



Oadby and Wigston's Trees

And why we care.

For public consultation

Oadby and Wigston Borough Council

DATE: September 2016

Forward:

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A particular thanks are extended to Sharon Hosegood, Chartered arboriculturist FICFor FArborA BSc (Hons) Tech Cert (Arbor A), who prepared the initial draft of this document.

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1.0 The Purpose of this Document

This document is about the best and most versatile product in the world; trees! They beautify, cleanse, nourish, and heal. They are useful, practical and renewable. They create landscapes, habitats and communities. They are an asset that gets more valuable with time. Everyone has seen and touched them. Oadby and Wigston Borough Council recognise the importance of trees and this strategy is for everyone, as trees touch all of our lives.

Oadby and Wigston Borough Council has three corporate priorities; to create:

- A good quality of life for all residents
- A clean, greener and safer environment
- A successful economy

Trees are an integral part of delivering these priorities; connecting commerce, recreation and public health. Information on the role of trees in your Borough, how to look after the treescape, and get involved with your local trees, is an important part of this strategy. This strategy sets out how the council will look after our own trees, how we will deal with protected trees, and how we will consider trees and development.

Getting involved

This is a draft for public consultation. Getting involved will refine this document, and make it the most effective it can be. You can comment by writing to us at Oadby and Wigston BC, Council Offices, Station Road, Wigston, LE18 2DR. Or by e-mail at planning@oadby-wigston.gov.uk.

This public consultation process will conclude on XXXXX.

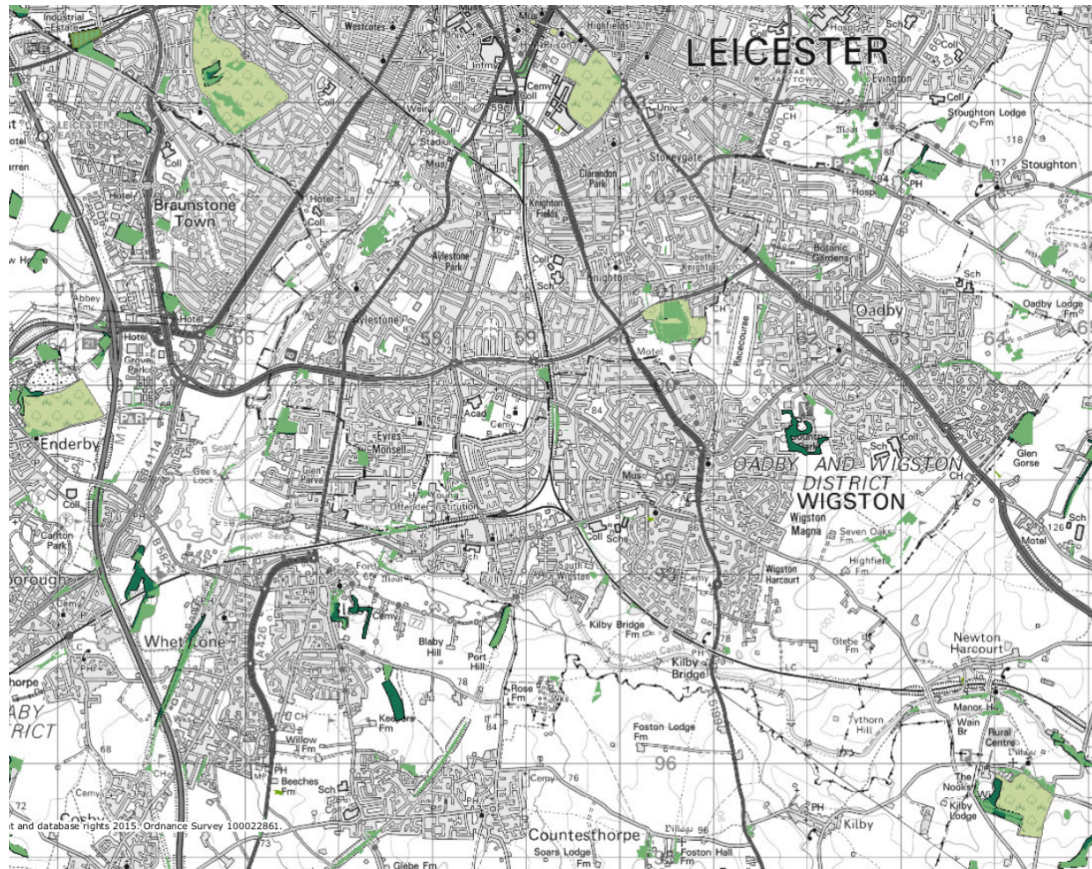
2.0 General assessment of the Borough's current tree stock

Woodland is a scarce resource in the Borough, well below the national average of 8%. None of the woodland is classified as ancient, but there is isolated semi-natural secondary woodland in the urban and rural areas. Substantial new woodland planting has taken place, in particular on Brocks Hill Country Park.

The ash tree is dominant in Leicestershire and is extensive throughout the Borough as hedgerow trees or mature woodland trees, and oak is predominant. There are opportunities for further tree planting within the towns, as identified by the Greening the Borough Strategy. There are a high proportion of veteran trees in the rural area and a network of hedgerows. The Council will be surveying trees on their own land over the next few years.

Hedgerows are a characteristic of the Borough, linking the town and countryside and creating wildlife corridors. The urban edge is well integrated into the landscape by hedgerows, trees and subtle changes in the landform which filter and limit views of the townscape from the open countryside.

Trees on Highway land are the responsibility of Leicestershire City Council and beyond the scope of this document.



3.0 The benefits of the current tree stock

Landscape

Trees are the largest living landscape feature and define the character, views and sense of place. They soften the visual impact of the edge of the towns when looking from the open countryside, which is particularly important on the southern edge of the Oadby and Wigston. Trees enhance the setting on the built environment (see photo 1), screen unattractive buildings and create 'vistas' to enhance an attractive view. Trees provide a sense of maturity for new developments and help blend new buildings into the landscape. They are an important component in creating a sense of place and many landscapes we admire and visit have a high tree population, and marking as they do, the passing of the seasons. However, not all trees are appropriate for their setting, and an understanding of the right tree, in the right place is important to make sure that tree has room to grow and does not cause a conflict.



Photo 1 of St Peter's Church, Oadby



Photo 2 trees marking the passing of the seasons

Ecological benefits

Trees individually provide significant ecological benefits and provide roosting, feeding and nesting for birds, food and habitat for insects, habitat and roosting for bats and hollow trees and provide a home for new mammals. Fungi, mosses, liverworts and lichens are a rich and complex part of our ecology. Many protected and rare insects and fungi are entirely dependent on old trees to survive. Dead wood (either fallen, standing or dead twigs) and general wood decay are essential for nutrient recycling which is important for soil health. Collectively, trees have added value as wildlife corridors for mammals, bats and birds. All trees provide ecological benefits, however some species have a higher ecological value than others. An oak tree, for example, can support over 270 different species. Generally, the older the tree, the more complex and diverse an ecological community it supports.

Ecosystem services

Trees intercept heavy rainfall and reduce flash flooding. They filter the air and removes various pollutants from the atmosphere. They cool buildings in summer and diffuse moisture loss and reduce wind speeds, therefore reducing heat loss in winter.



Photo 3 of woodland management and standing dead wood at Brocks Hill Country Park



Photo 4 of a yellow hammer at Brocks Hill Country Park

Our well-being

Walking outside amongst trees has been proven to make us feel better. This has been proved medically with research proving that blood pressure can be lowered, mild depression lifted and overall fitness improved. Trees can reduce the incidence of asthma as air is filtered. Stress-related illnesses are reduced not only by the calming effect of the looking at trees, but by the fact that attractive, well maintained public spaces with trees encourage walking, and, by association, incidental social interaction. Trees cast shade and may have a role to play in reducing skin cancer. Studies have shown that patients in hospital rooms with views of green space (in particular, trees), recover from surgery quicker than patients looking out onto buildings. A recent report from Faculty of Health states that:

‘Access to nature can significantly contribute to our mental capital and wellbeing’ and that ***‘Safe, green spaces may be as effective as prescription drugs in treating some forms of mental illnesses’***



Photo 5 of Brocks Hill Country Park

Cultural value

Trees – and in particular, veteran trees, are often linked to local events and customs.

Getting involved

Can you help us provide information on important local trees which are connected to a local story? We would love to publish stories and pictures here.

