

**A policy for the care of**  
**City Council owned trees**  
**in public open spaces.**



"One touch of nature makes the whole world kin."

— William Shakespeare

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## **1. Forward**

By Cllr Bob Bushell. Portfolio Holder -Remarkable Place.

*“Lincoln is a beautiful city, and I consider it a privilege to both call it home, and to have opportunity to shape its future through my position on the Council. Whilst Lincoln might be founded on, and shaped by a rich history, what the city will look and feel like over the coming decades is just as important, if not more so.*

*One thing we can be sure of is that trees will be an increasingly important asset of the city. Whilst we can re-wild and bring greater areas of greenery into our city relatively quickly with careful design, there is no short-cut to growing a tree. It takes time, care, and patience if future generations are to truly reap the benefits. Equally, those trees planted many years ago, which we now enjoy, have to be managed with care and sensitivity, ever mindful of the tricky balance that has to be struck with all the competing pressures that a vibrant city brings.*

*Bringing people closer to nature has many benefits, and whilst it can be a particular challenge in a city, the payback is most certainly worth the effort. That is why I am delighted to be bringing forward this policy now, the first of its kind for Lincoln. It is a significant step forwards in formally recognising trees as an asset to be managed, identifying how we should care for them, the priority we will give to them, and thereby making sure we leave a positive legacy for future generations”.*

## **2. Policy Summary**

This policy applies to City Council owned trees growing in public open spaces, including housing owned areas (excluding tenants' gardens).

### **The Council will take decisions based on:**

#### Safety.

- Prioritising public safety.
- Mitigating damage to dwellings
- Giving due consideration to property and infrastructure damage other than dwellings.

#### Tree welfare.

- Ensuring that all trees are looked after appropriately, having reference to their species, age, condition, and setting.
- Using British Standards/ European Standards as the baseline/default for all works.
- Ensuring all statutory duties for reporting felling or obtaining licences for felling will be met.
- Undertaking the minimum amount of works to a tree deemed necessary.
- Maintaining a rolling programme of proactive inspections.
- Recording all actions on a central recording system
- Planting no less than the number of trees we have to fell / remove in any given year
- Planting appropriate species, with priority given to native species where possible.

#### Customer service.

- Providing a response to every complaint/enquiry
- Assessing the focus of a complaint holistically, taking into consideration all possible influencing factors.

- Escalating all especially sensitive tree related issues for senior officer consideration.
- Promote the positive benefits of trees.

### **3. Mission:**

To have in place a system that cares for City Council owned trees that:

- prioritises public safety.
- reduces the risks of damage to dwellings
- takes into consideration damage to property and infrastructure other than dwellings
- ensures that there is no reduction in the number of trees it owns
- ensures that all trees are looked after appropriately, having reference to their species, age, condition, and setting.

### **4.Scope.**

Caring for trees is a serious issue, and requires technical skills, experience and understanding. This is true anywhere, but never more so than in an urban setting where the needs of people can be in conflict with the needs of trees. This policy document outlines scenarios whereby conflicts can arise between trees and people and seeks to set clear parameters that strike a sensible balance to ensure that both can co-exist in the city, and the people and wildlife can benefit accordingly.

At its heart is the protection of the tree stock, but it has due regard to the activities of people and the impact of the built environment, and sets out the approach that the Council will take to balance both the interests of the trees and of those living with Council owned trees in their community.

This document makes transparent the Council's policy for the care of its existing tree stock, and its approach to new tree planting, so as to achieve its mission statement.

It relates to City Council owned trees in public open spaces only, but makes reference, for practical reasons, to work that the City Council's arboricultural staff do on behalf of third parties.

This document does not cover trees in people's gardens, and is not intended to be an authoritative work on trees or their value in an urban landscape. Although it covers our minimum tree planting requirements (see section 11), it is not intended to be a spatial planting strategy.

## **5. General background.**

Trees are an essential part of any good urban landscape, bringing many benefits to its residents. However, as living things they have a life cycle, and will both grow and eventually decay and die. In a public setting, and especially in an urban environment, this natural order of progression can lead to problems and conflicts.

As living things each tree is truly individual and will grow in a way that is different to any other tree, even those of the same species, planted at the same time, and grown in the same locality. Aside from genetic variability, a tree will respond to its individual environment, both above and below ground, with each day of its existence shaping its future, even from the earliest days in the nursery.

