

Tree Management A guide for residents

Environment and Sustainable Communities

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Introduction

Bedford Borough Council is responsible for approximately 35,000 trees in its streets, parks and open spaces. In addition, the Borough is rich in tree cover in its woodlands and property estate.

This document provides guidance to residents about some of the commonly asked questions we receive about council owned trees and the reasons which dictate how the Council manages

trees within its control such as legal and statutory obligations as well as the continued investment in increasing the Borough's tree stock which provides so many tangible benefits for the residents of Bedford Borough. Bedford Borough Council plant between 300-350 new trees within our Parks and Highways each year.

Why Trees Matter

The Borough recognizes the importance of its tree resources and actively promotes the quantifiable and esoteric benefits that trees bring to the residents of Bedford Borough.

For the Community

Trees help to give a feeling of place and community by providing a sense of long term stability and living link between the past, present and future. They soften the visual impact of our built up areas with seasonal interest with displays of flowers, fruit and autumn colour. Trees help to put Bedford 'on the map'; the green environment encourages people to visit and live in the Borough. They are a tool in promoting social cohesion and reducing crime levels.

For the Environment

Trees reduce the effects of air pollution by absorbing particulates. They absorb radiation which would otherwise be stored and emitted by urban infrastructure, increasing local temperatures and can save up to 10% of the energy needed to heat and cool buildings by providing shelter and shade. Trees absorb and store greenhouse gases such as carbon dioxide, helping to combat Climate Change. The leaves and twigs can slow down the rate at which rainwater hits the grounds which can reduce flash flooding. They offer shade as protection from the sun, within our parks and open spaces, leaving cool places for people to enjoy during periods of high temperature. Trees are an essential element of biodiversity and mature trees support extremely valuable wildlife habitats throughout all areas of the Borough and give people the opportunity to enjoy nature on their door step.

For Health

Trees help to improve air quality as they remove harmful pollutants helping to reduce associated health risks to our population. Trees have a positive effect upon our mental health and sense of wellbeing and can reduce stress and anxiety. An study found that just the view of trees out of the window helped hospital surgical patients to recover faster. Trees provide inviting areas for us to exercise in our parks and green spaces, thereby helping us fight modern conditions such as obesity and heart disease. Trees can protect us from skin damage by shading us from the Sun.







For the Economy

Trees help to make our Borough an attractive and stimulating place to live, work and visit. The presence of trees is acknowledged to increase property value and make areas more attractive to people looking to move to the Borough. A green environment makes for a better working environment. Trees help to create welcoming areas, encouraging people to visit, using shops and restaurants.

They help to regulate local temperature extremes therefore reducing the costs of heating and cooling buildings. The presence of trees makes for a healthier population, therefore reducing the burden upon health services.

Scientists are now able to quantify the benefits of trees by calculating the financial value they provide to society through carbon capture, rainwater interception, the removal of air pollution, building energy savings and building energy carbon avoided. When added to the savings to health budgets and urban inward investment, these savings could run into millions of pounds. Trees really do matter and as a result we will aim to promote the Borough's tree assets and the benefits they provide.

Commonly Reported Issues

Dangerous tree requiring immediate action

If a Council-owned tree is inspected and found to be in such a condition that it poses a high risk to people or property and is considered to be an emergency situation, instruction will be given to our tree contractor to make the tree safe within the same day.

- 1. If a tree poses an immediate and present danger it will be made safe normally on the same day. If the level of risk is lower the tree will be made safe as soon is practically possible and according to the recommendations of the visiting tree officer.
- 2. Signs to look for which may mean that a tree is in such condition to warrant immediate action include:
 - tree is snapped or blown over
 - tree is rocking roots are damaged
 - tree uprooted but held up by another tree or building
 - a large branch has broken off or is hanging off the tree
 - tree or branch is blocking the road or footpath
 - tree or branch is blocking access to property
 - tree has fallen on to house or car
- 3. Signs to look out for which may mean that a tree is a risk to people or property but the risk may not require an emergency response:
 - tree is dead
 - the tree is dying /fewer leaves in summer or dieback in the crown
 - bark is loose and falling off
 - mushrooms or fungi growing on or near the tree
 - old splits and cracks in the trunk or large branches
 - smaller branches falling from the tree
- 4. Trees can be made safe via pruning or felling. Typically we would take the most cost effective approach. But, for certain high value trees we would consider other options to reduce risk to an acceptable level, including options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

