

Part 4

The Sustainable Management of Trees in Fingal

Management & Maintenance of Trees in Fingal

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4.0 Management of Trees

In all references below, the standards of decisions and tree work to be undertaken by our own and contracted arboricultural teams are carried out in accordance with current relevant Ireland and EU legislation, British Standards, and general industry accepted standards and guidance.

4.1 Inspections

Knowing the local tree resource is a prerequisite to its effective management. Surveys of the main tree populations are to be conducted, particularly trees in the public realm (e.g. streets and open spaces). Creating an evidence base will provide strategic understanding of Fingal's tree cover, enable effective monitoring of its evolution, and facilitate the best proactive management approach of its trees. Inspecting our trees is a vital way of monitoring and recording the condition of our tree population.

4.2 Trees and Risk Management

The Council recognises that trees are living organisms that naturally lose branches or fall, however the overall risk to human safety is low. The Council plans to develop a tree risk management policy with the approach that a balance is struck between risks and benefits of trees. It shall be integrated as part of the Council's overall tree management plan.

Guidance to make reasonable decisions about tree management needs to be backed up by reliable data on the actual level of risk posed by falling trees. Therefore, the UK based National Tree Safety Group commissioned the Centre for Decision Analysis and Risk Management at Middlesex University to quantify the risk of fatal and non-fatal injuries from falling or fallen trees and branches to the UK public. The research identified 64 deaths during the 10 years after 1 January 1999. With a UK population of roughly 60 million, this leads to an overall estimated risk of about one death in 10 million people per year from falling or fallen trees and branches.

So far as non-fatal injuries in the UK are concerned, the number of accident and emergency cases (A&E) attributable to being struck by trees (about 55 a year) is exceedingly small compared with the roughly 2.9 million leisure-related A&E cases per year. footballs (262,000), children's swings (10,900) and even wheelie bins (2,200) are involved in many more incidents.

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UK study findings (Health and Safety Executive and National Tree Safety Group)

Cause of death	Annual risk	Basis of risk and source
Cancer	1 in 387	England and Wales 1999
Injury and poisoning	1 in 3,137	UK 1999
All types of accidents and other external causes	1 in 4,064	UK 1999
All forms of road accident	1 in 16,800	UK 1999
Lung cancer from radon in dwellings	1 in 29,000	England 1996
Gas incident (fire, explosion or carbon monoxide poisoning)	1 in 1,510,000	GB 1994/95-1998/99
From trees	1 in 10,000,000 or less if high wind incidents are excluded	This study
From lightning	1 in 18,700,000	England and Wales 1995-99



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In balancing tree risks and benefits the Council will:

1. Manage the risk of significant injury or property damage to levels that are as low as reasonably practicable.
2. Operate a system of proactive and reactive tree inspections.
3. Maintain a detailed record of trees and inspections.
4. Ensure competent individuals carry out tree inspections.
5. Ensure work identified through the inspection programme is undertaken by suitably qualified staff or competent contractors within the appropriate timeframe.

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4.3 Reactive and Emergency Works

There will always be a need to carry out reactive works, although the quantity of this work should reduce over time as the proactive work is embedded. Reactive works are carried out to manage risks to the public. They include felling dead trees, removing hazardous branches, and clearing obstructions to sightlines and infrastructure. Reactive works are carried out in response to enquiries from other Council services, residents and Council members or where staff have identified them when travelling in the county.

The Council has an emergency plan for severe weather conditions and has tree maintenance crews on call 24 hours a day for any tree-related emergencies.

4.4 Planting

The Council aspires to increasing the county's urban tree cover, which currently stands at 6.5% tree canopy cover – we are working to increase this annually. One way to achieve this is straight forward in principle, planting.

“The best time to plant a tree was 20 years ago. The second best time is right now.”

Chinese Proverb

Types of Tree planting:

- Annual tree planting programme. Realistic and sensible targets to be set in place.
- Joint interest opportunities with stakeholders such as community groups and NGOs.
- Private tree planting – Continue and improve on tree giveaways and advice.
- Planning conditions, replacement, integrated tree pits with SuDS.
- New developments.

Urban tree planting in hard landscapes

– Such environments are among the most challenging for tree survival and establishment. Specialised integrated tree pits incorporating SuDS will reduce risk of pavement lift in the future and is particularly suited to key urban centres and main streets.

Planting will be targeted where need is greatest and the principle of the right tree in the right place and quality shall take precedence over quantity. Planting a tree is an investment, returns are all the greater when the longevity of the tree is maximised. Securing quality nursery stock and adequate rooting environments should be made a priority. Quality aftercare will be prioritised. The planting standards will also refer to BS8545:2014 Trees: From nursery to independence in the landscape – Recommendations

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Policy 5

The Principle of planting the 'right tree in the right place' will apply for all new tree planting.

