pruning of a tree will be considered only as a last resort when there are no viable alternatives available, and will be prioritised by the council only when a tree:

- presents a significant and/or immediate risk to public health and safety; or
- is obstructing the highway.

Requests for works to fell or prune trees for other reasons will be a lower priority and determined in line with these Tree Management Principles.

3. Clearing up after tree works

The council will clear-up effectively after undertaking works to trees. In woodlands and informal open space, where appropriate, the council will prioritise leaving organic material, such as branches, roots and trunks, to decay naturally to provide habitat and naturally composted material.

4. Tree risk surveys

The council follows an inspection regime determined by the level of risk. The level of risk is considered against factors including the presence of people in the immediate vicinity of the tree; its size and condition; and its species.

A small tree in a secluded area away from homes and footpaths poses a lower risk so it would be inspected less frequently. A large tree located in a busy area where many people pass by regularly would be inspected more frequently.

When somebody brings to the council's attention that the condition of a council-owned tree has deteriorated and it now poses a significant risk to the public, they should contact the council via Report-It and wherever possible enclose photographs showing the issue(s) of concern and include details of the location of the tree. The council will carry out an inspection according to the risk-based prioritisation set out above. If the tree is on private land the responsibility lies with the landowner. If the condition of the tree is such that it

presents a significant and/or imminent risk of harm, it will be dealt with under TMP5 Dangerous trees, below.

5. Dangerous trees

If a council-owned tree is in such a condition that it presents a significant and/or imminent risk of harm, the council will take immediate steps to make the tree safe.

In relation to a potentially dangerous tree in non-council ownership, the first point of contact should be the landowner. The council does **not have a duty** to take action against the owner of a tree that is considered dangerous. However, it will contact the landowner when there are reasons for concern. There are also specific obligations if the tree is protected by a Tree Preservation Order or in a Conservation Area.

The council will only intervene when it deems it necessary to do so in the interests of public safety, using powers under the Local Government Miscellaneous Provisions Act 1976. It will seek to enforce the removal or making safe of an imminently dangerous tree subject to the procedures and timescales specified in the Act, in the interests of public safety. When it has to undertake the works itself, the council will seek to recover its costs from the landowner.

6. Veteran trees

The overarching aim in managing a veteran tree should be to keep the tree alive for as long as possible, whilst maintaining the values these trees offer. As such the best management option may be to 'do nothing'.

It is good practice to keep people, animals and objects away from under the canopy of a veteran tree and beyond for a further 5 metres, to protect the root zone.

It is also good practice to ensure a veteran tree has good access to natural light so high growth adjacent may need to be cut back and no trees planted close by.

If there is a high risk of potential failure of the root plate, main trunk or large limb, crown reduction or reduction of the length of limbs may be needed to reduce biomechanical forces acting on the tree. It may be appropriate to undertake a phased reduction over a number of years to minimise the number and size of cuts and encourage growth lower in the crown. Propping or supporting heavy limbs or bracing of trunk or limbs to prevent failure may be preferable alternative options.

7. Plant health and biosecurity

Trees in Wigan Borough are not immune from infection. The council will therefore take a proactive approach to tree management, which reduces the impact of pest and disease on our trees and woodlands, in accordance with advice from Government and respective agencies.

The council recognises that a healthy tree stock provides wide ranging benefits for residents and visitors to the Borough and that removal of a tree should always be a last resort therefore in the event of a suspected pest or disease outbreak the council will:

- Produce action plans to address the economic and environmental impacts of dealing with specific pest and disease outbreaks, and the financial costs.
- Co-operate with neighbouring councils to monitor and manage pest and disease outbreaks across boundaries.
- Presume that a tree which is suffering from a plant pest or disease will be retained unless it is shown that the tree has become an immediate hazard to the public or unless Government or agency advice is to fell to reduce the spread of disease.
- Raise awareness of the impacts of plant pest and disease through different media channels.
- Only accept plants and trees from suppliers that have clear biosecurity policies, quarantine measures for imported plants for a minimum of two years and provide certified plant passports for all plant material.