Tree requiring action but not imminent danger

If a tree is identified as requiring action, but the risk to the public is not immediate, then the tree will be made safe depending on the degree of risk identified at the time of inspection.

Customer Advice:

1. If a Council-owned tree is inspected and found to be in such a condition it is deemed dangerous to the public or a property it will be made safe within same day, otherwise works to the tree will be prioritised according to the level of risk identified.

Footpath obstruction

We will undertake work to a Council-owned tree to maintain a minimum (where reasonably feasible), 2.4 metres height clearance over a footpath associated with a public street, road or highway.

Customer Advice:

1. If privately owned trees or bushes are causing an obstruction to a footpath associated with the highway, powers exist under Section 154 of the Highways Act 1980 to make the owner of the tree or bush remove the obstruction. If they do not, the Council may do this work and re-charge the owner



Carriageway obstruction

We will undertake work to a tree in Council ownership to maintain a minimum (where reasonably feasible) 5.5 metres height clearance over the carriageway (associated with a public street, road or highway).

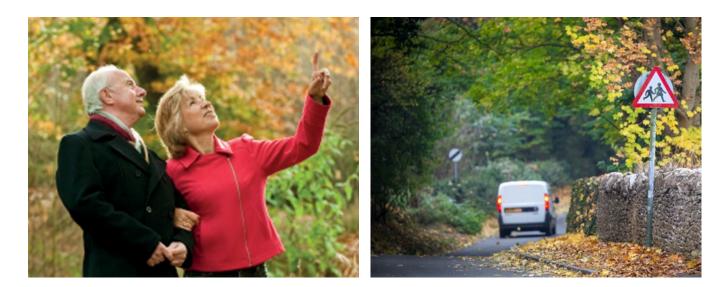
Customer Advice:

1. If a privately owned tree is causing an obstruction to a road or carriageway within a public highway, powers exist under Section 154 of the Highways Act 1980, to make the owner of the tree remove the obstruction. If they do not, the council may do this work and re-charge the owner.

Road sight lines obstruction

We 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).

- 1. Standards for visibility vary according to the class and speed limit in force.
- 2. If a privately owned tree is causing an obstruction to the visibility at a road junction (sight line), powers exist under the Highways Act to make the owner of the tree remove the obstruction. If they do not, the Council may do the work and recharge the owner.
- 3. The shoots that grow from the base of some trees in Council ownership such as lime trees are removed as part of our tree maintenance programme. This is usually done once a year for trees growing in the street, but in some streets this may need to be carried out twice a year. There is no active programme to remove basal shoots from trees in parks and green spaces, unless these interfere with footpaths or the visibility at road junctions (sight lines). Otherwise, the removal of basal shoots for aesthetic reasons is done as and when funds allow or when it is necessary to inspect the base of a tree.



Traffic signal / street sign obstruction

We will undertake work to a tree in council ownership to maintain clear sight lines (where reasonably feasible) for traffic signals and street signs (associated with a street, road or highway).

Customer Advice:

1. If a privately owned tree is causing an obstruction to a traffic signal or street sign, powers exist under the Highways Act to make the owner remove the obstruction. If they do not, the council may do the work and recharge the owner.

Street light - obstruction

We will undertake work to a tree in Council ownership to ensure that the street light can perform to its design specification without being unduly blocked by the presence of trees.