Native vs Non-native (Exotic) species selection

While native species selection, planting and protection is highly desirable, there is a large palette of exotic species available that can thrive in challenging urban environments. Exotic trees may be selected for planting in urban centres, providing an opportunity to diversify the urban forest, this diversity will gradually decrease to native selection transitioning from urban to peri-urban and eventually through to Fingal's rural geographical areas. Native species are generally more appropriate in natural locations than in man-made and urbanised areas.



London plane trees featuring in Swords Main Street are a common sight in cities - hence their name, and for good reason, they have a proven track record of disease and storm resistance and can thrive in harsh urban environments.



Urban Environment
Predominantly non-native



Peri Urban Environment
Native / Non Native



Rural Environment
Predominantly native



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Policy 6

Following instances of tree removal, subject to availability of space and resources, replacement will be in accordance of size of removed tree

4.5 Maintenance

What is proposed in relation to maintenance is a hierarchal approach with urban centres and main streets receiving the greatest resourcing in terms of inspection and maintenance.

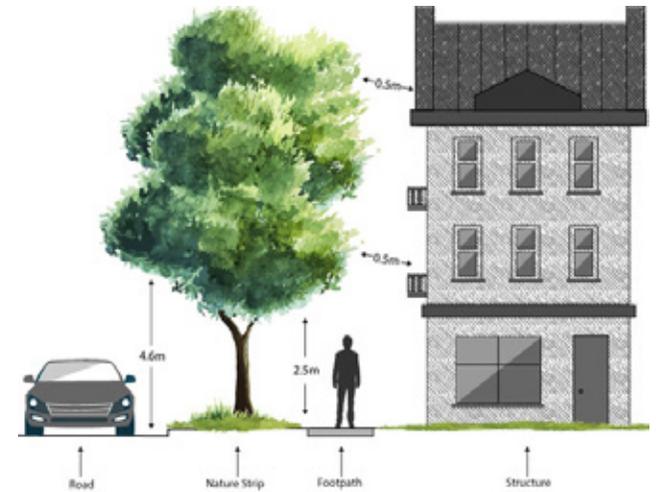
Pruning – All pruning works will be carried out in accordance with best practice guidelines and in particular by reference to the **BS 3998:2010** Tree Work – Recommendations.



Policy 7

As well as pruning for arboriculture reasons, the following shall be the general standard as to (street)trees in the public realm:

- **Footpaths:** 2.5m overhead clearance
- **Roads:** 4.5m overhead clearance
- **Buildings:** 0.5 - 2m clearance



Example graphic From Melbourne City Council webpage depicting the standards of trees in the built environment.

Methods of Pruning and typical scenarios within the hierarchy approach to tree maintenance:



Crown Lift or Crown Raising

Crown lifting is the removal of the lowest branches and/or preparing of lower branches for future removal. Good

practice dictates crown lifting should not normally include the removal of large branches growing directly from the trunk as this can cause large wounds which can become extensively decayed leading to further long term problems or more short

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term biomechanical instability. Crown lifting on older, mature trees should be avoided or restricted to secondary branches or shortening of primary branches rather than the whole removal wherever possible. Crown lifting is an effective method of increasing light transmission to areas closer to the tree or to enable access under the crown but should be restricted to less than 15% of the live crown height and leave the crown at least two thirds of the total height of the tree. Crown lifting should be specified with reference to a fixed point, e.g. 'crown lift to give 5.5m clearance above ground level'.



Crown Reduction

The reduction in height and/or spread of the crown (the foliage bearing portions) of a tree. Crown reduction may be used to reduce mechanical stress on individual branches or

the whole tree, make the tree more suited to its immediate environment or to reduce the effects of shading and light loss, etc. The final result should retain the main framework of the crown, and so a significant proportion of the leaf bearing structure, and leave a similar, although smaller outline, and not necessarily achieve symmetry for its own sake. Crown reduction cuts should be as small as possible and in general not exceed 100mm diameter unless there is an overriding need to do so. Reductions should be specified by actual

measurements, where possible, and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g. 'crown reduce in height by 2.0m and lateral spread by 1.0m, all round, to finished crown dimensions of 18m in height by 11m in spread (all measurements approximate.)'. Not all species are suitable for this treatment and crown reduction should not be confused with 'topping', an indiscriminate and harmful treatment.



Crown Thin

Crown thinning is the removal of a portion of smaller/tertiary branches, usually at the outer crown, to produce a uniform density of foliage around

an evenly spaced branch structure. It is usually confined to broad-leaved species. Crown thinning does not alter the overall size or shape of the tree. Material should be removed systematically throughout the tree, should not exceed the stated percentage and not more than 30% overall. Common reasons for crown thinning are to allow more light to pass through the tree, reduce wind resistance, reduce weight (but this does not necessarily reduce leverage on the structure) and is rarely a once-only operation particularly on species that are known to produce large amounts of epicormic growth.