8. Publicising tree works

Much of the council's work on trees is routine maintenance. The council will publicise works to trees, normally with a site notice or notices, when the trees are:

- within a Conservation Area; or
- more than 100mm in diameter, measured at 1.2m from ground level; or
- proposed to be felled in large numbers; or
- old or veteran and proposed to be felled.

Ward councillors will be notified when the impact of the work is likely to be significant or when they have already been involved. Representations will be considered but an individual response will not be possible in all cases.

9. Trees and views

There is no legal right to a view. The council will not carry out work to a council-owned tree solely to open up a view.

10. Leaves on pathways and blocking drains or gutters

Leaf fall is a natural part of the annual life cycle of a tree in the autumn. The council will not prune or fell or permit a protected tree to be pruned or felled, because they drop leaves. Leaves which fall into private gutters, drains, paths and gardens are a matter for the owner / occupier to deal with.

11. Tree sap

Tree sap is honeydew, a natural sticky, sugary substance produced by aphids (greenfly) which drips onto leaves. A mould which grows on honeydew causes surfaces to go black. Unfortunately, there is no treatment to prevent this problem.

The council will not prune or fell or permit a protected tree to be pruned or felled, to stop tree sap falling onto private property.

12. Tree blossom and pollen

Tree blossom and pollen is a natural part of the annual life cycle of a tree in the Spring and Summer. The council will not prune or fell a protected tree and will not permit a protected tree to be pruned or felled, to stop blossom falling onto private property or to prevent the generation of pollen.

13. Tree fruit, berries (including poisonous berries) and conkers

When fruits from trees in council ownership are leading to significant incidents of anti-social behaviour, the council will consider remedial action to reduce the problem. Any work proposed will be balanced and proportionate to the scale of the problem.

Where mature apple and pear trees are planted along a highway and they are giving rise to anti-social behaviour and potential danger to passing motorists, and there are no viable alternative actions, removal of the trees will be considered.

Many trees and shrubs produce fruit that is not for human consumption. Pruning will not control the production of fruit; therefore, a balanced and proportionate approach will be taken to resolve issues that are raised, on a case-by-case basis.

14. Tree stumps

When a street tree is felled, or other tree in a location where it can be anticipated that people walk, run or cycle, it is not always possible to grind the stump out immediately. In such circumstances the tree stump will be left at a sufficient height, normally at least 900mms, and its presence highlighted so that it can be seen easily until it can be removed. A risk assessment will be undertaken to determine how soon the tree stump needs to be removed and it will be removed in line with that determination.

If, for unforeseen circumstances, a tree or stump is removed to close to ground level before it can be ground out, it will be barriered to ensure it is not a trip hazard and ground out at the earliest opportunity thereafter.

Trees and property

15. Tree related damage to a building

When a person believes their property is being damaged by a tree owned by the council, it is important for this to be confirmed or otherwise through investigation by a competent professional.

Your home insurer would usually arrange for this investigation but, if not, you should employ a suitably qualified and experienced building surveyor or a structural engineer who will carry out the investigation for you and provide you with a report.

If the evidence is sufficient to show, on the balance of probabilities, that the damage is being caused by a tree owned by the council, the property owner should contact the council via Report-It.

The council will consider the findings of the information submitted and where it is accepted that on the balance of probabilities the damage is caused by a council owned tree, the council will undertake reasonable measures to mitigate the damage, as far as it is able to within its own land but will not normally undertake works within privately-owned property. Instead it will compensate the property owner for their reasonable costs in investigating the cause and remedying the problem within their own land.

16. Tree related damage to drains

Tree roots do not have the potential to physically crack drains but will exploit cracks and poorly sealed joints to enter drains and cause blockages. Drains blocked by tree roots can be replaced or a root cutter can be inserted into the drain to clear the roots, allowing for it to be sleeved and sealed.