Customer Advice:

- 1. If a privately owned tree is causing an obstruction to a street light, powers exist under the Highways Act to make them remove the obstruction. If they do not, the council may do the work and recharge the owner.
- 2. When the council puts in new street lighting or wishes to move a lighting column, consideration is made of the impact on existing trees. Similarly, when new trees are being planted, these are placed so they do not cause problems to existing street lights.

Trip hazards

We will undertake measures to make safe any potential trip hazard considered unacceptable in streets and roads or the highway, caused by the growth of a Council-owned tree.

- 1. Pavements associated with 'A' roads, streets or highways and Bedford Town Centre are inspected every month. Those associated with 'B' roads are inspected every 6 months and those associated with residential areas, once a year. Any trip hazards are repaired if they are considered dangerous.
- 2. If a privately owned tree is causing damage to the pavement leading to a trip-hazard, powers exist under the Highways Act 1980 to make the owner remove the obstruction. If they do not, the council may do the work and recharge the owner.
- 3. There are a number of ways the Council can repair a pavement damaged by tree roots. Simply, the pavement surface can be 'built-up' or re-surfaced using a suitable porous material. Isolated roots can be pruned (if these do not affect the stability of the tree) and the pavement surface repaired. For higher value trees it may be appropriate to consider the installation of a root barrier which, although more expensive, does prevent the problem re-occurring. Removal of the tree is usually the last resort (accepting that in some circumstances where the tree is of low value or condition and can easily be replaced, removal may be the most appropriate solution).

Crime / anti-social behaviour

Where a Council-owned tree is associated with criminal activity and / or anti-social behaviour, measures to reduce the problem will be considered on a site by site basis.

- 1. Where a tree is associated with criminal activity and / or anti-social behaviour, steps to reduce the problem will typically require the coordination of a number of agencies including the Police. Just pruning or felling a tree is not always the answer to the problem. Some research shows that areas with lots of trees actually help to make places safer. The Council's tree and grounds maintenance programme tries to improve these areas by making the local environment cleaner, greener and safer.
- 2. You are not allowed to remove wood (or other parts of a tree) from parks or green spaces without consent. Generally, all timber is removed from site by the councils approved contractor or it is left in place as a wildlife habitat. Un-authorised persons are not allowed to use a chainsaw of any type in parks or green spaces. If you see someone who may be removing wood without consent (person not associated with a relevant sign written vehicle and / or without clothing that clearly identifies who they are) or they are using a chainsaw then please call 101 for the Police non-emergency service.



Vandalism to trees

We will look into any reports of vandalism to a Council-owned tree and try to repair any damage where we can. The Council has a zero tolerance attitude towards vandalism and will gather any evidence necessary to prosecute offenders.

Customer Advice:

1. The Council will plant larger trees where it believes that there is a genuine risk of vandalism. In addition, in areas of high vandalism, we can protect the tree with metal guarding which is removed once the tree has become established. We actively promote tree planting and encourage local residents including young people to take part and care for the trees in their neighbourhood. These combined measures have reduced problems of vandalism to generally low levels. We encourage local communities to report incidence of vandalism and we have taken legal action where witnesses have been prepared to come forward.

Trees damaging property

The council has active tree management systems in place to avoid damage being caused to buildings and other structures as a result of the action of council-owned trees.

Customer Advice:

1. Where there is a concern that a property is suffering possible damage due to the action of trees in council ownership (or a genuine concern regarding potential damage), the property insurer should be consulted in the first instance. The Council does not automatically admit liability in such cases.

Trees touching property

If a tree in Council ownership is touching a property (dwelling house, boundary wall, garage etc.) the Council will take action to remove the nuisance.

Customer Advice:

1. 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 work to stop the problem re-occurring

Blocked drains/Damage Pipes

We will not prune, fell or cut the roots of a Council-owned tree to prevent roots entering a drain or pipe that is already broken or damaged.