Acknowledging this means there is a need for a tree care system that is tailored to individual specific needs/circumstances, using staff who understand this, and that promote a level of understanding and appreciation of this amongst city residents.

Lincoln is a unique place, and this is recognised within the Council's Strategic Vision for the city's future, under the aim "Let's enhance our remarkable place". What makes Lincoln special is a combination of its history and its setting, and both are relevant to its green space and arboricultural assets.

Whilst Lincoln's older history may be what draws in tourism to the city now, it is its more recent history that has affected much of the structure and form of the city's layout. A period of exponential growth based on heavy industry shaped large area of housing that are still with us, with tight streets and densely packed developments.

The early stages of the industrial revolution brought significant numbers of people in from the rural areas that make up much of Lincolnshire, as mechanisation hit the agricultural communities. The city found it had an abundance of cheap labour available, as opportunities for employment changed and great numbers found work in the expanding factories. Housing was developed quickly to meet the need, but was basic at best, and initially little consideration was given to the welfare of the workforce who lived there.

It was not until the later stages of the 19th century, as public health legislation began to recognise the importance of access to green space for the workforce, that things began to change slowly. The development of parks and gardens, such as the opening of the Arboretum in 1872, was perhaps a turning point locally.

Dense inner city housing (that is still with us today) leaves little space for essential services, let alone trees, and where trees can be grown, they are not long coming into conflict with their surroundings.

Areas of the city that were a little more affluent, such as Monks Road and West Parade, had a little more space, but often the streets were no wider and so the problems for trees are little different to the more tightly packed inner city streets.

Compounding this is the issue of our modern-day living requirements. Small streets and densely packed housing areas were not designed to accommodate high numbers of cars, multiple public utility providers or even wheeled bins for waste. All of these

factors lead to conflicting pressures on available space, with trees frequently being seen as the last priority by some.

Later housing provision gradually became more enlightened in both layout and design, and we can see this evident as the city expanded. By the time areas like the Ermine estates were being developed, larger areas of open space were provided, and service provision was better planned for, this included more space for such as parking. Even in these areas there remained pressures for space however, as families with no car, or one car, gave way to two or three car families being the norm. The pressures are therefore different, but they remain none the less. Trees may grow more healthily in more open aspects where roots have greater access to water, air and nutrients, but if they are not managed they will still affect cables, block light to windows, and affect TV/satellite reception.

Lincoln's rich history has thus set the structural framework for the city's infrastructure, but it has never really taken account of the need for trees to be embedded within its landscape.

Although access to quality open space was eventually noted as being beneficial for all by the Victorians, and where possible parks were provided for the masses who had little access to transport, with the advent of greater access to public transport and travel after the turn of the last century many public open spaces became neglected. Lincoln was, after all, surrounded by 'countryside' it was said, so had less need for open space than many developing cities. Access to space was only ever considered to be a 'stone's throw away', and the concept of bringing the countryside into the streets remained unimagined.

Today we have come to recognise that whilst having an agricultural landscape surrounding the city is a great asset for walkers/runners etc, it does not provide the wider benefits that actually living within a biodiverse landscape offers.

We understand now, better than we have at any point in the past, the enhancements that this brings to all our lives, both directly and indirectly. However, that does not, and cannot, remove all the problems of competition for space in an urban setting, but it is hoped that through the environmental policies of the council and local businesses, as well as the practices of the population themselves, locally, nationally, and globally, these will ease over time as trees come to play a greater role in our lives.

## **6. The benefits of trees.**

Trees can affect people's lives in many ways, directly, and as we have increasingly come to recognise, indirectly. Only relatively recently has it started to be understood that simply being in a green environment with plants and wildlife around us, has huge benefits for our well-being.

The following is simply a very brief overview reminder of the benefits to the city and its residents, in the context of the above:

Environmental resilience/benefits

- Pollution interception (trees can remove a number of pollutants from the atmosphere, including nitrogen dioxide and particulates).
- Carbon sequestration (Trees absorb carbon dioxide and release oxygen during photosynthesis. The carbon absorbed by trees is stored in its tissues).
- Reduced heating/cooling costs (Careful tree planting can reduce the amount of fuel used to heat and cool buildings. Trees provide shelter and reduce wind speed, thus reducing heat loss from buildings during winter. They provide shade in the summer and evaporation of water from the leaves has a cooling effect on the surrounding air. This can significantly reduce the need for air conditioning during hot weather).
- Helps reduce Flooding (Trees have a number of hydrological effects. These include reducing erosion and improving water quality by intercepting pollution. They also reduce ground water run-off, which helps reduce flooding).