Putting a value on trees

Recently, a number of methods to value trees have been developed to quantify their diverse roles, and assess how important they are to our economy, ecology and wellbeing.

i-tree eco

i-tree eco measures the urban forest structure, environmental effects and value to communities. This is calculated by using specialized software which processes information from tree surveys (usually a number of plots within a town), together with meteorological data and air pollution. A number of studies have been carried out through the world. The largest study in the world was in London and was completed in early 2015. Preliminary findings are located at:- <http://www.forestry.gov.uk/london-itree>

Treezilla

Treezilla is a citizen science platform that aims to map every tree in Britain. Anyone can get involved, and the information will help populate the software on what 'ecosystem services' trees provide.

Getting involved

Take a photo, and provide details of a tree (with the owner's permission), and upload it to the map at:- <http://treezilla.org>

CAVAT

Aside from the cost of buying, planting and looking after a tree, there are a number of methods for working out the financial value of a tree. The most recently developed system is CAVAT. This provides a method for managing trees as public assets, and provides a financial value for the tree; not to replace it, but as its value to the local area. The final figure is calculated from a number of variables, but, to summarize, the bigger, healthier and more accessible the tree is, the higher its value.



Photo 6 of a Tree Warden training session, in November 2015, on CAVAT and Treezilla. The value of this mature Austrian pine in Peace Memorial Park is calculated under CAVAT as £116,142.

4.0 Tree Preservation Orders

Local Authorities have powers to make tree preservation orders (TPOs) to control work undertaken to trees that make an important contribution to the local area. Trees within conservation areas have a level of protection similar to trees which are covered by a TPO. If works to protected trees are needed, an application must be made to us on a standard tree works application form – which can be downloaded from the national Planning Portal website. You can download an application form [here](#) and guidance notes [here](#) and we strongly recommended that you use these. In line with best practice advice in the "British Standard 3998: tree work – recommendations" and TPO applications guidance notes, a full and clear specification (detailed description) of tree works will be required. We cannot validate applications that present crown reduction works specified in percentage terms. To avoid ambiguity, the specified end result should be stated either as the tree-height and branch-spread which are to remain or the average equivalent in branch length reduction (in metres) and maximum diameter of live pruning wounds. You should specify end results or individual branches if the growth pattern of the tree creates a need for this or where clearance from a specified object is required (see Para 7.7.2 of BS 3998:2010).

You can see a copy of the "British Standard 3998:2010 tree work – recommendations" online at the British Standards Institute. Once a valid application has been received and registered, adjoining land owners will be consulted. We may place public notices locally and will take any views or representations into account. Some works may be decided by officers. If the application involves the felling of a protected tree or is controversial, it may be referred to the Council's Development Control committee.

5.0 Carrying out work on trees within a Conservation Area

It is a criminal offence to lop, top, cut down, uproot, wilfully damage or destroy a protected tree unless the Council has permitted the work. Therefore, before commencing work on any tree, it is strongly recommended you check the status by e-mailing details, including the location and a description of the work you wish to carry out to our Planning Control Team.

The Council offers pre-application advice to tree owners, for further information contact our Arboricultural Officer on 0116-2572697 or e-mail **Henry.Pearson@oadby-wigston.gov.uk**. *(E-mail is preferred as, like any good arborist, Henry is away from his desk for much of the working day).*

In some circumstances it may also be necessary to obtain a felling licence from the Forestry Commission before felling trees, though this is unlikely to apply to a normal domestic garden.

What is a conservation area?

A conservation area is a specified area designated by the Local Planning Authority, such as Oadby and Wigston Borough Council, because of its special character. This

is usually done because of the special architectural or historical importance of an area.

How do Conservation Areas affect trees?

Within a designated Conservation Area all trees have a level of protection similar to trees covered by a Tree Preservation Order (TPO).

How can you find out if a tree is within a Conservation Area?

Contact our Planning Control Team or Arboricultural Officer by e-mail with details of the address, location, and species of the tree. (planning@oadby-wigston.gov.uk).

What must you do if you want to work on a tree in a Conservation Area?

Before working on a tree in a conservation area you must give us six weeks' notice in writing of your intention to carry out the work. You should include details of the exact location of the tree, indicated on a plan, along with details of the species and exactly what work you wish to do. Send your notification to us at Oadby and Wigston Borough Council, Council Offices, Station Road, Wigston, LE18 2DR. You can download an application form [here](#) and guidance notes [here](#) from the national Planning Portal and we recommended that you use these.

The Council will then consider the impact of the proposed works on the character of the conservation area and local public amenity. If you have heard nothing within six weeks, or if you have received a letter letting you know that the work is acceptable, you may go ahead with it. If the work is deemed to have an unacceptable impact the Council may make a TPO to protect the tree further.

When can you prune a tree in a Conservation Area without notifying the Council?

All exemptions listed for protected trees in general apply to trees within a Conservation Area. You must also provide us with written notice of your intention to work on trees that:

- Have a stem diameter of less than 75mm (approx 3 inches) measured at 1.5m (approx 5 feet) above ground
- Have a stem diameter of less than 100mm (approx 4 inches) measured at 1.5m above ground and are being pruned or felled to help the growth of other trees.

Might I have to plant a replacement tree?

If you cut down or destroy any protected tree you will have to plant a new tree if:

- You did so without notifying us of your intention to carry out works on a tree within a Conservation Area
- You did so because the tree was dead or dangerous
- In most cases where the Forestry Commission grants a felling licence.

What happens if I carry out work on a protected tree without Consent?

If you deliberately destroy a protected tree or damage it in a manner likely to destroy it, you could be fined up to £20,000 if convicted in a magistrate's court. For other offences you can be fined up to £2,500. You will also normally have to plant a new tree if the tree was cut down or destroyed.

How else might a tree be protected?

In addition to a TPO and in Conservation Areas there are various other factors which may constrain work to trees, including:

- Felling which involves more than 5m³ of timber, or more than 2m³ if sold, may require a felling licence from the Forestry Commission
- Many wildlife habitats are protected under the Wildlife and Countryside Act and the Countryside and Rights of Way Act. This includes bat roosts and the nests of wild birds. If a tree contains a protected habitat work may have to be delayed or may require a licence from Natural England
- Trees may sometimes be protected by conditions attached to a planning permission
- Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

6.0 Carrying out work on a protected tree

It is a criminal offence to lop, top, cut down, uproot, wilfully damage or destroy a tree covered by a TPO unless we have permitted the work. Before starting work on any tree, we strongly recommend that you check its status with us by emailing details, including the location and a description of the work you wish to carry out. We offer pre-application advice to tree owners. For further information please contact the Council's Arboricultural Officer on 0116-2572697 or e-mail **Henry.Pearson@oadby-wigston.gov.uk**. *(E-mail is preferred as, like any good arbourist, Henry is away from his desk for much of the working day)*. In some circumstances you may need to get a felling licence from the Forestry Commission before felling trees, though this is unlikely to apply to a normal domestic garden.

Towards the back of this document we aim to answer common questions about TPOs and Conservation Areas. (See FAQ's) If you plan to fell trees that are not in a residential garden, look at the Forestry Commission website for information on felling licences.

7.0 Trees and your property

Introduction

Trees add immeasurably to our quality of life and contribute multiple benefits to the urban environment, where so many of us live and work. However, they have some characteristics that can often be viewed as an inconvenience and occasionally give rise to more serious concerns about enjoying our property. Such circumstances can give rise to disputes where the tree concerned is not in the ownership of the person affected.

My neighbour's trees encroach across my boundary - can I cut them back?

Your common law rights allow you to remove branches that cross over your boundary without the need to seek your neighbour's permission. However, it is always advisable to let your neighbour know of your intentions before cutting any branches. When you prune back trees from neighbouring land you must not cross the boundary or enter the land to do so. For example, leaning a ladder over the boundary to rest against the trunk of the tree could be classed as trespass. You should not dispose of the branches or any other waste material from the tree over your fence into your neighbour's garden but first ask your neighbour if they wish the material returned to them. If they don't want it, it will be your responsibility to dispose of it. If a tree is protected by a TPO or is in a Conservation Area, the common law right is removed and you will need to seek formal Consent from the Council before undertaking work to living parts of the tree.

My neighbour's trees are blocking my light - what can I do?

Technically your neighbour only has a duty to ensure that their trees are maintained in a sound and healthy condition to minimise risks to people and property affected by them. There is no restriction governing the height to which trees are allowed to grow. If you have concerns about a tree ask your neighbour how they intend to maintain it: you may be able to cut the overhanging branches back to the boundary. However, before either you or your neighbour undertake work to any tree it is important to check they are not covered by a TPO or in a Conservation Area. For more information, contact the Council's Arboricultural Officer on 0116-2572697 or e-mail **Henry.Pearson@oadby-wigston.gov.uk**. *(E-mail is preferred as, like any good arborist, Henry is away from his desk for much of the working day).*

My neighbours have a high hedge - what can I do about it?