Customer Advice:

1. Tree roots typically invade drains/pipe that may already be broken or damaged. Trees themselves very rarely break or damage the drain in the first place. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. If you are concerned about the condition of your drains then you are advised to contact your water and sewerage company. Householders are usually responsible for the maintenance of the drains within their property. Often, once any root blockage is cleared, the installation of a plastic sleeve within the existing clay pipe will usually prevent a re-occurrence of the problem.

Light and shade/Blocking Views

We will not prune or fell a Council-owned tree to improve natural light or the view from a property.

- 1. In law there is no general right to light or a view. Any right to light would need to be established via a specific grant (rare) or by prescription, which can only occur where the right has been enjoyed uninterruptedly 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 of light as will leave their premises adequately lit for all purposes for which they may reasonably expect to be used.
- If natural light is being blocked by the growth of a hedge then action may be taken to reduce the problem under the High Hedges Act; Part 8 of the Anti-social Behaviour Act 2003. For further information refer to national guidance on high hedges: www.gov.uk/government/publications/high-hedges-complaining-to-the-council/high-hedgescomplaining-to-the-council#the-law-and-high-hedges.





Leaves, Sticky sap, Blossom, Tree pollen, Bird droppings, Falling fruit / berries / nuts

We will not prune or fell a Council-owned tree to remove or reduce any of the above categories, other than in extreme circumstances.

Customer Advice on Leaves:

- 1. The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning.
- 2. The maintenance of gutters is the responsibility of the landowner and the council is not obliged to remove leaves that may have fallen from Council-owned trees. Where gutters are regularly blocked by fallen leaves, gutter guards may be fitted by the property owner to provide a low maintenance solution.
- 3. For roads, streets or the highway, operational teams are working in the autumn to clear fallen leaves.
- 4. In parks and green spaces, paths or areas of hard standing are regularly cleared of fallen leaves, but leaves on grass / shrub beds are generally left until the majority of leaves have fallen before they are removed (unless leaving them would damage the grass in which case the accumulated leaves would be removed sooner).
- 5. Leaves are generally sent for composting.

Customer Advice on Sticky Sap:

1. Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould which causes it to go black. Unfortunately, there is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief. Any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by greenfly and in some years greenfly are more common especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted we try to choose trees that are less likely to cause this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if you wash the car as soon as possible.

Customer Advice on Blossom:

- 1. Tree blossom usually heralds the start of spring. Blossom is a natural occurrence which cannot be reasonably avoided by pruning.
- 2. Roads, streets and highways are swept of excessive blossom as necessary. Similarly, paths through parks and green spaces will be swept of blossom as part of normal cleaning cycles.

Customer Advice on Tree Pollen:

In general, the benefits trees provide towards improved health far outweigh any negative effects. Tree pollen is ubiquitous during certain times of year with many billions of tiny grains carried in the air. The removal of a small number of trees will therefore offer no significant improvement to hay fever sufferers.

Customer Advice on Bird Droppings:

 Bird droppings can be a nuisance. However, they are ubiquitous in the urban environment and it would not therefore be considered a realistic option to prune or remove a tree for this reason. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife laws). Warm soapy water will usually be sufficient to remove the bird droppings.

Customer Advice on Falling fruit / Berries / Nuts:

1. Fruit trees such as apple, cherry and pear have the double benefit of spring blossom and autumn fruit. This makes fruit trees good for wildlife and a source of free food. But, there are some locations where fruit trees are less desirable, for example where soft fruit would make the pavement slippery or where anti-social behaviour could encourage fruit being thrown at houses or cars. When considering which tree to plant we do take account of the likelihood of such problems. Equally, where trees are established but there is a significant health and safety or anti-social behaviour problem, we will look at each case on its merits and consider phased removal and replacement.





Poisonous berries/foliage

We have no general policy to remove trees bearing poisonous fruit / foliage (such as yew trees), however where it is claimed or known that unsupervised young children are likely to be exposed to poisonous berries or foliage, such cases will be investigated and appropriate action considered.

TV / satellite reception/ Solar Panels

We will not prune or fell a Council-owned tree to prevent interference with TV / satellite installation / reception or to prevent the shading of solar panels.

