

Town and Parish Council tree planting, community gardens or bins/benches on Wiltshire Council land - Guidance Notes

Background

The aim of this process is to facilitate suitable community led single tree or memorial tree planting schemes and the positioning of bins and benches, primarily to improve local amenity.

Applications will **only be considered from Town or Parish Councils**, to ensure that appropriate local support has been gained and assurance that ongoing maintenance will be undertaken. Applications will only be considered from Town and Parish Councils. If you are member of the public or another form of body or organisation, please approach your Town or Parish Council for assistance.

Please note that we are unable to undertake site searches in order to suggest sites that may be suitable for such proposals.

Tree planting and community gardens or wildflower planting:

Tree planting and community gardens or wildflower planting must take place on Wiltshire Council owned public open space only, normally where the land is subject to covenants or small-scale amenity land that has no other operational or strategic purpose or development potential.

The process excludes:

- Replacement of trees felled due to ash die back
- Trees planted as a condition of a planning application
- Trees planted by tenants on the Rural Estate
- Any large scale planting scheme that may be undertaken by the Council

Considerations

The planting of trees or wildflower planting on council land has a number of bio-diversity and environmental benefits, but does create liabilities on the council through management and maintenance. Firstly, the grounds maintenance and associated equipment become more difficult through the introduction of trees. Secondly, the council has limited resource and budget to maintain trees not on the a public highway, with new trees creating burdens, albeit not necessarily immediately, but through the life of a tree.

There is also an indemnity risks associated with an increased number of trees, through the risk of branch or tree failure and injury / damage to persons or property.

Bins and Benches:

New litter and dog waste bins and benches must be installed on Wiltshire Council owned public open space only, normally where the land is subject to covenants or small-scale amenity land that has no other operational or strategic purpose or development potential.

Considerations

Such facilities can improve the public amenity of an area but do create liabilities on the council through management and maintenance. Firstly, the grounds maintenance and

associated equipment become more difficult through the introduction of additional structures. Secondly, the council has limited resource and budget to maintain new structures and in the particular case of litterbins, to provide the regular emptying that they require.

Process for granting permission

For Parish Councils – where Wiltshire Council resources allow, the preferred route is to transfer the freehold of the land identified for the tree planting, bin or bench to the Parish Council including the surrounding open space, potentially along with other open spaces in the Parish. This will enable the applicant to consider further related activities and/or maintenance of the land without reference back to the council. It will also remove the land from any Wiltshire Council grounds maintenance contracts in place.

Maintenance agreements secured via the grant of a Licence Agreement for a smaller area will be granted in exceptional cases only after detailed explanation from the applicant setting out why freehold transfer is not possible.

For Town Councils - pending a wide scale review of the assets within the town under the Service Devolution and Asset Transfer Policy, the preferred route is to transfer the maintenance responsibility for the land identified for the tree planting, bin or bench to the Town Council. This **will** include the surrounding open space via a maintenance agreement secured via licence.

In the case of such maintenance / licence agreements (for either town or parish council) the licensee will not be permitted to include or refer to the licence area or the Works in any formal Environmental or Climate Change mitigation scheme with which it is involved during the licence period.

Applicants should complete the application form, providing all of the requested information with accompanying maps and specifications and submit them to estates@wiltshire.gov.uk

The application will be reviewed by the Estates, Highways and Streetscene Teams and the Town or Parish Council will then be contacted to either take the matter forward via Asset Transfer or Licence Agreement or discuss why this may not be possible.

The review will consider whether the land is subject to existing covenants to maintain as open space, the extent of the open space and any strategic aims of the Council. In addition, a basic line search of the area will be carried out where tree planting is proposed.

Town and Parish Council tree planting on Wiltshire Council land – Application Form

Application for small scale tree planting, community garden or wildflower planting, and siting of bins and benches on Public Open Space

Information required:

Name of applicant		
Contact details of applicant		
Address of proposed site		
Description of the site including current use		
Description of the proposal (complete as relevant)	Number, type and size of bins	
	Number, type and size of benches	
	Number, species, size and origin of trees	
	Details of the community garden or wildflower planting	
Background to the proposal including reasons for applying		
Is a plan illustrating the extent of the proposal for Public Open Space and the locations of the proposed bins, benches and trees provided (as appropriate) Note: the absence of a plan may result in the application being either rejected or put on hold.		Yes / No (delete as appropriate)
Please confirm whether you are willing to undertake the maintenance of:	The whole of the area of Public Open Space identified	Yes / No (delete as appropriate)
	A smaller area of the Public Open Space (please show on plan)	Yes / No – alternate plan provided (delete as appropriate)
Please confirm whether any community engagement has taken place in relation to these proposals and provide evidence of support, where applicable		Yes, supporting into attached / No (delete as appropriate)
If you are a Parish Council please confirm whether you would consider taking the freehold of the Area.		Yes / No

Applicants should provide this application form, with accompanying site plan and (if available) specification, to estates@wiltshire.gov.uk