#### Social benefits

- Noise reduction. Trees and other vegetation can play an important role in reducing noise.
- Stress. A green environment provides positive mental health benefits as it is quite simply a more relaxing place to be.
- Community development. Trees encourage people out of their homes to enjoy leisure pursuits within public open space. Once outside, people are more likely to interact more with others and build stronger social relationships. An additional benefit is the positive effect that contact with nature can have, especially on children).
- Feel good factor- Studies have shown that office workers who can see nature from their desks take 23% less time off sick than those who cannot see any nature. Office workers who can see nature from their windows report greater job satisfaction. Sick people with views of trees have been found to recover faster than those who cannot see any natural features.
- Crime reduction. Research has found that appropriate well maintained vegetation cover can lead to reduced crime rates. Areas with higher vegetation cover



were found to have lower rates of crime and Anti-social behaviour, considered to associated with higher use/footfall.

#### Wildlife benefits

- Trees provide an important wildlife habitat. They provide nesting sites for birds and support a wide range of insects that are an important food source for wildlife. Trees that produce berries are a direct source of food for many bird species.

#### Road safety

- Trees can help improve road safety in a number of ways:

Tree lined streets make it feel like the street is narrower and encourage slower driving.

Street trees provide a buffer between pedestrians and road vehicles

#### Economic benefits

Consumer behaviour- Studies have shown that people associate trees as representing a better living environment, and with more affluent areas.

Inward investment- Both visitors and businesses have been found to favour areas with high tree cover which increases inward investment to an area. The increase in retail prices that can be asked for in well landscaped areas can be assumed to attract businesses to an area.

Property values are higher in areas with tree cover.

As an important footnote, and for balanced completeness, it should be remembered that there are some places where trees are not welcome. There are many types of habitat, and some require an absence of trees, such as heathland, for the types and range of wildlife they support. Therefore, whilst trees can have an enormously beneficial effect, there are places where tree planting can do damage, even to a natural ecosystem, by changing the ecology of a place.

## **7.Standards**

The Council recognises its duties under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. It aims to take a risk-based approach to the management of its tree stock, with a programme of inspections and the prioritisation of any identified works.

The Council will always seek to meet British Standards (BS) or European Standards (EN) where these exist. Any deviation from BS/EN standards will only be undertaken after careful consideration, and where appropriate, after consultation amongst peers.

The Council will aspire to be aware of industry best practice and make reference to, and use of, any recognised industry guidance where BS/EN standards are not provided.

Where there is statute, such as for the reporting of trees to be felled, or the requirement for a felling licence, these requirements will be met in full.

The Environment Act 21 required an amendment to section 96 of the Highways Act 1980. This placed a duty on a local highway authority to consult the public on the removal of any highway tree (subject to a number of exemption clauses). As the highway trees are all in the ownership of the County Council, this does not technically apply to City Council owned trees. However the City Council, through this policy, commits to the same principles, and will always report the felling of any tree it owns to the Planning Committee. Where possible this will be in advance, for review, but may have to be retrospectively reported if circumstances dictate e.g. removal of a tree for health and safety reasons.

Exceptions to consulting via the Planning Report system will be applied as per the legislation. There are several reasons for exclusion including: -

- Trees with a trunk of less than 8cm diameter at 1.3m height.
- Trees where Planning Permission has already been granted for its removal.

## **8. Tree Protection Order/Tree Conservation Area:**

Tree Protection Orders (TPO's) are administered by the City Council's Planning section. They are made to protect trees that bring significant amenity benefit to the local area.

All types of tree, but not hedges, bushes or shrubs can be protected, and a TPO can protect anything from a single tree to a number of trees within a defined area. Any species can be protected, but no species is automatically protected by a TPO.

A TPO is a written order that makes it a criminal offence to cut down, prune, uproot, wilfully damage or wilfully destroy a tree protected by that order, or to cause or permit such actions, without the planning authority's permission.

Trees not protected by a TPO may be in a tree Conservation Area. In such cases the Planning section must be given written notice by a tree's owner of any proposed work, at least six weeks before the work starts. This is called a 'section 211 notice' and it gives the Council an opportunity to consider protecting the tree with a TPO.