A person has a common law right to cut roots that are on their land to abate a nuisance, unless the tree concerned is covered by a Tree Preservation Order or is in a Conservation Area when the council's prior consent is required, and may make a claim to cover expenses incurred, whether the tree is council-owned or privately owned. However, if this action causes damage to the tree, they could be liable, so it is advisable to employ a competent arborist.

When a person believes their drain is / has been blocked by roots from a tree owned by the council, it is important for this to be confirmed or otherwise through investigation by a competent professional. This would normally be arranged and paid for by the property owner or their Insurance provider. If the evidence is sufficient to show, on the balance of probabilities, that the drain is / has been blocked by roots from a tree owned by the council, the property owner should submit that evidence to the Council via Report-It

In such circumstances the council will undertake reasonable measures to mitigate the damage, as far as it is able to within its own land but will not normally undertake works within privately owned property. Instead it will compensate the property owner for their

reasonable costs in investigating the cause and remedying the problem within their own land.

Utility companies have a right to cut roots affecting or potentially affecting their services within the easement that applies around those services.

17. Tree related damage to garden walls and fences or ground coverings

Tree roots can cause damage to garden walls and fences, lift hard surfaces such as driveways and paths and break the surface in lawns. The council will not fell a council-owned tree to abate damage to a wall or lifting a driveway or path or breaking the surface in a lawn unless the tree is of poor quality or condition and there is no reasonable alternative to mitigate the damage, such as providing space for the roots or root deflection where this will not unduly harm the tree.

A person has a common law right to cut roots that are on their land to abate a nuisance, unless the tree concerned is covered by a Tree Preservation Order or is in a Conservation Area when the council's prior consent is required, and may make a claim to cover expenses incurred, whether the tree is council-owned or privately owned. However, if this action causes damage to the tree, they could be liable, so it is advisable to employ a competent arborist.

The council will not access third party land to cut and treat tree roots from a tree on council land.

Low branches may also cause damage to garden walls and fences. When a council-owned tree is damaging a boundary wall or fence or, on the balance of probabilities, damage is pending, the council will undertake the minimum pruning necessary to prevent damage or further damage.

18. Trees overhanging a property

The council will only prune a council owned tree overhanging a property boundary when a branch is touching a building or structure, or is close to touching a building or structure and will grow to be touching that building or structure within the next 2-3 years.

When a tree overhangs the boundary to a private property, the property owner is legally entitled to cut the overhanging branches back to the boundary but no further. Any branches which are cut belong to the owner of the tree. It is highly recommended that such works are discussed with the tree owner beforehand and agreement reached if possible. If not, the cut branches should be offered back to the owner of the tree.

Before any works are undertaken to a tree overhanging a property, it is essential to know whether it is protected by a Tree Preservation Order (TPO) or is in a Conservation Area. In both such circumstances permission will be needed from the council. A tree works application will be needed for works to a tree protected by a TPO and six weeks' notice in writing will be need to be given for works in a Conservation Area, this application form should be used for both. [Find out more about protected trees and how to apply to carry out works.](#)

19. Trees and light to properties and gardens

The council will not carry out work to a council owned tree solely to improve natural light into a property.

In law there is no general right to light regarding the presence of trees. Any right to light would need to be established via a specific grant or by prescription, which can only occur where the right has been enjoyed uninterrupted for a minimum of 20 years. Following this, a legal right to light can only be enjoyed in relation to a specific opening (such as a window) in a building. There is no right to light in connection with open land, such as a garden. Further, if these conditions are met then an owner of the building is entitled to such access to light as will leave the premises adequately lit for all purposes for which they may reasonably expect to be used.

If natural light is being blocked by growth of a high hedge, action may be taken to reduce the problem under Part 8 of the Anti-Social Behaviour Act 2003. Council owned hedges will be managed to ensure they do not contravene the Act.