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Formative pruning

Minor yet essential pruning during the early years of a tree's growth to establish the desired form and/or to correct defects or weaknesses that may affect structure in later life

Building Clearance

Pruning branches away from buildings for reasons of avoiding future conflict to a ideally 2m with a minimum standard of 0.5m.

Pruning Methods according to the Hierarchal Approach

Main Streets and Urban Centres	All methods of pruning as required
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Housing Estates and Residential Areas	<ul style="list-style-type: none"> • Building Clearance • Crown Raising • Formative pruning
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If these methods are not sufficient to address requirements, it may warrant removal. Each individual tree is assessed on a case by case basis.

Removal of trees



Policy 8

The Council aims to ensure that every tree felled is replaced to guarantee a renewable tree stock in Fingal for future generations

Across Fingal's public realm, approximately 1,000 trees are removed and replaced every year. Trees are removed only when necessary and as a last resort. The Council aims to ensure, subject to available budget resources, that every tree felled should be replaced to ensure that over the years, the County retains its tree stock for future generations, although it is not always practical or prudent to replace a tree in the same location or with the same species that was previously planted. The main criteria for tree removal are:

- Tree is dead, dying or is considered hazardous due to its poor structural or biological condition. Hazardous conditions may exist above and/or below ground and may include significant root, trunk or crown decay, split trunks and crotches, and large dead limbs.
- The tree has declined beyond the point of recovery and is no longer meeting the functional or aesthetic requirements of a

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street tree. Typically, a tree with 50 percent or less of its foliage remaining would meet this criterion.

- Fatally diseased trees (eg. Ash dieback, Fireblight Disease) may be removed before they reach the primary threshold in order to prevent the spread of disease to healthy trees.
- To allow space for development of nearby trees that may be more desirable for retention
- To allow space for new planting
- To make way for any approved engineering or building works when unavoidable construction work will immediately compromise the stability or viability of the tree.
- Tree proven to be causing significant structural damage that cannot be reasonably addressed by an alternative solution and proactive tree management has had no mitigating effect.
- When a tree is located close in proximity to a public lighting column and the viability of the tree would be compromised by a requirement for ongoing maintenance to maintain the effectiveness of the adjoining streetlight.



Policy 9

The Council will not remove trees without adequate justification. When felling work is proposed, the reasons for the work will be documented and recorded.

Tree removal or pruning will not be undertaken where:

- Trees are perceived to be too large.
- Satellite dish TV reception is interrupted.
- Sunlight may be blocked from reaching properties or gardens.
- Views are obstructed.
- Seasonal or naturally occurring events happen, e.g. falling leaves, fruit, seeds or berries, honeydew sap, bird droppings, pollen allergies.
- Insects or other non-hazardous wildlife are present.
- To facilitate the widening of driveways unless it is acknowledged in the planning application
- Due to cracked private boundary walls unless evidence is provided. (Structural engineers report)

Clarification of each of these points can be found in Section 4.9 Maintaining Fingal's Trees.

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Fingal County Council will retain records of all tree work carried out and monitor the nature and extent of this.

Requests for tree maintenance services will result in an inspection within 28 days. The Council will inspect trees that are dead, damaged, diseased or causing a physical obstruction. We are not able to give specific timeframes of any work ordered as a result. Some work can only be done in the winter months outside the growing and nesting season. This will also be planned by area and by level of need.

The following guidelines intend to show in what circumstances the Council inspect trees:

Cases the Council will look at trees

- Potentially hazardous trees
- Trees affecting public access, highway safety and visibility
- Reported tree damage to road surfaces
- Reported tree damage to buildings
- Overhanging tree branches when a physical obstruction is caused, such as preventing access
- Trees hit by vehicles
- Trees physically touching properties
- Trees touching streetlights

Tree Stumps

Where a tree is felled by the Council, it is not always possible to remove the stump immediately. Removal may be delayed for a period until a sufficient quantity builds up for their removal to be economical. A short stump of about 1m high will be left in the intervening period so as not to constitute a trip hazard.

Where a stump has been removed, sufficient time needs to elapse to allow breakdown of residual underground root material before supporting the planting of a new tree in its place, if the location is deemed suitable.

Cases the Council cannot look at trees due to resources

- Loss of light to a property or garden
- Solar panels
- Tree debris - fruits, nuts, seeds, leaves or sap
- Bird fouling or bird nesting
- Satellite, TV and phone reception
- Pollens and allergies
- Blocked drains and gutters
- Height or size of the tree

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Depending on the diameter size of the original tree this could take between 3 – 5 years for the timber to sufficiently decompose to allow for new planting.

In some circumstances the Council may leave stumps and standing monoliths of dead timber where practicable for biodiversity reasons. Typically, in parks and large open spaces. Deadwood supports a vast array of invertebrates which in turn are a source of food for birds and bats etc.