This does not apply if the tree is less than 7.5 centimetres in diameter, measured 1.5 metres above the ground (or 10 centimetres if thinning to help the growth of other trees).

## **9. Prioritising work**

The Council's approach to prioritising work is a simple one, in that first and foremost it will prioritise safety. It will therefore have in place a suitable and sufficient safe system of work to ensure (in so far as it is reasonably practicable) the health safety and welfare of staff, contractors, and the public. This will include consideration of requests for work in relation to access issues, especially in relation to those with mobility issues, where diversion due to obstruction may bring about a pattern of behaviour that could create an unintended risk (see exception in section 11).

Beyond safety the Council will next prioritise risks to dwellings and other property. Where the damage or risks are obvious and direct the Council will take action to mitigate those risks (e.g. a branch hitting a roof or gutters). Where alleged damage or suspected risk is concealed, or in the opinion of the arboricultural officer unclear in any way, then the complainant will be required to provide expert opinion in support of their claim.

In making decisions and undertaking work in response to issues affecting health and safety or risk of damage to property the Council will always be mindful of the value of trees in the city, and have reference to their species, condition and setting, and so will always seek to mitigate impact by or on the trees in so far as it is reasonably able. It will not always remove a tree just because a risk to a structure may be posed.

The next section sets out the Council's general approach and explains the processes used to underpin our mission statement in connection with Council owned trees.

## **10. Inspections and Ordering work.**

Work comes into the arboricultural service by several routes, but is invariably connected with either the deterioration of a subject tree, or concerns about such, the natural processes connected with a tree growing, or the impact a tree is having on an activity of some nature.

The deterioration of a tree can happen quickly, through such as an incident or interaction with a tree (for example a vehicle may hit one or environmental factors such as especially high winds may reveal a fault) or may happen slowly, as a part of a tree's natural life cycle.

Equally a tree may gradually develop into being a nuisance to someone (e.g. by restricting the quality of light entering a property or roots entering a damaged drain) or it may be drawn quickly into conflict (e.g. a development encroaching within the vicinity of a tree/s).

The Council's policy on tree care needs to take both scenarios into consideration, which it identifies here as 'reactive' and 'proactive' work accordingly.

Reactive work is that which arises from a report of a problem. This can be a report to the council from anyone, external or internal, and it will usually simply refer a location of a tree and an outline of the problem. It may be extreme (e.g. a tree has fallen) or the enquiry may be less clear and simply relate to a feeling someone has about the sound a tree is making as it moves in the wind. Reactive work also covers the response to a wide range of issues such as low branches, sap being dropped on vehicles, 'too many' leaves falling on gardens/drives/cars, or concerns that a tree might be affecting TV reception.

In all of these cases enquiries/requests will be passed to a suitably experienced and/or qualified person for initial assessment. Where the member of staff is at all uncertain of their ability/suitability to make an initial assessment they will defer to line management.

The officer receiving the enquiry/request will, using judgement based on the information received, schedule a site visit for inspection. They may undertake this themselves or pass the work to another suitable member of staff who will have ability to understand and address the issue. For example, a small newly planted tree having a broken stake may be attended by a junior member of staff; a low branch near a footpath may be attended by a suitably experienced member of grounds maintenance staff with limited arboricultural knowledge; a large tree making a noise in a wind in a public area will always require a qualified arborist. In exceptional circumstances, such as a tree fallen on a highway, the officer may issue an Emergency Work Order immediately so as to expedite the clearance. This will be followed by a site visit.

A site visit/ inspection will seek to :

- a) Address the specific concern raised
- b) Look for any other issues associated with the tree that might not have been obvious to the complainant.

As each visit/inspection is very different, it is not possible to describe here how each possible issue will be addressed. However, in general terms the officer will always:

- a) Assess the focus of complaint holistically, taking into consideration all possible influencing factors.
- b) Undertake the minimum amount of works deemed necessary.  
This will range from finding no justification for work, through to a complete removal based on facts. It must be noted here that many complaints are based on what complainants would like, rather than a factual need due to safety or property damage. Many are simply intolerance. (e.g. cut off branches for more light transmission, remove a tree due to sap affecting vehicles etc). In such cases the officer will have discretion. (Reference section 8).
- c) Communicate to the complainant the reason for the decision taken.