20. Trees and solar panels

The council will not prune or fell a council owned tree (including crown reduction) solely to reduce shading to solar panels. The presence of trees and their future growth should have been considered when deciding where to install solar panels.

21. Trees and television or satellite reception

Holding a television licence does not give a legal right to a clear television signal and the council will not prune or fell a council-owned tree (including crown reduction) solely to address poor television or satellite reception.

22. Trees and telephone lines and signals

Where the branch of a council-owned tree is touching a telephone line, the council will carry out minimal pruning so that it no longer interferes with the line. As a statutory undertaker, BT can do the same under exemptions.

The council will not prune or fell a council-owned tree (including crown reduction) solely to resolve obstructed mobile phone or other telecommunications signals.

23. Trees in the gardens of council homes and at other council properties

Trees within the gardens of council houses and other council properties remain the responsibility of the council. Tenants who have concerns about a tree within the garden of their council property should contact the council via Report-IT.

24. Large trees

Large trees can easily coexist alongside residential properties and other uses with minimal risk to people and property, subject to an appropriate level of management (inspection and appropriate action). To withstand windy conditions, trees flex and sway. A tree is not dangerous because it is big. For a tree to be considered dangerous it would have to be evidenced by an appropriately qualified arborist.

Trees along highways

25. Trees in council ownership obstructing an adopted highway, footway or cycleway

The council will undertake work to its own trees to maintain a minimum of 5 metres clearance over an adopted street, road or highway and 3 metres over an adopted footway / cycleway.

The council will undertake appropriate work to clear sight lines at junctions and access points on a street, road or highway, within the extent of the highway, to ensure highway safety. Standards for visibility vary according to the classification of the road and the speed limit.

The council will also undertake work to trees in council ownership to clear traffic signals, road signs and streetlights.

Shoots at the base of tree trunks - epicormic growth - will be removed as part of our ongoing highway maintenance programme. This is usually done once a year for trees growing in the footpath, verges and other similar locations. There is no active programme to remove shoots from the base of trees in parks and green spaces unless they are causing an obstruction.

26. Other trees obstructing an adopted highway, footway or cycleway or causing a danger to users

When a non-council owned tree is overhanging an adopted highway, footway or cycleway, so as to endanger or obstruct the passage of vehicles or pedestrians, or obstructs or interferes with the view of drivers of vehicles, or the light from a streetlight or is dead, diseased, damaged or insecurely rooted and therefore causing a danger to users of the highway, footway or cycleway, the council will take action pursuant to section 154 of the Highways Act 1980.

The council may serve a notice on either the owner of the tree or occupier of the land on which it is growing, requiring them to lop, cut or fell the tree so as to remove the cause of the danger, obstruction or interference.

If the person served with such a notice fails to comply with it within the requisite period, the council may carry out the works required by the notice and recover the expenses reasonably incurred by them in doing so from the person in default.

When a tree falls from private land on to the adopted highway, only such work necessary to clear the highway from obstruction will be undertaken and, unless agreed otherwise, all arisings will be placed on the owner's land. The council will seek to recover its full costs from the owner.

27. Installation of a dropped kerb for a new vehicle access

The council will not prune or remove a council-owned tree to allow the installation of a dropped kerb for a new vehicle access unless (additional) off-road parking is essential for the purposes of compliance with the Equality Act 2010 and there is no reasonable alternative to achieve that access without pruning or removing a tree. When a street tree does need to be removed, a replacement tree will be required and planted as close to the site of the removed tree as is acceptable and practicable. Payment for the costs of replacement planting will be sought from the householder as part of this arrangement unless the council is paying for installation of the dropped kerb itself.

If you want to install a dropped kerb or widen an existing dropped kerb access, please contact the council's highways team for further [advice on driveway access](#). If it is on a classified road, planning permission will also be needed.

28. Trees obstructing street lighting

The council adheres to British Standard (BS5489-1:2013) Street Lighting to ensure that all streets are suitably lit. If a tree is obstructing a streetlight, please contact the council via Report It. We will carry out an inspection and undertake works, as necessary.