4.6 Woodland Management

The Council intends to map existing significant woodlands and to plan for the creation of new areas of urban forestry. Woodlands help to meet local needs for recreation, as well as delivering environmental services (water quality enhancement, soil contamination removal, carbon sink) and economic returns (energy from wood could contribute to the local economy). One of the actions proposed in this strategy is to develop a plan to manage approximately 400 hectares of woodlands in Fingal, ensuring sustainability and biodiversity for the future.

Some of the main considerations of woodland management planning relate to:

- Invasive species
- Species diversity
- Recreation and amenity
- Natural regeneration
- Ecosystem services
- Woodland By-products such as timber and biofuels
- Biodiversity
- Future proofing
- Habitat connectivity
- Expansion of existing woodlands
- Pests and diseases
- Public Health and Safety

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4.7 Tree Protection

Tree protection measures are essential for construction taking place near existing trees to avoid damage, particularly to roots as that can lead to failure and death of the trees often several years later. The most important element of a tree for its survival are the parts that cannot be seen - tree roots.

During their lifetime, trees will be vulnerable to disturbance, injury, environmental changes, pests and diseases. Construction work often exerts pressures on existing trees, as do changes in their immediate environment following the construction. A tree that has taken many decades to reach maturity can be damaged irreparably in a few minutes by actions that might be unwitting, negligent or wilful. The early provision of physical protection from damage is therefore critical.

Root damage inflicted by excavation or construction work is responsible for many premature tree failures, leading to increased safety risks as the damaged tree undergoes early decline. Tree root damage can be avoided through wider adoption of tree protection measures on construction sites and the more systematic use of trenchless or root safe excavation techniques routinely employed in other countries. These techniques need to be better documented and promoted. The Council will continue to raise awareness among designers,



developers, private individuals etc. The Council will use its powers to ensure that where it is complementary to the objectives of the County Development Plan, and other planning objectives there is maximum retention of trees on new development sites.

Existing trees will be retained and protected in accordance with best practice and specifically with the document BS 5837:2012. *"Trees in relation to design, demolition and construction - Recommendations"*.

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4.8 Planning and Design Guidelines for Trees and Woodlands

Protected Trees (Tree Preservation Orders)

Tree Preservation Orders (TPOs) may be made under Section 205 of the Planning & Development Act 2000. A TPO can be made if it appears to the planning authority to be desirable and appropriate in the interest of amenity or the environment and can apply to a tree, trees, group of trees or woodland.

Currently there are three locations where trees are covered by a Tree Preservation Order in Fingal. These are The Vicarage, Church Road, Swords, Santry Demesne and Brackenstown/Brazil, Swords.

Protection of existing trees on a development site

Where a proposed development retains existing trees on-site, a satisfactory Arboricultural Impact Assessment shall be required to be submitted in accordance with BS5837:2012 *Trees in relation to design, demolition and construction - Recommendations*. This assessment shall analyse the potential impact on the retained trees. Where a proposed development would have an impact on trees, particularly where it would impinge on root protection areas of trees, both within and outside the development site, a site specific Arboricultural Method Statement should be submitted. The statement should demonstrate mitigation measures are in

place to ensure that development works do not harm the existing tree.

A tree bond shall be placed on trees to be which are to be protected as part of a planning permission of a site. A tree valuation system such as CAVAT (Capital Asset Value of Amenity Trees) or equivalent shall be used to place a monetary value on the tree bond.

Tree removal:

- Development requiring the loss of a protected tree or hedgerow; (including trees and hedgerows in High Amenity Areas and SAAO; aged and veteran trees and trees classified as being of categories A or B in value and Townland boundaries), will only be permitted where:
 - a) the removal of a tree or hedgerow will enhance the survival or growth of other protected trees or hedgerows;
 - b) it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow.
- Where the loss of trees is accepted in these circumstances, developers will be required to provide at least equivalent replacement in terms of biomass. This should be provided on-site unless the developer can show exceptional circumstances which would justify replacement provision elsewhere.

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- Where permission is granted for the removal of street trees / vegetation on public property in order to facilitate the construction of a driveway/ entrance, road widening etc., the applicant shall be conditioned to pay a financial contribution for replacement tree planting in the vicinity of this development. This is to ensure that there is no net loss of tree canopy cover in the area.

Maintaining and increasing Tree Canopy Cover

It is the Council's objective to ensure tree cover is maintained and increased within Fingal.

- In order to achieve this in relation to new developments, a minimum of 20% green area (open spaces, street trees, green roofs & walls) in public and communal spaces shall be required as part of all Local Area Plans. This shall be broken down as follows:
 - A minimum of 10% public open space is required with the remaining 10% made up of street trees, green roofs and green walls. Private open space shall not count towards this target and only SuDS features that can demonstrate a biodiversity benefit may be included in this calculation.