All work to be undertaken will be entered on to the appropriate system for both recording the action taken and ordering the work. This may be one system or two. At the time of drafting this policy it has been one system, but use of two bespoke interacting systems is being trialled. Ultimately it is the intent that reactive work will be recorded on the same files as the proactive work, so records of all work undertaken to a tree is held in one place.

As and when work is ordered it will be placed on the work ordering system, and be passed electronically to the appointed contractor. It will contain clarity on the work required, and crucially the deadline by which it is required.

The list of work being processed will be reviewed at intervals of no less than two weeks, and at that meeting the work completed will be discussed and signed-off, and the work outstanding will be reviewed. Of highest importance will be the adherence to timetable for work to make sure health and safety obligations are being met. Should there be any delays to any scheduled work, for any reason, these will be rescheduled appropriately, with the reasons for the delays recorded.

Should a contractor not be able to meet reasonable deadlines, or show a pattern of consistent delays, these will be elevated by use of the contract performance framework, and senior staff notified.

Proactive work is the council's programme of routine inspections to check a tree's health, aside from any problems being identified in advance. They are inspections that take place based on prioritisation of risks.

This starts with identification of general areas that might pose a higher level of risk, such as an old cemetery that has a lot of over-mature trees, through areas with average risk, perhaps a mixed population of trees, through to lower risk, as might be found in a new estate with very young trees. Proximity to levels of footfall will also have a bearing on risk estimation.

It is recognised that each of these risk typologies may have anomalies within them, for example a TPO protected ancient tree within a new development. Anomalous trees are picked up in two ways. Initially an Arboricultural officer may flag them to the inspection programme based on experience, or they will note them as a part of their routine rounds associated with reactive work, and bring them into survey accordingly. This can be because the specific tree has been a cause for concern, or is close to a tree that has been a cause for concern, bringing it to their attention.

Once surveyed, all trees will be prescribed a follow-up routine inspection date.

All inspections and arising work requests will be logged in the agreed corporate inspection system. Works ordering required as a result of a proactive inspection will be exactly as for reactive work, as described above.

Appendix A is a flow chart to show the process used.

Where a tree has to be removed a short tree stump may be left in the pavement or verge as a temporary measure to mark the position of a replanting site. Tree stumps will be removed later as part of preparation for tree planting.

## **11. Reasons for refusal to do works**

The Council recognises that growing trees in urban areas sometimes requires compromise. This means that trees cannot always be managed purely from the perspective of the trees' health, and that sometimes some work is required to facilitate a compromise that means that trees can be retained, with their impact on the people in that area mitigated. However, this approach has to have limits, and it is not reasonable to expect that human needs will always take priority over the needs of the trees if a healthy tree population is to be retained and nurtured. For this reason it is felt necessary to set out some parameters within the policy where works will not automatically be undertaken. The arboricultural officer will have discretion, mindful of the impact on a given tree.

Work to trees will normally be refused if it is requested for the following reasons:

- Interference with satellite dish or television reception.
- A resident's perception that the tree is too large.
- Obstruction of view or light.
- Affect on moisture levels in a garden (including effects of shade)
- Seasonal nuisance (Leaf fall, fruit litter, potentially poisonous parts of a plant, allergies to pollen, nuisance caused by insects or birds including their excretions).
- Suckers or germinating seedling spread.
- A pest infestation.
- A resident's perception that the tree will cause damage in the future.
- To replace a healthy mature tree to create space for the planting of new trees.
- Where it is a part of a neighbour dispute.
- Where a claim of obstruction to access is considered spurious.

## **12. Tree planting**

When it becomes necessary to remove a tree, the council has a clear policy of replacement, on a one-for-one basis. This is a minimum, to ensure our tree numbers are not depleted, but when taken alongside voluntary additional planting undertaken each year, whilst it varies in numbers, year on year, the City Council will never remove more trees than it plants in any given year.

When planting a tree we will always review the environment into which it is going, and give consideration to why it was removed. As a very general guide we will start from

the position of replacing 'like for like', but where a tree species has clearly been unsuitable for its position, perhaps hastening its demise, then a more suitable alternative species will be considered.

Whilst we will try to give priority to native tree species, there may be cases when that is not appropriate, for example in an arboretum or ornamental garden setting, where the intent is for a specific effect. It might also be that a widespread disease is prevailing, forcing discrimination against a species, as has been the case with Elm.