The high hedges legislation was introduced on 1 June 2005 under part 8 of the Anti-social Behaviour Act 2003 and applies to evergreen and semi-evergreen hedges of over 2m in height. The legislation provides for people who feel a neighbour's hedge is hindering reasonable enjoyment of their property to the extent that they submit a formal complaint to us. We will investigate the matter and may, if appropriate, serve a notice on the hedge owner requiring them to reduce the hedge in height. The fee for dealing with a high hedges complaint at Oadby and Wigston Borough Council is currently £300. (Which fee may be reviewed over time). In most cases, it should be

possible for neighbours to agree on a course of action between them without a formal complaint. This is certainly a preferred approach for everyone.

Further guidance can be found in this document produced by the Office of the former Deputy Prime Minister – *“High hedges: complaining to the Council”*. Click [here](#) to obtain a copy.

I have a big tree near my property and I'm worried about the damage the roots may be doing to my house - what should I do?

Tree roots may potentially cause damage to built structures in two ways:

Direct damage - damage can be caused by tree branches moving in the wind. This type of damage is generally minor – dislodged roof tiles or possibly broken windows. The remedy is usually a straightforward matter of keeping the tree cut back from the building. Damage can also happen when a tree is in constant physical contact with a building or structure by the gradual growth of the tree pushing against it. The most common manifestation of this type of damage is lifting of flagstones and tarmac by tree roots. Fences and walls can also be damaged. Damage cannot be caused to substantial buildings in this way because forces involved are not strong enough. The greatest risk of direct damage is close to the tree from the incremental growth of the main stem and secondary thickening of the roots and diminishes rapidly with distance.

Indirect damage - forces involved where trees cause subsidence by water abstraction are much greater and there can be significant damage to buildings. This damage only occurs on clay soils. When water is removed from clay the spaces between the soil particles close and the material shrinks. This affects support for building foundations. Whether a building is affected by a tree in this way is impossible to predict. It depends on the interactions between a number of factors, including shrinkability of the soil, the construction and depth of foundations, the size, species, vigour and rooting pattern of the tree, effects of other vegetation and any surface treatment, drainage and local weather conditions. Some trees can cause subsidence damage to buildings at considerable distance, while others can grow very close without causing any damage. Current building standards require that the presence of trees is taken into consideration when specifying foundations for new buildings and foundations can be specified that will not subside. Older buildings occasionally have foundations which are grossly inadequate by modern standards. Sometimes structural problems are caused when buildings are constructed on ground already dried by tree root action if the tree is removed and the soil consequently re-wets and swells. This is the converse of tree-related subsidence, and is known as heave. It is not a common phenomenon, and it rarely occurs where the building is older than the tree.

Tree roots are blocking my drains - what can I do?

It is very unusual for roots to physically break drains and pipe work. However, tree roots are opportunistic and if an old pipe with poor joints is leaking into the surrounding soil this will attract the roots that may then exploit the existing

weakness. When repairs are required, a proliferation of tree roots often leads to blame being placed with a nearby tree. However replacement of faulty drains/pipes with modern materials will usually eliminate the leak and stop problems from reoccurring.

A tree is lifting paving slabs / affecting my drive - can I cut the roots of a protected tree?

Cutting the roots of any tree is generally ill-advised as it may affect the tree's health and stability. If a tree is covered by a TPO or if it is in a Conservation Area you will need to make an application to us before root pruning can take place.

Are there any controls on the type of tree I can plant in my garden?

There are no controls on the type of tree that can be planted in your garden. However, there are a number of points are worth considering.

- How much space is available? It is always best to ensure the space is sufficient to accommodate the tree at its mature height and spread
- Are there any overhead wires or below ground services?
- In what position is the tree in relation to the property? A new tree situated to the south or west may block afternoon or evening sun, while a tree to the north will not restrict direct light from entering the building
- What is the site usage and occupancy? Leaves of some species may cause problems, particularly in the autumn, by blocking gullies and gutters. Fruit can cause slippery patches and accumulation of honeydew may be damaging to surfaces and vehicles.

8.0 Buying or moving to a house with a tree in the garden?

Advice for new homeowners

So, you've found the house of your dreams, but what about the garden? Did you notice the trees? They may be in the garden or growing on land beyond the boundary of your new home. Trees can affect the future enjoyment of your property and garden.

The legal bits

Following your local search your solicitor should ask for a copy of any TPO affecting the property. They will be able to show you the date any Order was made, the plan and the schedule (where protected trees are identified) and should be able to explain the consequences. Trees that are protected are shown on the plan either individually (a circle), as a group (a dashed line), as a woodland (a solid line), or enclosed within an area (a line of continuous dots; these dots do not indicate individual trees). Some TPOs may have a combination of categories. Your house will not necessarily appear on the plan if it was built after the order was made. Although there may be no trees on your property, protected trees growing on adjoining land may also affect it and a search will not necessarily show this. Your property may be

situated in a Conservation Area. This should also be revealed on your search and a similar level of protection will apply to any trees on your property.

So if you buy The Oaks can you fell one of the trees if it has a TPO on it?

Anyone can apply to us for Consent to carry out work to protected trees and each application is considered on its merit. A TPO is a statement by the Council that the tree is intended to remain unless there is a justifiable reason for it to be removed, such as if it is dead or dangerous. We will be happy to advise you on this. A tree is not generally considered dangerous merely due to its height, spread or close proximity to a building. It will normally take up to eight weeks for us to issue a decision on a tree work application. If you don't like the tree - don't buy the property. Do not assume that you can move in and then prune or fell existing trees.

Who pays if works are needed to trees covered by Tree Preservation Orders?

Trees on your property subject to TPOs remain your responsibility and this includes the cost of maintaining them properly. The TPO is there to ensure that the trees are not removed or made dangerous or unsightly due to poor pruning practice. By investing in your trees you could be directly improving your property and the appearance of the surrounding urban landscape. The presence of mature trees on a property can potentially increase its resale value and provide a more desirable environment.

So what do you do?

If you do not believe that you can live in your proposed new home without major tree removal, then you may wish to reconsider at the purchase stage. You are not just buying the house, you are also buying the trees. They come as part of the package, not as an optional extra!

I am a keen gardener, how will the trees affect me?

- Leaves, twigs, fruit, pollen, and dead branches are a normal consequence of living with trees and are not sufficient justification for felling or pruning them
- Trees cast shade, which will increase as they grow
- Evergreen species cast shade all year round and their leaf litter decomposes slowly
- Lawns tend to be patchy underneath tree canopies due to competition for water, food and light.

Will the roots undermine my property?

Any prospective buyer would be advised to obtain a full structural survey. In practice it is most unlikely that tree roots will damage a properly constructed house. Trees do not actively seek out house foundations. They influence the sub soil in which they grow due to the amount of water they demand and this can affect the way certain soil types behave. So called shrinkable soils; such as clays and silts change in volume when water is removed or added, causing them to shrink or swell respectively. The effects of such movement on a building can be mitigated by the

construction of appropriate foundations, which extend to a depth below that influenced by the roots of mature trees. A full structural survey should address such issues and highlight any areas of concern.

What if the tree is on my neighbour's property?

Anyone can apply for consent to prune a protected tree; however, the work will also require the permission of the owner.

The drive is cracking, can I replace it?

Yes possibly, but you must not:

- Sever the roots
- Fell the tree
- Change existing soil levels

You may also be restricted in the choice of surface you use (a range of products are available on the market for installation close to trees that are designed to reduce the impact on existing tree roots).

So why would anyone want a tree in their garden?

Trees are of vital importance in maintaining and improving the quality of life for people who live and work in the Borough. They are one of the most obvious of our natural assets, by virtue of their sheer size and prominence. As they do not last forever and are vulnerable to changes in their surroundings, we must ensure that future generations are able to enjoy the many benefits that trees bring to our environment. They can greatly enhance an area's appearance and character. They provide contrasts of size, colour and texture to the landscape. They provide habitats for wildlife and reflect the changing of the seasons. You could be one of the fortunate people who own an important tree within the Borough.

Important

Trees may pre-date us by many years and survive with our care for many years after we have moved elsewhere. They are part of our legacy to future generations and deserve our care and respect. If you feel you are not able to offer them the basic care, please do not take on the responsibility.

9.0 Building near trees

Trees (including shrubs and hedges) play an essential role in the built environment and visual amenity of rural and urban landscapes. They may take decades to grow, but can be damaged irreparably in a few minutes by actions that may be unwitting or wilful. Wherever they are growing - in public areas, private gardens, rural verges or elsewhere – they need space for adequate development of their root systems and to allow the branches to develop an attractive and natural shape.