- Major development proposals that have a frontage onto a new or existing roads of more than ten metres will only be permitted where they provide for the planting and maintenance of street trees of appropriate species at intervals appropriate to the site, except where the site's location requires a clearly building-dominated design approach that would be prejudiced by the inclusion of street trees.

New tree planting within developments

Street Tree Planting Plans

Street tree planting plans shall accompany for developments over x ha. Constructed tree pits shall be required where trees are planted in hard surfaces and grass verges less than 1.2m wide.

These plans shall include the location of each constructed tree pits of a minimum rooting volume of 16 cubic metres, lamp standards and underground services.

The location of tree planting in proximity to built features including footpaths must refer to BS5837:2012 *Trees in relation to design, demolition and construction. Recommendations.*

The width of grass verges where tree planting is proposed must be labelled on landscape plans.



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Tree selection for new housing developments

Landscape designers will be directed to the Council's list of recommended trees and also to TDAG's (Trees and Design Action Group) Tree Selection Guide in their selection of trees in their landscape plans.

Use native species of Irish provenance or have been grown on a nursery in Ireland for at least 1 year in order to maintain best practice Plant Health routines.

4.9 Maintaining Fingal's Trees

Although trees have many benefits, they do in some cases conflict with our way of life. Problems such as damage to structures, branch, sap and leaf drop, pollen and shade can range from minor inconvenience to serious consequences. Many of the problems can be resolved or mitigated through appropriate management and maintenance. It is common, when a path or wall is damaged by a tree to suggest that the tree is removed, however this is not always required. It can be less expensive to repair the structure using slightly different methods which allow the tree to be retained and so save the felling and reinstatement cost. Due to the issues trees can cause, it is important to have clear guidance on what action can be taken in various scenarios and the need to balance problems against benefits. Guidance on how decisions will be reached is presented below. It is the Council's aim to protect, manage and

maintain trees in public areas and in a safe manner throughout the county. Where new tree planting is proposed it is essential to ensure a good design which take all factors into account and ensures the 'right tree in the right place'.

Trip Hazard / Pavement Lift

The council will undertake measures to repair or make safe an unacceptable trip hazard on a public footpath or road caused by the growth of a Council owned tree. This is typically a situation where a level difference of 10mm (as part of the consultation process this measurement will be agreed in line with best international standards), or greater is present to constitute a trip hazard the deformation will be assessed by the Council.

The roots of trees exploit soil in various ways dependent on species, local conditions and history of site disturbance. Pressure exerted by the radial growth of roots can deform the surfaces of footpaths, roads or other light structures, especially in the close confines of the urban setting. Damage occurs most commonly close to the tree and will diminish rapidly with distance. Where a hazard exists and is attributable to tree roots engineering options will be explored before root pruning or tree removal is undertaken.

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude, pruning may be

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appropriate or the path can be reconstructed around the tree using flexible material such as asphalt to provide a smooth surface or using reinforced concrete or other engineering solutions.

Where trees are causing damage to paths or footpaths, the Council will only consider tree removal where there is a risk to public health which cannot otherwise be mitigated. This will usually be the last resort, accepting that in some circumstances where the tree is of low value or easily replaced removal may be the most appropriate solution. The Council will seek to explore engineering options through internal consultation within the Operational Department to reduce trip hazards before root pruning or tree removal. The Council will develop a protocol for resolving issues where tree roots conflict with public areas under hard surfacing. The Operations Department should be notified about trip hazards as tree roots may not be the cause of the problem.

Trees in Conflict with the Built Environment

The Council will not normally consider removal of a tree where structural damage can be repaired or reasonably resolved by appropriate engineering solutions.

Trees in an urban environment will inevitably cause conflict with people and infrastructure which creates pressures for trees to be pruned or felled. The perceived threat of

damage by tree roots is sometimes a worry people have about trees near to buildings or built structures. Much of this concern is unwarranted as most trees growing near buildings cause no damage. Tree roots are unlikely to directly penetrate sound footings. Lightly loaded structures, such as a light boundary wall if they have inadequate foundations, may be affected by pressure exerted by tree roots or trunks but in such cases trees are not the primary cause of damage. The Council recognises that trees under its ownership/management may be implicated in damage to nearby built structures but is also aware that trees are not always the causative agent and that nearby trees often get blamed for damage before a thorough investigation is carried out.

Some other reasons for structural failure are inadequate foundation design, general structural failure, poor quality construction, nearby excavations or major works to adjacent properties. In circumstances where structural damage can be repaired or reasonably resolved by appropriate engineering solutions, the Council will not normally consider removal of a tree, except where the tree is structurally or physiological in poor condition. Property owners will, at their own expense, be expected to provide evidence from an appropriately qualified professional such as an arborist or engineer that a tree is or has caused damage to their property such as a boundary wall.