Equally, the size of tree to be planted will vary. Whilst street trees will usually be at BS specification for a 'standard', we will flex what is required to meet the requirements of the work. For example, a new development scheme with a need for immediate impact, may need larger trees (larger than most street tree plantings of 2m approx. height) such as 'heavy', or 'extra heavy standards', whereas a mass tree planting scheme may be more suited to the use of much smaller 'whips', '1u+1' stock (small young plants of 30 to 60 cm typically) or similar.

If a new tree is being planted to replace a tree that has been lost, we will try to replant on the same site, unless there are good grounds not to do this. In such cases we will try to find a location nearby, but if this proves to be impossible, then we will find an alternative location in the city. The Arboricultural officer will have discretion.

The desire will be to retain a long term tree canopy similar to that prior to the loss of a tree, but where that is not possible, we will not sacrifice the objective of replanting, even if that has to be elsewhere in the city.

In all cases, while it is clearly necessary for the arboricultural staff to be given discretion, we will always have recourse to best practice. This is true of all works undertaken, including the supply and planting of trees, where British Standards will be applied wherever possible.

After planting we will specify regular adequate watering to ensure, as far as is reasonably practicable, the trees' survival. All newly planted trees will be checked after the first year, and any young tree that does not survive will be replaced in the next available planting season.

### **13. Resources, Roles and Responsibilities.**

The Council's arboricultural expertise falls within the Community Services unit of the Directorate of Communities and Environment.

The unit manages, amongst a range of other functions, the care of the city council's public open spaces. This consists of many types of open space including common land, formal and informal parks, a local nature reserve, a SSI (Site of Special Scientific Interest), and an abundance of verges and 'spaces between the places'. These sites are managed operationally under contract, and it is from that contract that physical works are procured.

Work is priced individually according to what is required, from a pre-set scheme of rates. Resources deployed by the contractor can fluctuate accordingly.

<b>Job Title</b>	<b>Responsibility</b>	<b>Escalation path.</b>
Director	Responsible for corporate H&S policy	Matters that cannot be addressed are escalated to CMT/CX.
Assistant Director	Responsible for H&S policy for trees being compatible with corporate policy.  Budget overview.  Planning in relation to particularly sensitive issues: historic trees, landmark trees, large scale removals.	Issues to be escalated to Director.
Community Services Manager- operations	Responsible for making sure the policy is actioned and operating .  Budget management/ review/ reporting.  Elevation of particularly sensitive issues: historic trees, landmark trees, large scale removals.	Issues to be escalated to Assistant Director.
Team Leader- Open Spaces	Responsible for making sure the systems are operating effectively and undertaking the review meetings with contractors.  Procuring surveying work.  Payments, budget spend and monitoring.  Elevation of particularly sensitive issues: historic trees, landmark trees, large scale removals.	Issues to be escalated to Community Services Manager.
Arboricultural Officers	Responsible for the reactive work, some surveys, identifying works, ordering works, and prioritising works.  Supporting review meetings.	Issues to be escalated to Team Leader.



	Assessing the quality of works.  Identification of particularly sensitive issues: historic trees, landmark trees, large scale removals.	
Community Services officers	Specific site visits and work ordering .	Issues to be escalated to Arboricultural officer.
Contractor.	Provision of adequate resources of appropriate quality to undertake the work as directed, be that surveying or physical works.	

All staff are required to have either suitable experience for the nature of the work they are asked to do, or where technical understanding is required, a suitable arboricultural qualification.

All staff are encouraged and supported to defer in cases where they believe they may not have the necessary expertise. In exceptional circumstances, external independent consultants may be used.

In cases where a level of heightened risk can be foreseen, such as an impending period of high wind, the Council will ensure in advance that 'Out of Office hours' call - out team are aware of the necessary contact numbers for senior staff and arboricultural contractors, and the contractor will have ensured staff cover proportionate to the identified risk.

A Business Continuity Plan is in place which covers the problem of ensuring supporting staff are available and able to work effectively in exceptional circumstances, such as the loss of City Hall as a base, fuel shortages and serious power cuts.

#### **14. Tree ownership.**

This policy relates primarily to trees in city council ownership growing in public open spaces, including housing communal areas. It covers those under the purview of the Directorate of Communities and Environment (DCE), as well as those owned by other directorates where they have asked for tree care to be included within work undertaken for them by DCE.

