

SUBJECT:	WORKS TO TREES
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	ASSISTANT DIRECTOR, COMMUNITIES AND STREET SCENE

1. Purpose of Report

- 1.1 To advise Members of the reasons for proposed works to trees. These will be predominantly trees in City Council ownership, which is the main purpose of the report, but it may include others at times where special circumstances apply, and officers are both able to do so and think it helpful.
- 1.2 It is important to note that the attached list does not represent all the work undertaken to trees in Lincoln, in Council ownership or otherwise. It does however cover all the instances where a tree is in City Council ownership and identified for removal, or where a tree enjoys some element of protection under planning legislation, and thus formal consent is required.

2. Background

- 2.1 In accordance with policy, Committee's views are sought in respect of proposed works to trees, see Appendix A.
- 2.2 The responsibility for the management of any given tree is determined by the ownership responsibilities of the land on which it stands. Trees within this schedule therefore predominately relate to trees on land owned by the City Council, with management responsibilities distributed according to the purpose of the land (e.g. 'Housing trees,' 'Park trees'). However, it may also include trees that stand on land for which the City Council has management responsibilities under a formal agreement but is not the owner (e.g. County Council highway trees).
- 2.3 All cases are brought to this committee only after careful consideration and assessment by the Council's Arboricultural staff (together with independent advice where considered appropriate).
- 2.4 Although the Council strives to replace any tree that has to be removed, in some instances it is not possible or desirable to replant a tree in either the exact location or of the same species. In these cases, a replacement of an appropriate species is scheduled to be planted in an alternative appropriate location. This is usually in the general locality where this is practical, but where this is not practical, an alternative location elsewhere in the city may be selected. Tree planting is normally scheduled for the winter months following the removal.

3. Consultation and Communication

- 3.1 All relevant ward councillors are notified of the proposed works for their respective wards prior to the submission of this report.
- 3.2 The relevant portfolio holders are advised in advance in all instances where, in the judgement of officers, the matters arising within the report are likely to be sensitive or contentious.

4. Strategic Priorities

4.1 Let's reduce all kinds of inequality

It is important to the Council that quality green spaces are accessible to all, and that everyone should enjoy the benefits that a greener environment brings.

4.2 Let's deliver quality housing

Housing is about more than providing a building. Houses represent 'home,' and this feeling is developed on a range of factors about the area of a house, including the environment in which it stands. Tree cover is a significant aspect of shaping how an area of housing feels, and thus the creation of homes.

4.3 Let's enhance our remarkable place

The Council acknowledges the importance of trees and tree planting to the environment. Replacement trees are routinely scheduled wherever a tree has to be removed, in-line with City Council policy. Lincoln's green spaces, including its tree cover, are an asset which has unquantifiable value; they are a key part of the City Council's strategic approach to improving the city for the benefit of all those who live, work or visit the city.

4.4 Let's address the challenge of climate change

The trees in Lincoln's parks and open spaces are often referred to as it's lungs. Care for the trees, and how the Council ensure a healthy quality tree cover, underpins and contributes to biodiversity improvements.

5. Organisational Impacts

5.1 Finance

The costs of any tree works arising from this report will be borne by the existing budgets. There are no other financial implications, capital or revenue, unless stated otherwise in the works schedule.

5.2 Legal Implications including Procurement Rules

As trees are assets in the public domain the Council has a legal duty to maintain them, in so far as is reasonably practicable, in a safe condition. This policy supports that requirement, and would add weight to any defence against claims related to injury or damages arising from allegations of negligence of the tree stock.

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 removal of any tree it owns to the Planning Committee. Where possible this will be in advance, for review, but may have to be retrospectively 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 and include:

- Trunk less than 8cm at 1.3m height.
- Planning permission has already been granted for its removal.

5.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

This report does not negatively impact equality, diversity or human rights.

5.4 Significant Community Impact &/or Environmental Impact

It is recognised that tree works, not least removals, can impact a community. This is especially true when a large tree of note has to be removed.

Through the processes associated with delivering this report ward councillors are notified in advance, and thereby have the opportunity to request briefings/details relating to any issues of concern.

Whilst officers will always try to flag up any potentially contentious issues in advance, and address them sensitively, this extra level of consultation permits opportunity for members to highlight any concerns, and for these to be considered according.