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All reasonable engineering alternatives must be explored before felling will be considered. Where evidence is provided which demonstrates a Council owned tree is the cause of damage, the Council will take appropriate action on a case by case basis.

Trees and Utilities

Trees themselves very rarely break or damage the drains or underground services. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. The Council's presumption is that the appropriate way to deal with tree root blockage of drains is to ensure that the drains are watertight. Any concerns about the condition of public drains should be reported to the water authority.

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. This may sometimes involve the loss of trees or removal of large parts of a tree leaving a misshapen and unbalanced crown and reducing the amenity value of the tree. Excavation works near to street trees brings considerable potential disturbance within the root zone of trees, often reducing their stability and long-term viability.

Where works to trees are necessary as a result of proximity or conflict, the Council will encourage utility operators to adopt the most appropriate long term solution, giving consideration to tree health, local tree cover and visual amenity. Utility companies must consult with the Operational Division of Fingal County Council in advance of any pruning, trenching or other works likely to affect Council owned trees. The Council will develop protocols for dealing with trees and utilities in consultation with the main utility providers and adhere to the recommendations of the current NJUG (UK National Joint Utilities Group) Guidelines for The Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees and BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Where residents are concerned about trees conflicting with utility wires, the relevant utility company shall be the first point of contact.

Trees Overhanging Neighbouring Properties / Roots Encroaching into Gardens

The Council will not generally prune trees that overhang neighbouring properties unless the trees are dangerous or are causing significant nuisance.

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The Council has no legal obligation to prune overhanging trees unless they are causing direct damage to an adjacent property or are imminently dangerous. This reflects the Council's position as an owner of thousands of trees and the resources available. Given that many thousands of Council trees overhang boundaries, it is not an effective use of resources to prune every overhanging limb.

Tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning. However, situations where a tree is genuinely generating root encroachment to an exceptional, severe and unreasonable degree are dealt with on a case-by-case basis. Adjacent landowners are entitled to prune encroaching tree branches or roots back to the boundary of their property. Legally, they are required to retain the arisings and offer them back, but the Council is not obliged to accept them.

Trees Touching or Causing Direct Damage to Property

If a tree in Council ownership/managed by the Council is touching your property (dwelling house, garage etc) the Council will take action to remove the nuisance. The Council will cut back trees to provide a minimum of 0.5 - 2m clearance where possible from properties where they touch windows, walls, roofs or gutters to avoid

damage. In many cases the solution will be for the Council to prune the tree, but in exceptional circumstances it may be more appropriate to fell the tree. If pruning is appropriate, we will endeavour to undertake works to stop the problem reoccurring within a number of years. A balance will be struck between the nuisance experienced by individuals and the benefits offered by the tree to the wider community.

Trees Blocking Natural Light

The Council will not normally prune, top or fell a Council owned tree to improve natural light.

Trees are often perceived to block light to nearby properties and the level of alleged nuisance is variable and subjective. There is currently no legal right to direct sunlight and there is no expectation for existing buildings or other structures to be removed for this reason.

However, situations where trees are genuinely blocking daylight from habitable rooms to an exceptionable, severe and unreasonable degree may be dealt with on a case by case basis. Minor pruning works may be acceptable in some situations; however any decision would consider the health and significance of the tree, its contribution to the house, and whether the tree was already present when the occupier moved into the property.

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Policy 10

The Council will not plant large canopy deciduous trees within a distance equal to their maximum potential height on the south or west side of private dwellings. For evergreen trees this distance will be increased to twice their maximum height. This will minimise or eliminate afternoon and evening shade problems going forward.

Obstruction of Views

The Council will not prune or fell a Council owned tree to improve the view from a private property.

There is no legal right to a 'view'. Vegetation and trees grow and, over time, contribute to the county's distinctive character. It would be impracticable to prune every tree that affected a view, and this would have a major negative impact on public amenity. However, where there are historic vistas or area defining views appropriate tree maintenance will be considered to preserve the landscape character.

Crime and anti-social behaviour / CCTV

An Garda Síochana shall be the first point of contact in relation to trees and anti-social behaviour. Pruning of trees to reduce crime may not be the solution and the felling of trees will be carried out as a last resort.

The Council may continue with the practice of removing the shrub vegetation in areas considered to be anti-social behaviour blackspots.

Unauthorised Pruning, Removal or Damage to Council owned Trees

The unauthorised removal of trees affects the amenity of an area and destroys the many positive benefits of trees in a locality.

All Council staff operate from vehicles displaying the Council's logo and tree contractors operating on behalf of the Council are required to erect signage which refers specifically to Fingal County Council. If someone is observed pruning, removing or causing damage to a Council owned tree who may be without consent (person not associated with a relevant sign or vehicle and / or without clothing that clearly identifies who they are) the Gardai should be called and the Council notified. Unauthorised damage, pruning or removal of a Council owned/managed tree may be prosecuted by an Garda Síochana under the Criminal Damage Act 1991.