Customer Advice:

- 1. It maybe that your satellite or TV provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish, boosting the signal, or installing the aerial on a longer pole.
- 2. It maybe that your solar panel provider will be able to suggest an alternative solution to the problem, for example relocating the panels to a more suitable location.

Wildlife / insect pests

We will not prune or fell a Council-owned tree to remove or reduce incidence of perceived pests such as bees, wasps, or other wildlife.

- Bees are a desirable species which provide many environmental benefits. The Council will endeavour to protect bees wherever possible by either using warning signs and barriers or re-locating nests. The Council will only destroy a nest as a last resort if there is no other reasonable option to protect the public.
- 2. All enquiries for pest control should be referred to the Council's Environmental Health department.

Trees overhanging property & Common Law

We will not prune or fell a tree in Council ownership to alleviate the nuisance of overhanging branches other than in extreme circumstances.

Customer Advice:

- 1. The nuisance caused by overhanging branches will be considered as part of our general tree-work programme.
- 2. You have a legal right to deal with the nuisance associated with trees encroaching onto a property. The following advice is given where there is a wish to exercise the right to Common Law with respect to encroaching trees:
 - a) Remove only those parts of the tree from the point where they cross the boundary of the property. There is no legal right to cut or remove any part of a tree that does not overhang the property.
 - b) It is strongly advised that a professional tree surgeon is consulted for guidance on how best to prune back encroaching trees, unless the works are trivial meaning that works could be carried out with hand secateurs or similar.
 - c) It is strongly advised that the owner of the tree(s) is informed of any plan to carry out work.
 - d) Before carrying out works to trees, it is strongly advisable that checks are made as to whether the trees are protected by a Tree Preservation Order or if they are in a Conservation Area. If either of the above applies, consent is required by making an application / giving notice to the Planning Department at the Council
 - e) It is advisable to enter into discussions with neighbours where there is an intention to prune back encroaching branches. Legally, the branches are the property of the tree owner and should

therefore be offered back to the tree owner, but in all likelihood, self-disposal should be considered. If the encroachment is due to a council-owned tree then any cuttings must be disposed of and not returned to Bedford Borough Council land as this could cause an obstruction.

Tree too big / too tall

We will not prune or fell a Council-owned tree because it is considered to be 'too big' or 'too tall'.

Customer Advice:

1. A tree is not dangerous just because it may be considered too big or tall. Typically, trees or parts of trees will only fail if they have a structural or physiological condition which can lead to failure or where there are particularly adverse weather conditions. In general, there are very few failures of large trees in comparison to the overall number of trees in the public realm. The tree section will inspect any tree where a concern has been expressed.

Protected Trees

Many trees in the Borough are protected by Tree Preservation Orders. These are trees of high amenity value which have been identified by us and protected by an Order. The Council can initiate this process themselves or in response to a request made by any other party. An Order prohibits the cutting down, topping, lopping or uprooting of trees without the Council's consent. The law on Tree Preservation Orders is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Consent must be sought by submitting a standard application form. The form is available from the Planning Portal or from the Council's website. It is important that the information on the form makes clear what the proposed work is and provides adequate information to support the case.

As with unprotected trees, owners are responsible for maintaining their trees, with no statutory rules setting out how often or to what standard. The Council cannot require maintenance to be done to a tree just because it is protected. However, the Council does encourage good tree management, particularly when determining applications for consent. This will help to maintain and enhance the amenity provided by protected trees.

Anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting permission from the Council is guilty of an offence and may be fined. There is also a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of an Order. The Council may also impose a condition requiring replacement planting when granting consent under an Order for the removal of trees.

Customer Advice:

 Trees in a conservation area that are not protected by an Order are protected by the provisions in Section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the Council, using a standard application form (through the Planning Portal or available from the Council's website) 6 weeks before carrying out work on such trees unless an exception applies (with particular note that notification is not required for trees with a stem diameter of less than 75mm at 1.5m high). The work may go ahead before the end of the 6 week period if the Council gives consent. This notice period gives the Council an opportunity to consider whether to make a Tree Preservation Order on the tree.