How trees are damaged

Trees are complex living organisms, which are susceptible to damage from a wide range of physical agents or activities. Trees do not heal; damage caused to a tree will remain for the rest of its life. Even minor damage may set up circumstances leading to the tree being seriously impaired in the long term. Contrary to popular belief, the root system of a tree is not a mirror image of the branches, nor is there usually a 'tap root'. The majority of the root system of any tree is in the surface 600mm of soil, extending radially in any direction for distances frequently in excess of the tree's height. Excavation or other works within this area are liable to damage the roots.

The root system

The base of a trunk typically flares out in buttresses extending into the main lateral structural roots. These rapidly subdivide into the mass of smaller roots which serve to anchor the tree into the soil and transport water and nutrients. Even at a short distance (3m) from a large mature tree, most roots will be less than 10mm in diameter, but these may extend to well beyond the branch spread of the tree. A mass of fine roots, less than 1 mm in diameter, develop off all parts of this root system. These fine roots also absorb the water and nutrients, which are essential for the growth of the tree. The main structural roots (close to the trunk) develop as the tree grows in response to the need for physical stability. Beyond these major roots growth is influenced by the availability of water, air and nutrients in the soil.

Trees in relation to design, demolition and construction - recommendations

The British Standards Institution (BSI) provide recommendations and guidance for arboriculturists, architects, builders, engineers, land managers, landscape architects, contractors, planners, statutory undertakers, surveyors, and all others interested in harmony between trees and development. British Standard 5837 gives recommendations and guidance on principles to be applied to achieve a satisfactory relationship between trees and development. It follows a logical sequence of stages that have tree care at their heart, which is essential to allow new development to be integrated successfully with trees.

British Standard 5837 recognises that there can be problems with development close to existing trees which are to be retained, and of planting trees close to existing structures. The standard sets out to help people concerned with design, construction or demolition of trees to form balanced judgements. It does not seek to

put arguments for or against development, or for removal or retention of trees. Where development, including demolition, is to take place, the Standard provides guidance on how to decide which trees are appropriate for retention, on the means of protecting these trees during development, including demolition and construction work, and on the means of incorporating trees into the developed landscape. It was originally published in 1980 but the current version takes account of the practice for managing, protecting and planting trees in the vicinity of structures and for the protection of structures near trees. It updates guidance for building regulations and recognises the contribution that trees make to adapting our built environment to the impacts of climate change.

More information:

You can buy copies of British Standard 5837 and other standards from the British Standards Institute at Head Office, 389 Chiswick High Road, London W4 4AL.

BSI Website: <http://www.bsonline.bsi-global.com/server/index.jsp> 

National Joint Utilities Group (NJUG) guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees. Volume 4, Issue 2. NJUG 2007.

10.0 Geographical assessment of Oadby and Wigston

Oadby & Wigston is a small, highly urbanised Borough, which adjoins the south-east edge of the City of Leicester. The total area covers approximately 9 square miles, and the built up area occupies just over 60% of the Borough, close to the City boundary. The Council serves a population of approximately 56,170 residents. There are 15 parks and sports grounds and two large open spaces. We believe these are essential to the well-being of residents, as well as providing ecological benefits. The Grand Union Canal is an important landscape feature and leisure facility, as well as being of ecological benefit.



Photo 7 of Peace Memorial Park

11.0 Soil assessment

The soil type influences tree populations, particularly in rural areas. In urban areas, the top of the soil has often changed over the years of development and gardening. The scientific description of the soil type is found below:

The soil type is a slowly permeable, seasonally wet slightly acid, but base-rich loamy and clayey soil. The drainage is slightly impeded and the soil has a moderate fertility. The habitat type is a seasonally wet pasture with occasional woodland.

12.0 Biodiversity

The Biodiversity Audit 2005 found the following:

Hedgerows – there is no ‘typical hedgerow’, however a frequently occurring hedgerow is predominantly hawthorn with occasional blackthorn, elder and dog rose. Ash and English elm occurs as shrubby trees and standards, whilst oak is always a standard. The total length of the hedgerows recorded was 85km. Mature crack willow are a common feature with the hedgerows between the River Sence and Grand Union Canal. Several hedgerows, totaling 700m within the Borough, have been identified as being ‘species-rich’ (i.e. averaging at least 5 woody species per 30m)

Getting involved

The Tree Council have a ‘Hedge Tree’ Campaign which encourages tree tagging of saplings in the hedges to avoid them from being felled. Contact The Tree Council for more information. Tree tagging must only be carried out with the owner’s permission. The Tree Council has launched a Hedgerow Harvest initiative which seeks to reconnect people to this heritage of free local healthy food (<http://www.hedgerowharvest.org.uk/>) .

Woodlands – broad leaved plantation makes up the largest proportion of woodland character of the Borough. It is either young (less than 20 years old) or approaching maturity. Broadleaved woodland survives as scattered stands of a once large area, mostly confined around the Oadby area. The woodlands mainly comprise of oak, ash and beech with an under storey of hawthorn, holly, elder and blackthorn. Stoughton Farm Park contains the only area of mixed plantation in the Borough and contains veteran, and potentially veteran oaks.



Photo 8 of the woodlands at Brocks Hill Country Park

Getting involved

Oadby and Wigston Council have a number of events at Brocks Hill which you can take part in http://www.oadby-wigston.gov.uk/pages/what_is_happening_at_brocks_hill_visitor_centre_and_country_park or 'like' their facebook page <https://www.facebook.com/BrocksHillCountryPark/?fref=ts>

The Tree Council encourage a Walk in the Woods and Seed Gathering Season to promote well-being, enjoyment of our local resources, and to gather seeds of local provenance.



Photo 9 of a woodland walk at Brocks Hill County Park



Trees of special interest – 185 trees were identified in the survey as being of special interest, and 112 were of veteran status. Ancient and other veteran trees are a vital and treasured part of our history, and our natural and cultural landscape, and Britain has the greatest number of ancient trees in northern Europe (source <http://www.ancienttreeforum.co.uk/>). Ancient and veteran trees are a unique host to some protected species (such as the violet click beetle). An **ancient tree** is generally low, fat, squat (because the crown has reduced in size through age), and has a wide trunk which is often hollow. A **veteran tree** shows ancient characteristics. A **heritage tree** is linked to a local event, history or local person, or is botanically scarce. **Notable trees** are memorable, usually due to their size and/or setting. They need not be veteran. Finally **Champion trees** are the largest of the species in a particular area.

Getting involved

Veteran Trees can be recorded on the ancient tree hunt website <http://www.ancient-tree-hunt.org.uk/> . Seek the owner's permission before entering land and uploading tree data.

Getting involved

The Tree Council have a National Tree Week (NTW) in late November/early December every year since inception in 1975. In the 40th year of NTW the council aim to plant one million trees. Their website <http://www.treecouncil.org.uk/Take-Part> provides a wealth of detail on how to take part.



Photo 10 having fun den building at Brocks Hill County Park

13.0 How Trees Grow

Trees grow taller by growth from new cells from branch tips. As they mature the trunk and branches get wider and the crown forms a network of sub-divided branches. They obtain their energy from sunlight which creates photosynthesis. The trees give out oxygen, and take in carbon dioxide as part of this process. The roots are woody and taper out to the edge of the crown. These roots subdivide and fine feeder roots take up water and nutrients, and carry out gaseous exchange. Roots often have a helpful relationship (symbiotic) with beneficial fungi (mycorrhizae) which help them gather more water and nutrients from a wider area. Most tree roots are within the top 1.5m, sometimes as shallow as 0.6m. Tree roots are damaged by trenching, soil compaction, and raising or lowering the ground. The effects of damage do not usually show for a few years, unless the damage is so severe that the tree blows over.