29. Removing highway trees

In accordance with the Forestry Commission's Highway tree management: operations note 51, the council will:

- Fell a highway tree only if it is in contravention of a section of the Highways Act 1980 or when it is proven that the tree is damaging property and there is no viable alternative.
- Record rigorously the evidence of the exception as proof of an evidence-based approach to the decision-making process, should it be required in an investigation.
- Use tree maintenance and/or engineered solutions as an alternative to tree felling whenever possible.
- Provide mitigation planting in the same location wherever possible or, otherwise, at an alternative location as close by as practicable.
- Carry out a public consultation exercise within the area directly concerned in advance of proposals to fell a large highway tree (over 250 mm trunk diameter) or

undertake large-scale (over 5 cubic metres of timber) tree felling of highway trees, unless the tree/trees are imminently dangerous.

Tree planting

30. Tree planting and aftercare

Trees will be planted during the winter season, normally between November and March, to ensure the best prospects of them becoming established. They will be watered regularly during dry periods until established, normally 2 years but can vary according to species and conditions.

All newly planted trees will be secured, and a guard provided where appropriate

31. Tree planting along the highway

The council will establish a process to determine the suitability of locations for street trees and, as funding allows, undertake planting in consultation with local residents and businesses. Once this process is established, it may be used, along with funding proposals, to determine the suitability of requests from residents or community groups.

The best size and species of tree to plant given the features of the location will be also determined in consultation with local residents and businesses. Ordinarily this will be a tree that will not have a wide spread of canopy unless space allows.

An appropriate tree pit and soil content will be provided to support the long term sustainability of the tree, with full allowance made for underground services and nearby features such as garden walls with the use of root deflectors, normally built and adapted accordingly to the design of the tree pit.

When a street tree needs to be removed, a replacement tree will be planted if it is practicable and appropriate to do so, and funding allows for it. When a replacement tree cannot be planted for some time, the vacated pit will be made safe.

32. Tree planting in parks and open spaces

To ensure that our parks and open spaces continue to provide long term tree cover, the council will plant large growing specimen trees annually.

Miscellaneous

33. Privately owned trees and high hedges causing a nuisance to third parties

When a person is aggrieved about a tree in their neighbour's privately-owned or rented garden, they should try to resolve it amicably with their neighbour. If that fails, they should seek their own independent legal advice or consult a solicitor. The council has no powers and will not intervene in a dispute between neighbours in privately-owned or rented homes.

If the problem is due to a 'high hedge', which is defined as two or more evergreen or coniferous trees planted to form a hedge, the council has powers under Part 8 of the Anti-Social Behaviour Act 2003 to require action to be taken to mitigate the problem. However, this is a chargeable service and is considered as a last resort in the event that resolution through negotiation or mediation has not been successful. You can find [information about neighbourhood nuisance on our website](#).

34. Funding for tree work

In circumstances when tree management work would be beneficial but is not going to be prioritised by the council and is sought by a third party, normally an adjacent householder, the council will accept private funding for that tree management work provided that it complies with the British Standard for Tree Work BS3998 and is agreed with the council. In such circumstances the council will provide a license for the work and it will need to be carried out by a competent person.

Funding for tree removal will, as a minimum, include the cost for replacement planting on a one for one basis. In some instances, depending on the size and species of tree to be removed, the costs will include additional replacement trees. This will be subject to the council's valuation.

35. Trees and public health

Trees will only be pruned or felled for medical reasons when it is necessary to comply with a Government direction or High Court decision or as a result of a legal ruling.

36. Trees and criminal activity or anti-social behaviour

Where reports are received that the presence of a tree or trees are enabling criminal activity or anti-social behaviour, or preventing detection of such activity / behaviour, pruning or removal of the tree(s) concerned will only be considered once all reasonable alternatives to mitigate the problem have been ruled out. Where removal of a tree is necessary, we will plant a replacement tree in a suitable location.