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Unauthorised works or damage to Council-owned trees may result in a compensation charge being levied. This charge will reflect the amount of damage sustained and where the life/safety of the trees is undermined, it will include the cost of total tree replacement and compensation for loss of tree value. These charges will be drawn up by professional parks staff and each case will be assessed on an individual basis using a recognised tree valuation system (e.g. CAVAT or Helliwell).



Policy 11

The Council may seek to prosecute anyone found to be carrying out unauthorised work or causing damage to its trees without permission and where appropriate apply the maximum penalty.

Obstruction of Street Lighting

The Council will undertake work to a tree to ensure that trees do not unduly obstruct the streetlight.

In line with the hierarchal approach to tree maintenance, trees in residential areas that are within 5m of a public lighting standard and obstructing the light to an unreasonable level may be removed. 2,439 of our inventoried trees are within such a distance

and due to significant resourcing issues, it is not feasible to retain and prune trees in every such scenario. In addition to this, the long-term viability of the tree if retained in such a location would be compromised by a requirement for ongoing maintenance in order to maintain the effectiveness of the street light.

Trees located in areas with higher footfall such as main streets of towns and village centres close in proximity to streetlights may be considered for pruning in order to maintain the tree lined avenue. Trees considered for pruning must have a high amenity value and regular pruning must not cause too high maintenance or negatively impact the trees health. Pruning works can only be carried out where this will not unduly disfigure the tree.



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Where new trees are being planted, these will be located so they do not cause future interference to existing streetlights, typically no closer than 7m from the centre of the main stem to the pole.

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Obstruction of signage and sight lines

The Council will undertake work to a tree in Council ownership/management to maintain clear sight lines, where reasonably feasible, at road junctions and access points and for traffic signals and street signs.

Where an ongoing pruning requirement arises as a result of sightlines, road signs or traffic signals being obscured by tree growth or regrowth, consideration will be given to the removal of trees to minimise ongoing repeat maintenance costs.

Trees Located Within Gardens of Council Owned Housing

Trees located within the residential gardens of Council-owned housing are to be maintained by tenants as part of their tenancy agreement, except in cases subject to the Housing Department's discretion.

Driveways and New Entrances

The Council will not normally support either the removal of a tree or cutting of a tree's roots for the construction of vehicle crossovers and/or alterations to residential driveway access, unless the tree is of limited life expectancy or is small enough to be relocated elsewhere. Exceptional circumstances will be considered by the Council on a case by case basis. Planning permission is required if a property owner wishes to widen an existing access or create a new access to the public road. The Council

should be consulted if the grass verge or any roadside trees are affected in order to get advice on the acceptability of a specific proposal and other technical requirements before any planning application is made. A minimum clearance of 3 metres or 10 times the diameter of the tree trunk at its base (whichever is greater) must be provided between the trunk of any street tree and the edge of the crossover unless the Council determines otherwise. The Council's Operations Department should also be consulted if the roadside kerb is to be dished and a roadside concrete apron laid to provide vehicle access to car parking spaces in front of a house. As part of the application assessment, the Council will apply a standard Tree Amenity Valuation formula to fully determine the costs associated with the removal and or retention of specific trees associated with the development activity. If the condition of the street tree is declining and its life expectancy is short, tree removal may be considered to allow for the installation of a new driveway crossover. Removal and replacement of trees will be at the cost of the applicant and a new tree will be replanted as close as possible to the original tree.

The design of vehicular entrances that impact on adjacent trees will need to be considered to avoid conflicts with street trees. Where a conflict is unavoidable and where a tree, located on-street, requires removal



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to facilitate a new or widened vehicular entrance and cannot be conveniently relocated within the public domain, then a financial contribution will be required in lieu.

Obstruction of Roads, Cycleways and Footpaths

The Council will undertake work to a tree in Council ownership/management where a tree is causing an obstruction to a public highway, public footpath or cycleway, public right of way, access to property or public open space, where reasonably feasible

Tree pruning to achieve the following height clearance is considered appropriate where reasonably practical and where it can be achieved without harming tree health or form:

- Footpaths: 2.5m
- Cycleways: 3m
- Roads / streets: 4.5m

Any works necessary to prevent an obstruction in the width of a public footpath due to the presence of a Council owned tree will be considered on a case-by-case basis. If a privately owned tree or other vegetation is causing an obstruction to a footpath or road, powers exist under Section 70 of the Roads Act 1993 which enable the Roads Authority to deal with the matter. The section allows for the serving of notice on the landowner setting out remedial works to be

carried out. Failing action by the landowner, the Roads Authority can arrange to have the necessary works carried out and seek to recoup the cost of the works from the landowner concerned.