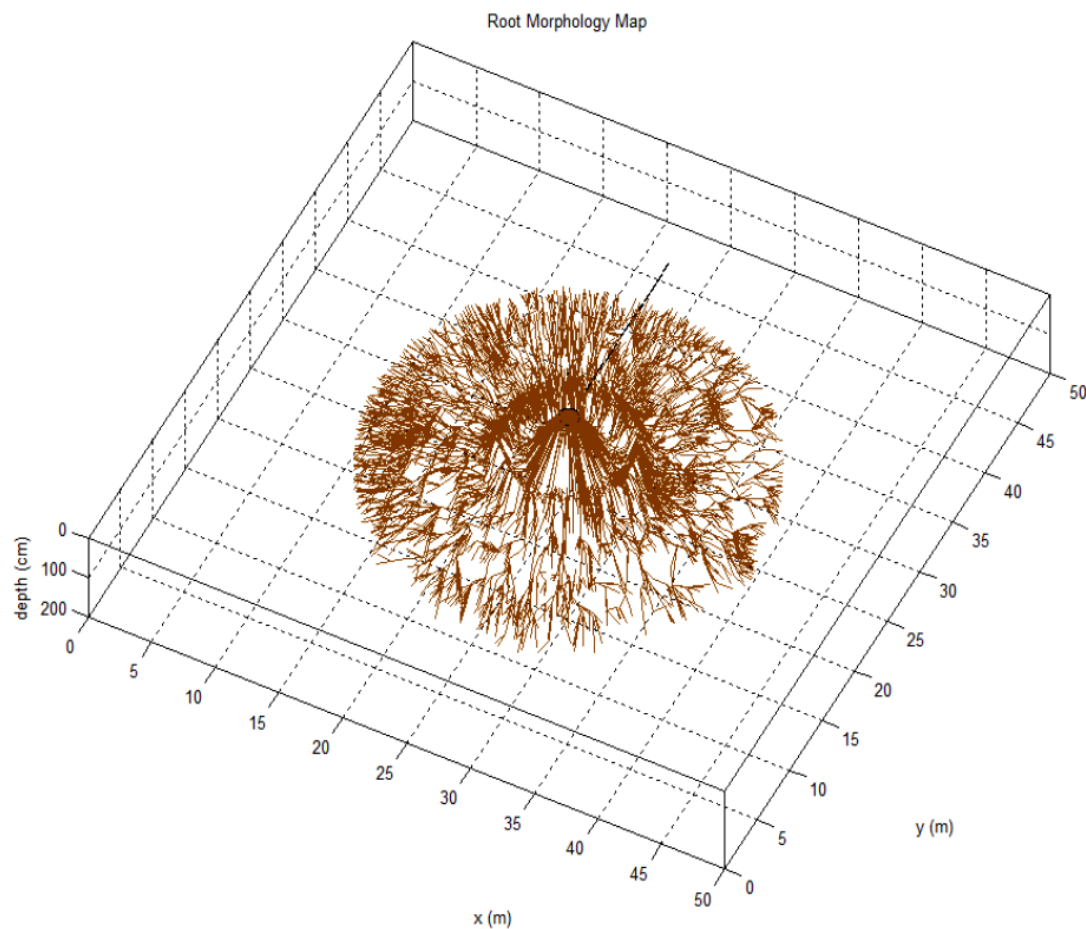


Figure 2 – Root morphology map of a large mature oak tree using ground penetrating radar (TreeRadar). Sharon Hosegood. For further details see

<http://www.bbc.co.uk/programmes/b0619k6l>

Getting involved

Can you help us find the largest tree in the Borough?

14.0 Pests and diseases

The number of pests and diseases affecting trees in the UK has increased rapidly in the UK. This is due to a number of factors, some of which are the subject of current research. Climate change, increased transportation and mobilization of pests during cargo transport are some factors. Extremes of weather, especially hot, dry summers, can make trees more susceptible to disease. The effect of a pest or disease that only affects one tree species can have a big impact on the landscape, especially in areas where only one species is dominant. In future planting, we should aim to provide a mix of species to build resilience in the landscape.

There are three main pests and diseases; fungi, bacteria and insects. Tree health is a complex matter and trees have evolved to have a good and helpful relationship with many fungi and insects (for example, pollution). If in doubt, seek advice from a tree expert.

The Forestry Commission has a helpful website on pests and diseases which is found at:

<http://www.forestry.gov.uk/pestsanddiseases>

Current diseases of concern are:

Chalara dieback of ash

This is a fungal disease in trees which causes leaf loss, crown dieback and often death; either by weakening the tree to other pests and diseases or by directly killing. There is no treatment, so the approach is to slow the spread of the disease. This has been carried out by destroying young and newly planted trees, with mature trees being retained for wildlife and landscape reasons. The loss of ash in Oadby and Wigston Borough would have a big impact on the landscape, therefore new planting should be of a different native species, such as oak, field maple, hornbeam or lime.

Massaria Disease of London Plane trees

The disease, commonly known as Massaria disease, infects branches of plane trees. The fungus has usually been considered to be a weak parasite causing only minor damage such as twig dieback in warmer Mediterranean climates. However, in the 21st century it has been found associated with branch death and rapid decay within other parts of Europe.

The disease seems to be specific to the London plane, the Oriental plane and the Occidental plane, and the disease causes large lesions on the upper sides of branches associated with branch drop

Acute oak decline

This condition affects several thousand oak trees. It is characterised by dark fluid oozing from cracks in the bark, rapid decline of the tree and death. Often, it is associated with D shaped exit holes in the bark from a wood boring insect.

This list is not exhaustive, and is ever changing. The Council will continue to actively monitor and manage the trees in Oadby and Wigston Borough with regard to different tree disease that may occur, and will remain vigilant in identifying new diseases.

15.0 Climate Change and Adaption

Climate change is a serious threat to all forests, woods and trees. Extreme weather events affect tree stability and health. Some diseases lie latent in the tree and infect the tree when it is stressed. Climate change will affect woodland habitats and the species they support by affecting life cycles, altering the relationships between species.

Increased woodland planting may help mitigate some of the negative impacts of climate change by protecting soils from erosion, reducing the likelihood and impact of flash flooding, and supporting biodiversity. It can also contribute benefits to other land uses, providing shade and shelter to livestock, improving water quality and flows, and making urban environments more habitable.

16.0 Design, planning and development

Sensitive design, stemming from policy on both land allocation and development control, can provide opportunities for good tree care and new planting. Conversely, poor design can lead to unacceptable tree loss, and contribute to how a lack of vision can erode landscape character and a sense of place.

The council expects to see a full tree report (an Arboricultural Impact Assessment) with a planning application (to BS 5837:2012 '*Trees in relation to design, demolition and construction. Recommendations*' (BS)) on site where there are trees. This includes offsite trees close to the boundary. The quality of the tree population and the constraints they pose should be considered at a very early stage in the design process. The council will consult their arboriculturist on their professional opinion on whether the detail is sufficient, and in accordance with the BS, so as to make a recommendation on whether an application is harmful to the visual amenity of the area. This does not mean that all trees should be retained. Low quality trees, trees in decline, diseased, or providing low visual amenity, would not normally be retained. Higher quality trees would normally be retained, unless there is an overriding justification for development.

Development is an opportunity for new planting and this should be considered at the earliest stage to be an integral part of the design and how the site will function. It is important to consider the eventual size of the mature tree to avoid conflict. Planting in groups is generally more visually and ecologically effective, more likely to be sustainable, with the resultant effect that the trees more likely to survive. A mix of species is ideal to ensure variety of texture, colour and seasonal interest, whilst also ensuring that if a pest or disease that affects only one species takes hold, the entire population is not affected as a result. Native species are generally favoured in the countryside, with a mix of native and non-native in urban areas. Reference should be made with the councils Landscape Character Assessment to ensure that the planting scheme is in keeping. A suitable distance between trees and new buildings should be calculated by a landscape architect or arboriculturist to ensure that the risk of damage (direct or indirect) is greatly reduced and that the tree does not cast an unreasonable amount of shade to the new building or present a nuisance in other ways.

Trees can be supplied in a variety of sizes, from cell grown (less than 30cm tall) through to semi-mature. Younger trees tend to be more successful in establishing than large trees, although there are excellent products on the market to aid successful tree establishment. Trees supplied as bare root can only be planted between October – March, whereas container grown trees can be planted all year round. Aftercare is absolutely critical to success, and the three basic points to consider are ‘watering, watching and weeding’. Keeping a tree well-watered in dry periods in the growing season, and making sure that a 1m wide circle around it is kept clear of weeds and grass for up to three years is one of the most important things. Mulching with 7 – 8cm deep of matured woodchip also keeps moisture in and weeds down. A low stake (a third of the height of the clear stem) and rubber tie will keep the tree upright until established, but the tie must be loosened as the tree grows. A stake too high (up to the height of the trunk) will prevent the trunk from growing strong. Any weak branches, or branches growing too low on the trunk should be pruned off when the tree is young. Excellent advice on tree establishment is found in BS 8545 ‘*Trees: from nursery to independence in the landscape. Recommendations*’.

17.0 Tree surgery and woodland management

The British Standard relating to Arboricultural work is BS 3998: 2010 ‘*Tree Work – Recommendations*’. Trees are generally pruned for safety reasons (to remove dead or dangerous branches), or to provide room for people or buildings. Occasionally trees are pruned to reduce the risk of structural defects causing a collapse. Fruit trees are pruned to encourage new fruit. Wounds should not be painted and any cuts should be made to suitable growing points to the branch collar. Tree work is a skilled and dangerous operation and a use of a competent, insured and qualified tree surgeon is recommended. A list of tree surgeons approved by the Arboricultural Association is found at www.trees.org.uk

Definition of Tree Terms:

“Tree Felling”

Felling is defined as the cutting down of a tree or shrub to leave a stump to a certain height. If the stump is to be left, then it should be at least 30cm to prevent a trip hazard. The stump will need to be treated with stump killer to prevent re-growth. Alternatively the stump can be ground out.