Tree (private) - nuisance to third parties

The Council has no authority to intervene in a dispute between neighbours where trees are causing a nuisance or damage to property. However, if the problem is due to a 'high hedge', information can be found on the Bedford Borough Councils Planning web page.

Customer Advice:

1You may benefit from approaching a mediation service if you cannot amicably resolve a dispute between yourself and your neighbour.

Tree (private) - danger to highway

If a tree in private ownership is shown to be a danger to the highway it will be identified for work to make it safe. The land owner will be contacted and instructed to make the tree safe under Section 154 if the Highways Act 1980. If it is necessary that the Council undertakes this work then the owner will be charged in full for the Council's costs.

Tree (private) - danger to 3rd party land other than highway

If a tree in private ownership is believed to be an imminent danger to non-highway land it is the responsibility of the land owner to make the tree safe (under the Local Government Miscellaneous Provisions Act 1976). The Council has powers under the Act to make the tree safe.

- 1. The Council have discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976, Section 23, to deal with trees in private ownership that are dangerous. This legislation only allows the Council to become involved when trees pose an imminent threat to people or property.
- 2. The Local Government (Miscellaneous Provisions) Act 1976 does not enable the council to become involved with private trees causing a nuisance to a neighbouring property by causing shade, blocking views or dropping leaves, flowers or fruit etc. unless the trees are imminently dangerous.

Why is / was a tree felled?

A response to the reasons why any one tree was felled will be provided to any resident who requests this information.

Customer Advice:

1. Tree removal is regrettable but is often necessary for a number of reasons and circumstances. The decision to remove a tree is not taken lightly. Most trees that need to be felled are done so because the tree has either become unsafe or could become unsafe in the near future and where there is no cost effective solution to otherwise retain the tree. Other reasons why trees may need to be removed include where a tree is causing damage to property, where its removal would benefit the surrounding trees or where planning approval has been granted.

Why are tree stumps sometimes left after tree removal?

When a tree growing in the pavement is felled it is not usually possible to replant at the same time. Under these circumstances a short tree stump is left as a temporary measure to mark the position of the planting site. Stumps are cut to a height of 1m as if left close to ground level, they can become trip hazards. Tree stumps are then removed later as part of one operation to be coordinated with tree planting.

Customer Advice:

1. Stumps are typically left around1 metre or so tall and the tops are chamfered to remove any rough edges. A stump is felled to ground level where it is felt that there is no potential trip hazard such as in amenity shrub belts. It is our intention that every stump will be replaced unless local factors mean that it is not possible to replant in the same place.



Useful Contacts

Service	Contact	Phone Number
 Dangerous Tree Tree Requiring Action Street Light Obstruction Vandalism to Trees Tree Touching property Cleansing Leaves, Blossom Fruit Why was tree felled Tree Stumps 	Bedford Borough Council – Environments Services: callcentre@bedford.gov.uk or Report it	01234 718060
 Footpath Obstruction Private Tree Road Sight Line Obstruction Traffic signal / street sign obstruction Trip Hazard 	Bedford Borough Council – Highway Helpdesk : Highways.Helpdesk@bedford.gov.uk or Report it	01234 718003
• Trees damaging property	Bedford Borough Council – Environments Services: Section InsuranceandRiskSection@bedford.gov.uk	01234 718060
• Private High Hedges	Bedford Borough Council – Planning Section: planning@bedford.gov.uk	01234 718068
• Wildlife / Pets	Bedford Borough Council – Environments Services:	01234 718060
• Crime / ASB	Police department	101

Finding out more

If you would like further copies, a large-print copy or information about us and our services, please telephone or write to us at our address below.

Për Informacion

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برای اطلاع

Per Informazione

Informacja

Za Informacije

তথ্যের জন্য



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