5.5 Corporate Health and Safety Implications

All works arising from this report are undertaken by the City Council's appointed grounds maintenance contractor. The appointment of contractors is an in-depth and considered process that will not permit the appointment of contractors who are not

considered safe and competent. The assessments remain ongoing throughout the period of their appointment.

All staff are suitably trained, qualified, and experienced.

6. Risk Implications

6.1 (i) Options Explored

For each tree listed, members may choose to agree, or refuse works. Where they refuse works, then this will have implications which must be understood, on a case by case basis. The preferred approach is agreement to the schedule proffered by arboricultural staff.

6.2 (ii) Key Risks Associated with the Preferred Approach

The work identified on the attached schedule represents the Arboricultural Officer's advice to the Council relevant to the specific situation identified. This is a balance of assessment pertaining to the health of the tree, its environment, and any legal or health and safety concerns. In all instances the protection of the public is taken as paramount. Deviation from the recommendations for any particular situation may carry ramifications. These can be outlined by the Arboricultural Officer pertinent to any specific case.

Where appropriate, the recommended actions within the schedule have been subject to a formal risk assessment. Failure to act on the recommendations of the Arboricultural Officer could leave the City Council open to allegations that it has not acted responsibly in the discharge of its responsibilities.

7. Recommendation

7.1 That the works set out in the attached schedules be approved.

Is this a key decision? Yes

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? One

List of Background Papers: None

Lead Officer:

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**NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES
RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS.
SCHEDULE No 5 / SCHEDULE DATE: 02/10/2024**

<i>Item No</i>	<i>Status e.g. CAC</i>	<i>Specific Location</i>	<i>Tree Species and description/ reasons for work / Ward.</i>	<i>Recommendation</i>
1	N/A	8 Tower Drive – Housing property	<p><u>Abbey Ward</u> 1 x Lime <u>Retrospective notice of removal</u> This tree was in excess of 20 metres high and was standing as deadwood due to the presence of Charcoal fungus – This fungi can cause unpredictable brittle failure to the base of trees affected, the tree was therefore removed as a matter of priority.</p>	Replace with 1 x Lavallee hawthorn; to be planted in grassland on Roman Pavement, opposite house number 28.
2	CAC	Lincoln Arboretum	<p><u>Abbey Ward</u> 1 x Ash <u>Remove to ground</u> This tree is exhibiting creeping failure of the root plate which places the tree at a high risk of unpredictable collapse.</p>	<p>Approve works</p> <p>Replace with 1 x Cut-leaf beech; to be located in close proximity to the position of the removed tree.</p>
3	N/A	91 Woodfield Avenue – Housing property	<p><u>Birchwood Ward</u> 4 x Leyland cypress <u>Retrospective removal notice</u> The overgrown nature of the trees prevented them from being pruned back to form a viable hedge line.</p>	Replace trees with 2 x decorative Apple cultivars – to be located in grassland to the front of flat numbers 177 – 191; an additional 2 x English Oak, to be located in grassland between Cydonia Approach and Woodfield Avenue

Item No	Status e.g. CAC	Specific Location	Tree Species and description/ reasons for work / Ward.	Recommendation
5	N/A	Sudbrooke Drive Community Centre	<u>Minister Ward</u> 1 x Hornbeam <u>Remove to ground</u> This tree is heavily weighted towards the highway – an asymmetrical canopy having formed as the result of suppression – intervention pruning would lead to the creation of an unviable specimen.	Approve works. Replace with 1 x Hornbeam; to be located in grassland adjacent to the community centre.
6	N/A	7 Reynolds Drive – Housing property	<u>Moorland Ward</u> 1 x Holly <u>Retrospective removal notice</u> This tree was of poor form and prevented garden renovation from being undertaken – the tree also prevented the re-installation of the boundary fence line which was damaged as a result of the trees presence.	Replace with 1 x field maple; to be planted in a suitable location within grassland on Turner Avenue.
7	N/A	Hermit Street – Riverside	<u>Park Ward</u> 2 x Ash <u>Remove to ground</u> These are self-set trees which are growing between the fence line and concrete parapet edge of Sincil drain – removal is proposed to prevent future damage to the flood defence.	Approve works Replace with 2 x Spindle; to be planted within grassland adjacent to the removed specimens.