Photo 11 tree works at Brocks Hill County Park

“Coppicing”

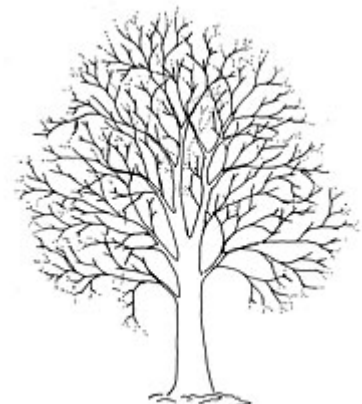
This traditional woodland management technique is carried out by cutting down to about 30 – 60cm high to produce multiple shoots which are re-coppiced every 7 – 15 years depending on species and the management objective. Not all broad leaved trees respond well to the treatment. Species that have been traditionally coppiced are hazel, willow, small leaved lime, hornbeam and ash.

“Pollarding”

This is the traditional practice of cutting the crown back to a height of 2 – 3m to allow the ‘poles’ to re-grow, and was a useful technique when managing farms. It usually promotes longevity, and some of our oldest trees have been managed as pollards. Many urban limes and planes are managed as pollards in streets. Pollards need to be first cut when the tree is young, and the cycle repeated every 5 – 10 years depending on rate of growth, management objective, and species. Not all species pollard successfully and pollards that have not been cut for a long time might need to be managed by a crown reduction rather than pollarding, to avoid too much of a shock for the tree. This needs to be assessed by an arboriculturist.

“Crown Thinning”

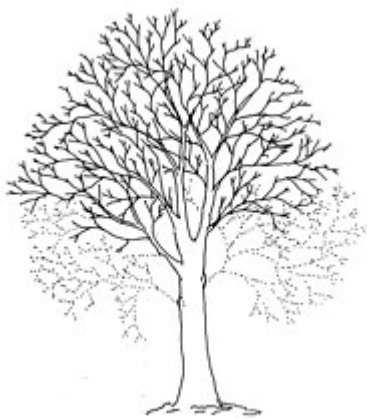
Crown thinning is the removal of a proportion of the small secondary live woody growth (in addition to weak, damaged, dead, crossing or duplicated branches and soft growth) to reduce the leaf area of the canopy by a percentage. This reduces the density, but often the tree ‘fills in the gaps’ within a couple of years.



“Crown Reduction”

Crown reduction is the reduction of the canopy, from the tips of the branches towards the main trunk, by pruning growth to an appropriately sized lateral branch, twig or bud to leave a flowing silhouette. It is described as a measurement in metres (e.g. between 1 – 1.5m to suitable growing points). Only a modest amount of crown reduction is appropriate to avoid creating large wounds and causing stress to the tree. Ideally crown thinning and crown reduction should take place midsummer or mid-winter. Frosty weather and hot scorching sun should be avoided when carrying out

work. Cherry trees are best cut in August to avoid silver leaf disease. Some species tolerate pruning better than others. The advice of an arboriculturist should be sought.

“Crown Lifting”

Crown lifting is the removal of lower branches to a specified height to provide clearance. The illustration denotes the maximum acceptable amount of crown lifting, any more makes the tree top heavy and less stable, and would result in large wounds on the trunk. It is best to crown lift a tree when young to avoid making large wounds.

** Illustrations courtesy of European Arboricultural Council*

“Formative Pruning”

Formative pruning is defined as the pruning of the aerial growth of a tree in its youth, to result in an appearance considered typical for the species or variety of tree concerned. The object of formative pruning is to produce a clean stemmed tree and the establishment of a good branch structure and canopy by the removal of a number of small branches leaving therefore only small, quickly occluding wounds. Root pruning may also be undertaken as part of formative pruning.

“Cleaning out”

Cleaning out is the removal of dead, dying or diseased branch wood, broken branches, or stubs left from previous tree surgery operations, together with all unwanted objects.

“Dead-wooding”

Dead-wooding is defined as the removal from the tree of dead, dying or diseased branch wood, broken branches or stubs left from previous tree surgery operations and from within any cavities within the tree.

18.0 Trees and the law and best practice

There are two distinct forms of law affecting trees. These are Statute and Common Law.

- Statute Law Acts of Parliament e.g.: the Town & Country Planning Act 1990.
- Common Law - Decisions of judges in Courts of Law.

Tree Preservation Orders (TPOs)

Any species and size of tree, or trees, can be protected by a TPO. The order can protect individuals, groups, woodland and areas, but the order must be "*Expedient in the interests of amenity to make provision for the preservation of trees*". Everyone has a right to object to an order within 28 days of it being served. Appropriate works can be carried out to protected trees provided consent is granted by the council. Anyone can apply to carry out works, but it is helpful, and sometimes essential, to seek professional advice from an arboriculturist. The form and guidance notes are available by following the links on pages 11 and 12 of this document.

Applications generally take 8 weeks to process and there are usually conditions and informatics placed on any consent. There is a right to appeal to the planning inspector if the application is refused, or against any conditions attached to the consent. Information on what is needed in an application form is found at our website link above.

The law on TPOs is in Part VIII of the Town and Country Planning Act 1990, and in the Town and Country Planning (Trees) Regulations 1999 and more recently, Town and Country (Tree Preservation) (England) Regulations 2012

TPOs prohibit the cutting down, uprooting, topping, willful damage or destruction of trees, groups of trees, or woodlands, without the consent. Consent is required before works can take place.

Exemptions in the Act

- Tree(s) that are dead or dangerous (5 days written notice is required).
- Woodlands subject to Forestry Commission Felling Licence or Grant
- Works to facilitate planning permission, providing all pre-commencement conditions have been discharged.
- Act of Parliament e.g. Highways Act, Railways Act
- Rights of statutory undertakers (Electricity/gas/water/telecommunications)
- Nuisance - must be actionable - causing actual damage.
- Fruit trees – cultivated for fruit production

Penalties

Any person who:-

- Cuts down, uproots or willfully destroys a tree, or
- Tops, lops or willfully damages in a way that is likely to destroy it, is guilty of an offence. Anyone found guilty of this offence is liable if convicted in the Magistrate's Court to an unlimited fine. In serious cases a person may be committed for trial in the Crown Court.
- A tree replacement notice can also be served.

Conservation Areas

The law relating to Conservation Areas (CA) is in Part II of the Planning Act (Listed Buildings and CA) Act 1990. Trees in Conservation Areas are often a very important feature and contributes to the overall character of the area. The council requires six weeks' notice of intent to carry out work, including pruning. The council can either raise no objection (and cannot place any conditions) or if it considers the work to be harmful to the tree of visual amenity, it must serve a TPO. The same exemptions apply and this legislation on applies to trees with a diameter greater than 75mm at 1.5m from the ground, or 100mm if it is for silvicultural thinning.

Felling Licenses and Woodland Grant Schemes

Forestry Commission (FC), are required to promote the interests of forestry and the supply of timber whilst balancing the effect on nature and landscape conservation.

Felling Licenses take 13 weeks to process and the form and information is found at:

<http://www.forestry.gov.uk/forestry/infd-6dfkxf>

Brocks Hill Country Park is under a Forestry Woodland Grant Scheme

Exemptions are not required:

- For felling trees with a diameter not exceeding 80mm at 1.3m from the ground or in the case of thinning, below 100mm or in the case of coppice or under wood, below 150mm in diameter.
- For the felling of trees in an orchard, garden, churchyard, or public open space. Note that country parks are not exempt.
- For pruning works to trees.
- For the prevention of danger or the abatement of a nuisance.
- For the felling of trees in compliance with statutory requirement
- For the felling of trees at the request of the Electricity utility company
- For felling of trees required to facilitate planning permission, providing all pre-commencement conditions are discharged
- If the felling is in accordance with an approved plan of operations under the Forestry Commission Woodland Grant scheme
- Felling of up to 5m³ of timber provided no more than 2m³ is sold in any three months (calendar quarter). There is a useful timber volume calculator on the Forestry Commission website.

Common Law Issues:

Trees and Boundaries

Overhanging branches may be cut back to the boundary line, and in theory, should be offered back to the owner. This can often be the cause of dispute between neighbours, therefore try to discuss this with the owner first. If a large tree is growing close to the boundary, common law allows for cutting back to the boundary line, however, this will make the tree lopsided and create large wounds, possibly leading to instability, or death to the tree concerned. If the tree is protected by a TPO, or in a Conservation Area, consent is needed to carry out the work.