Other Tree Related Issues

Fruits / berries

Problems caused by falling fruit, berries, nuts or blossom are natural and seasonal occurrences and not something the Irish legal system recognises as a 'legal nuisance'. Whilst we appreciate these problems, they are judged a relatively minor inconvenience when considering the many benefits of having trees within an urban environment. Fruit trees such as apple, cherry and pear are welcomed in many locations for having the double benefit of spring blossom and autumn fruit. This makes fruit trees good for wildlife and a source of free food. However, where fallen fruit is leading to a significant anti-social behaviour problem, the Council will consider measures to reduce the problem including whether a phased removal and replacement with alternative species is reasonable. If there is a hazard on the public footpath the Council's Operations Department should be notified of the problem to arrange clearance. The Council will not fell or prune Council owned trees solely to alleviate problems caused by natural and/or seasonal phenomena such as fruit / berries, nuts or blossom which are legally outside their control.

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Pollen

It is not feasible to remove or prune trees to remove pollen sources

The Council will not prune or fell a Council owned tree to remove or reduce the release of pollen.

Wild Animals and Insects

The Council will not prune or fell a Council owned tree to remove or reduce incidence of perceived pests such as bees, wasps, or wild animals. Exceptions to this may relate to interventions necessary for ensuring the health of the tree.

Bird droppings

Bird droppings can be unpleasant and a nuisance, but the problem is not considered a reason to prune or remove a tree. Roosting birds are a natural occurrence as is their production of droppings. Generally, felling a tree will not alleviate the problem as birds will relocate to another tree in the locality. Similarly pruning will not resolve the problem as birds will relocate to other branches. Warm soapy water will usually be enough to remove the bird droppings. Nesting birds are protected under the Wildlife Acts 1976 and Habitats Regulations 1997-2005.

The Council will not prune or fell a Council owned tree solely to remove or reduce bird dropping.

Sap / honeydew

Certain species of tree for example lime and sycamore are susceptible to aphids or other leaf feeding insects. Honeydew is the sugary sap / sticky deposit which results from insects feeding and is subsequently colonised on surfaces by sooty mould fungi giving it a black appearance. Honeydew is a natural and seasonal problem and the severity varies from year to year depending on conditions. A balance between the inconvenience of honeydew deposits and the wider benefits of trees must be achieved and as such there is unlikely to be justification for the pruning or removal of trees due to honeydew deposits. Residents are advised to make their own arrangements to minimise the problem; regular car washing, covering the car or parking in an alternative location. Where honeydew affects cars, warm soapy water will easily remove the substance.

The Council will not prune or fell a Council owned tree solely to remove or reduce honeydew or other sticky residue from trees.

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Leaf Fall

The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning. The composting of leaves is encouraged as a way of environmentally recycling this valuable resource. In addition, the Council organises a street cleaning service which sweeps leaves from most streets and residential roads during the autumn period.

The maintenance of gutters is the responsibility of the property / landowner. Where gutters are regularly blocked by fallen leaves the installation of gutter guards by the landowner may provide a low maintenance solution.

The Council will not prune or fell a Council owned tree to remove or reduce leaf fall or remove fallen leaves from private property

Satellite Dishes

The Council acknowledges that television and satellite entertainment are important to residents. However, a balance must be found between these and the local environment. The responsibility for receiving a satellite television signal is with the company that erects the satellite dish or aerial. The company should erect their equipment in a location that receives a clear signal.

The Council will not prune or fell a Council owned/managed tree solely to improve TV

and / or satellite reception, where the trees in question would not otherwise require works.

Solar Panels

Whilst the Council appreciates that there is a need to provide renewable energy resources, trees have an important role in maintaining and improving local amenity, in addition to contributing to local and national targets in tackling climate change. The presence of existing trees and how these trees will grow in the future must be fully appreciated when considering a suitable location for the placement of solar panels.

The Council will not prune or fell a Council owned/managed tree to facilitate installation or improve natural light to a solar panel.

Trees Considered too Large

Residents may feel apprehensive about the size of a tree and consider it dangerous. However, trees are not dangerous just because they are perceived as tall, too big for their surroundings or move in the wind. Tree movement in high winds is natural and one of the ways they can withstand strong winds. Other problems would need to be shown for the Council to consider the tree to be dangerous.

The Council will not prune or fell a Council owned/managed tree because it is considered 'too big' or 'too tall'.

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Trees competing with privately owned trees and shrubs

The Council will not prune or fell a Council owned/managed tree because it is competing with privately owned garden plants with its shade cast or water uptake. The best gardening approach is to work with the environment in a given location such as introducing shade or dry tolerant plants.

Exceptional circumstances

We recognise that in some exceptional circumstances the problems caused by a tree on public land are so great that we will consider undertaking remedial works. Where these problems and likely future maintenance costs are excessive the tree may be removed and replaced with a more suitable species.

Exceptional circumstances will be assessed individually on their merits.