In a limited number of cases the arboricultural unit does work for third parties. The City Council has a Service Level Agreement (SLA) with the County Council for reactive works only to its highway trees. This may be physical work or advice. Where work is

required under the SLA it is covered by the terms of the SLA, with any resultant reactive work undertaken in accordance with the guidance and processes outlined above. No proactive inspections are undertaken for third parties or under the county SLA. LCC carry out their own proactive inspection/works programme. Costs incurred are recharged in accordance with the terms of the SLA.

Where the Council leases land to third parties, the responsibility for the trees passes to the leasee.

The Council has no legal duty for privately owned trees, outside of a health and safety duty to report to the owner issues which it identifies might be a cause for concern or pose a risk. Where such issues are brought to the attention of a private individual we will try to offer 'no prejudice' advice if reasonable and practical to do so in the public interest.

Whilst the obligation to act on advice proffered is that of the tree's owner, in extreme cases, should a private individual not have the ability to act, for whatever reason, the council will take a pragmatic stance, and put the safety of the public first. By agreement, if this requires the council to do work and recharge the owner, it will do so. In very extreme cases, should a member of the public refuse to sanction such works to their own tree/s, where a qualified arborist feels there is a significant threat to wider public safety arising from the negligence of the owners, the Council will still act, gather details, and seek to recover costs later.

Some trees in the city have a level of protection placed upon them under the official planning process. These fall into two main categories: Conservation Area status (CA), and Tree Preservation Order status (TPO). The former offers a level of protection for a given area, and dictates what the owner of a tree may or may not do. The TPO can cover a single tree or a group, and requires a formal process of permission to be granted in advance for any works (see section 7).

There is a third category less often seen, that can apply in some specific instances. This is where a covenant to protect a tree, or trees, is included with conditions placed on certain developments by the planning department.

All forms of protection are enforced by the council's planning enforcement officers, and are subject to the prevailing penalties.

All requests/enquiries relating to work to trees covered by CAs/TPOs will be subject to written qualified officer assessment.

## **15.Communications.**

Whilst generally speaking people may have a greater understanding of the value of trees in our world than ever before, when they create in impact in how individuals would like to live their lives, tolerance of them can be low.

Trees will always impact people's lives in some way, simply by needing to share the same space, and when they do, be it leaves in gutters, sap on cars, or 'too much' shade in kitchens, people quickly tend to forget all the good they bring.

Intolerance of the impact of a tree usually leads to a complaint, that gives rise to a site visit and assessment. The affected individual may well write to complain and seek support from third parties.

Alternatively, when a tree has to be pruned or be taken down for safety reasons, the complaints that this can generate, and what may be the levels of inaccurate details surrounding these decisions, can be highly stressful.

Arboricultural Officers, who have entered this career because of a love of trees, often find themselves having to defend decisions to residents who have decided, perhaps without any detailed knowledge of the specific facts, that the Council has behaved unfairly.

On the premise that conflicts, no matter how they arise, are stressful for all concerned and wasteful of time/resources, it is a key aspect of this policy that communication be considered in all that is done.

No communications campaign will ever resolve these issues entirely, but it is believed that a good, clear, sustained approach may help people think twice about the validity of their complaint or their tolerance to an issue.

Equally, by being transparent in as many aspects of tree care as it can be, the Council and its staff will be able to educate people and persuade them that although always operating with health and safety in mind, it is fully conversant and appreciative of the impacts of its decisions. No decisions are taken lightly.

For this reason the Council will promote it's work as a part of an ongoing initiative to promote open spaces, and their value in the city, and will always seek to make clear reasoning behind any arboricultural work.

The Council's communications team will therefore include reference to trees in their work, and within their strategic approach, with support from arboricultural staff as required.

The Council will seek to remind people that trees are:

- valuable to us within an urban setting and why we should be tolerant of them when they impact us
- living things that grow and die naturally
- individuals, and need tailored care
- an asset that has to be managed to ensure the safety of the public and protect property (which sometimes means taking difficult decisions)

As and when opportunities permit we will also give advice if requested, on issues such as what tree might be suitable for a specific setting, how to care for trees, and legal responsibilities.

## **16. Previous Policies**

The Council has previously adopted a policy which includes for reference to trees: The Open Space and Tree Management Policy.

This new policy document replaces that older document with regards to all aspects relating to trees. In all other respects the old document remains valid for wider open space issues.

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