Roots may also be pruned back to the boundary under Common Law, but it is possible that such work might harm the tree and make it unstable. Advice from an arboriculturist should be sought.

If the tree is protected by a TPO, or in a Conservation Area, consent is needed to carry out the work (including root pruning).

Responsibilities of Tree Owners

Tree owners have a duty to take reasonable care for the safety of those who may come within the vicinity of a tree, or any property nearby. The courts state the standard of care is that of 'the reasonable and prudent landowner'. The tree owner is not expected to guarantee that the tree is safe (trees are living organisms and prone to disease and subject to extreme weather events). However a tree inspection regime, proportionate to the scale of the land/trees/number of people is good practice. Any defects found should be addressed accordingly. Further details are found at <http://www.forestry.gov.uk/safetreemanagement>

The Legislation affecting this is the Occupiers Liability Act 1957 and 1984 for all tree owners, and in addition the Health and Safety at Work Act for public and commercial land.

Local Government (Miscellaneous Provisions Act) 1976

Section 23 of this act gives a Local Authority powers to enter private land to make a tree safe that is considered to be in imminent danger of causing harm to persons or property. It is generally a rarely used legislation and matters are usually resolved by negotiation.

The Hedgerow Regulations 1997

Under the Hedgerows Regulations 1997:

- It is against the law to remove most countryside hedgerows without permission.
- To get permission to remove a hedgerow, you must apply to your local planning authority.
- If the Council decide to prohibit removal of an important hedgerow, it must let you know within 6 weeks.
- There is a set of criteria that a hedge must meet to be protected by this legislation.
- If you remove a hedgerow without permission (whether it is important or not) you may face an unlimited fine. You may also have to replace the hedgerow.

Further information is found at

<http://www.planningportal.gov.uk/permission/commonprojects/highhedges/>

The Office of Public Sector Information website provides full wording of the Hedgerow Regulations.

Anti Social Behavior Act 2003 (Part 8) and the High Hedges (appeals England) 2005

Provided neighbours have tried and exhausted all other avenues for resolving a hedge dispute, people are now able to take their complaint about a neighbouring evergreen hedge to the council. A high hedge is defined as 'a line of two or more evergreen, or semi-evergreen, trees or shrubs which are two or more metres in height'.

Our role is not to mediate or negotiate between the complainant and the hedge owner, but to adjudicate on whether the hedge is adversely affecting the complainant's '*reasonable enjoyment of their property*'. In doing so, the council will take account of all relevant factors and strike a balance between the competing interests of the complainant and hedge owner, as well as the interests of the wider community.

If the council consider the circumstances justify it, it will issue a formal notice to the hedge owner which will set out what they must do to the hedge to remedy the problem, and when by. Failure to carry out the works required by the authority is an offence which, on prosecution, could lead to a fine.

Oadby and Wigston Borough Council charge £450 for this service. Please see the Council's website at http://www.oadby-wigston.gov.uk/pages/high_hedges

19.0 Policy context

Oadby & Wigston Borough Council's (OWBC) adopted Core Strategy 2010

Investment in the Borough's Green Infrastructure has enhanced biodiversity and created a stronger understanding within local people about their role in the conservation of habitats and species, and the links with the urban environment. (Oadby and Wigston Core Strategy 2010 section 4.12),

Spatial Objective 12: Protecting and Enhancing Green Infrastructure

Development should be respectful of the natural environment, landscape and townscape character and contribute towards Biodiversity Action Plan targets of protecting, creating, managing and enhancing important habitats and green assets. Due to the predominantly urban nature of the Borough, to ensure that new development includes proposals to enhance the landscape and biodiversity, for example, through planting trees, creating ponds and other natural habitats.

Policy 5 – Green infrastructure. Veteran trees, trees of special interest, hedges and woodlands have been identified through the Phase 1 Habitat Survey and the Biodiversity Audit (2005) as a key component of Green Infrastructure (see section 7.0 Biodiversity for further details.

Core Strategy Policy 14 - Design and Construction

Proposals for new development and major refurbishment will need to demonstrate how the proposed development will provide opportunities to promote biodiversity

Oadby & Wigston Borough Council's (OWBC) Local Development Scheme 2014

This sets out the process for the review of the Oadby and Wigston Local Plan last reissued in 2013. The following two policies have been saved by Direction of the Secretary of State.

LANDSCAPE PROPOSAL 12: [OLP]

A tree planting scheme to improve the boundary of the green wedge adjacent to the water reclamation works and the Borough depot will be prepared, and implemented by the Local Planning Authority.

LANDSCAPE PROPOSAL 13: [OLP]

The Local Planning Authority will enhance and improve the appearance of the built edge of Oadby between Hidcote Road, Belper Close, Oxted Rise, Broxfield Close, Briar Meads and Tilton Drive by a scheme of tree and hedge planting in the Oadby/Leicester/Wigston green wedge.

OWBC - Nature Conservation Strategy 2007-2017

The strategy discusses the integral role that trees, hedgerows and woodland play in the Nature Conservation value of the Borough. It discusses the critically importance of the two Green Wedge areas within Oadby and Wigston in defining the form and direction of urban growth, providing links to the open countryside, recreational facilities, and, as an attractive feature. Trees and hedgerows create the landmarks within Green Wedges. The collective importance of our seemingly fragmented urban habitats (such as cemeteries, gardens and allotments, parks and school grounds) is recognized, and is a point of focus for the review of the Biodiversity Action Plan (objective 1.3 of the Strategy). The objectives of the document are nearly all relevant to trees, either directly or indirectly. Of particular relevance is the following:

Objective 2.1

To work in partnership with Leicestershire County Council to work towards the establishment of a South Leicestershire Community Forest.

Objective 4.3

To continue to support the Volunteer Tree Warden Scheme

OWBC - Landscape Character Assessment

This divides the Borough into different Landscape Character types defined by the nature of the habitat, townscape, and farmed landscape. It provides a detailed analysis of character, strengths, weaknesses, opportunities and threats. Full details are found at

http://www.oadby-wigston.gov.uk/pages/landscape_character_assessment

Of particular relevance is the following policy:

BW/1

Protect the existing positive contribution made to the urban character by trees and identify opportunities to increase tree cover.

- ***BW/1/a – Encourage formal street tree planting***
- ***BW/1/b – Encourage informal street tree and garden tree planting***
- ***BW/1/c – Increase the contribution of urban fringe trees to the landscape character.***
- ***BW/1/d – Improve the contribution of green frontages and open space to Landscape character and biodiversity***

OWBC - Green Infrastructure Plan March 2012

This document identifies components of Green Infrastructure planning and provides an evidence base for the emerging Local Development Framework. Veteran trees, urban trees, woodlands and hedgerows are recognized as an important component of the Green Infrastructure Plan.

The strategy recognizes the fact that any new tree planting to extend the existing woodland areas of the Borough will improve the townscape. This includes planting some of the wider grass verges near woodlands. There are no woodland areas within Wigston and the strategy discusses various impetuses for new woodland planting; from agri-environment schemes to new development. The strategy identifies areas for new tree planting and a timescale for delivery (2014 – 2026)

OWBC - Greening the Borough strategy 2012 – 2022

This is a diverse series of initiatives that:

- creates a more attractive Borough;
- leads to a place people choose to live, work and visit;
- gives people an opportunity to play a part to improve and care for local natural open spaces;
- attracts participation, interest, and celebrates local distinctiveness;
- works with partners and communities to achieve success



Aim 1 - To improve the interest and impact of highway verges through enhanced maintenance, colourful and interesting planting, and an increase in the amount of trees and shrubs.

Aim 4 – Entrance points to the borough shall be of a high quality and interest and give a clear indication that the borough within is one that takes great pride in itself. This raised standard will be continued along the main highway routes with imaginative planting schemes, tree planting and areas of distinction.

Aim 6 - To increase the number of trees on public property, and to seek to reverse the trend of removing trees from gardens which has had a detrimental effect on the appearance and ecology of many streets.

20.0 Tree Wardens

The Tree Council is the UK's lead charity for trees, promoting their importance in a changing environment. Their vision is one; of more trees in streets, parks, hedgerows and woodland across the UK, bringing benefits to people and wildlife, enhancing landscapes and engaging people in biodiversity and environmental issues. They work in partnership with our volunteer Tree Wardens, schools, communities, organizations and government to make trees matter to everyone.

Tree Wardens are volunteers, usually appointed by parish councils or other community organisations, who gather information about their local trees, get involved in local tree matters and encourage local practical projects related to the trees and woods. The Oadby and Wigston Borough Council's Tree Warden Scheme is part of the wider Leicestershire Tree Warden Scheme and seeks to involve local volunteers in championing and managing their local trees and to meet locally with like-minded people for training, field trips and practical activities. To support this, the Council runs training events locally, supporting the volunteers wherever possible, and in whatever way appropriate. This will include providing information on changes to legislation and current research on new pests and disease alerts. The most recent training was on CAVAT on 23 November 2015 in the Peace Memorial Park.

Getting involved

For more information about joining the tree warden scheme see http://www.oadby-wigston.gov.uk/pages/volunteering_with_the_tree_warden_scheme

Getting involved

Record your local trees on the Treezilla website. The more records we have, the easier it is to quantify the benefits of the trees. The following description is from their website:

What is Treezilla?

Treezilla is an exciting new platform for citizen science that everyone from school children to university students and the general public can get involved with. The idea is to map every tree in Britain. This will create a data-rich platform on which a wide range of citizen science investigations can be built.

Getting involved

The Pride of the Borough Group is an umbrella group, working with the council to organize our entry into East Midlands in Bloom. The group was formed in 2004 and aims to improve the environment, working with the council and others and encourage and support relevant community activities. Further operations details are found in Appendix one. Contact details are found on the website http://www.oadby-wigston.gov.uk/pages/pride_of_the_borough1.

21.0 Tree Policies

Overall policies

Policy 1 – we will develop the tree population. The tree stock will be expanded with new tree planting where appropriate and practicable.

Policy 2 – we will provide and maintain a high quality and sustainable tree stock. Native species will be planted to maximize indigenous flora and fauna, particularly, but not exclusively, in rural areas. A diversity of species will be established to mitigate against pests and disease that can threaten entire species.

Policy 3 – we will provide and promote the highest standards of tree care to the British standard BS 3998: 2010 '*Tree Work – Recommendations*' as well as adopting relevant arboricultural legislation and research development.

Policy 4 – we will resist the unnecessary removal of trees unless there are justifiable arboricultural, planning or legal reasons. (If you own or you buy a property, then the nearby and valued trees and your responsibilities towards those trees are all part of that same property).

Policy 5 – we will continue to run the tree warden scheme, but incorporate this within the councils Volunteer Policy and Procedure (when adopted)

Council owned trees

The council own trees in parks, cemeteries, allotments and country parks. We will:

Policy 6 - Take all reasonable steps to fulfil duties and obligations to ensure tree safety for public and property.

Policy 7 – carry out replacement planting when a tree is removed. The replacement planting location and species of tree will be assessed.

Policy 8 – The council will not normally undertake any tree pruning works or removal of trees in direct response to any natural or seasonal phenomena, for example:

- a. falling leaves;
- b. sap exudation, (honeydew);
- c. falling fruits, nuts or seeds;
- d. bird droppings;
- e. blossom or pollen;
- f. reduction or increased moisture to gardens;
- g. germinating seeds from council owned trees;
- h. blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves; or
- i. presence of algae, moss build up.

Policy 9 – The council will not normally undertake any tree pruning work due to:

- a. Loss or interference with TV or satellite signal reception;
- b. Loss of sunlight or man-made lighting during any part of the day;
- c. Damage or “heave” to adjacent surfacing due to a nearby tree;
- d. Blocking or obstruction of a view from a residence.

Policy 10 – The council will not normally prune trees to avoid shading solar panels.

Policy 11 – The council will not remove or prune a tree even if someone is willing to pay

Policy 12 - Where birds are found to be nesting in trees, tree works will normally be delayed until the end of the nesting season, or the birds have fledged (whichever is sooner).

Policy 13- Any trees identified and confirmed to be supporting roosting bats will not be worked on until Natural England is consulted. We will then act upon the advice given to us.

Policy 14- When investigating claims of subsidence/heave and damage to properties from underground tree roots evidence will be required from claimants by way of a report from an appropriately qualified person. The report should discuss the following.

- a. A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map.
- b. Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building or surfacing material.
- c. Measurement of the extent and distribution of vertical movement using level monitoring.
- d. A profile of a trial/bore hole dug to identify foundation type and depth of soil characteristics
- e. The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit and plasticity index.
- f. The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.
- g. Proposals and estimated costs of options to repair the damage.
- h. A report from an Arboriculturist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree-related damage.

In the case of other structural damage to garden walls, drains, paving, drive surfaces, technical evidence should be provided by a relevant engineer, Architect, building/drainage surveyor or other appropriate expert. Removal of the tree may not be the only appropriate option.

Policy 15- We will continue to develop opportunities to use the woodchip, logs, timber from our own tree works.



Photo 12 council owned copper beech enhancing the local setting

Woodland management policies

Policy 16 - We will take reasonable steps to preserve and enhance woodland trees, particularly those that are indigenous to the area served by Oadby and Wigston Council. We will work with other towards the establishment of a South Leicestershire Community Forest.

Policy 17 - Where possible we will encourage natural regeneration in our woodlands.

Policy 18 - Where possible, subject to public safety assessments, we will retain dead trees in woodlands preferring to prune rather than fell. In situ dead timber and felled trees are left to benefit habitat creation, or where appropriate with funds permitting, public art.



Photo 13 using dead wood as art at Brocks Hill County Park

Policy 19 - We will manage woodlands as a long term sustainable resource. This includes the woodland management technique of woodland thinning of young to enable the best trees to flourish.

Policy 20 - We will actively support and encourage community involvement in the planning and operation of woodland management.



Photo 14 getting involved with woodland management at Brocks Hill County Park

Policy 21 - We will produce and implement woodland management plans for all our woods which will take into account the wider landscape, historic and ecological issues.

Policy 22 – We will apply for the appropriate licenses for felling, from the Forestry Authority, within Oadby and Wigston Council Country Parks

Privately owned trees

Policy 23 – We will strive for provision of space for planting new trees on development and privately owned site by means of the planning application process. Foundation details should follow the recommendations of the National House Building Councils practice note 4.2 *Building near trees* and distance from buildings complies with BS 5837:2012 *'Trees in relation to design, demolition and construction. Recommendations'*.

Policy 24 – We will expect to see tree reports in accordance with *BS 5837:2012 'Trees in relation to design, demolition and construction. Recommendations'* with submitted planning applications where nearby trees might be affected.

Policy 25 - We will expect to see works on construction sites that might affect trees, to be carried out in accordance with *BS 5837:2012 'Trees in relation to design, demolition and construction. Recommendations'* and that foundation details follow the recommendations of the National House Building Councils practice note 4.2 *Building near trees*.

Policy 26 – We will impose robust, tree specific planning conditions to ensure that trees are cared for during construction work. This will include arboricultural site supervision when it is appropriate and proportionate. We will enforce any breach of such safeguarding conditions.

Policy 27 – We will make Tree Preservation Orders when expedient in the interests of amenity.

Policy 28 – When considering applications to carry out works to trees protected by a Tree Preservation Order or in Conservation Areas we will expect to see all required information and process the application within 8 weeks. Applications to carry out work will not normally be permitted when the considerations highlighted in policies 7, 8 and 9 apply.

Policy 29 – When considering applications to carry out work where subsidence/heave is alleged, the level of detail set out in policy 14 is required.

Policy 30 – We will enforce and where appropriate will prosecute tree related contraventions.

22.0 FAQs (Frequently Asked Questions).

What is a Tree Preservation Order?

A Tree Preservation Order (TPO) is an order made by a local planning authority, such as Oadby and Wigston Borough Council, which makes it an offence to cut down, lop, top, uproot, wilfully damage or wilfully destroy a tree without first getting permission from us. They are usually made to protect trees that make a significant contribution to a public amenity or area. They may particularly be made when it is felt that a tree may be under threat.

What types of tree can be covered by a TPO?

All types of trees, native and ornamental, including hedgerow trees, may be the subject of a TPO. A TPO cannot protect hedges, bushes, or shrubs.

How can you find out if a tree has a TPO?

Contact our Planning Control Team or Arboricultural Officer with details of the address, location, and species of the tree or use the Map of Protected Trees. When you are buying a property the presence of a TPO should be revealed by the search of the local land charges register.

Who is responsible for maintaining a tree with a TPO?

The owner of a protected tree is responsible for its maintenance, condition and any damage it causes. However, if you are the owner, you will still need to get Consent from us before carrying out most types of work. Tree work is a dangerous and highly skilled operation and trees are complex living structures which are easily damaged by poor quality or unsympathetic tree work. We strongly advise you to talk to a professional tree surgeon or arborist to advise you and undertake any work needed.

Can you recommend a good tree surgeon?

No, as a public body we cannot make any recommendations. However, see the well qualified Arborists and Tree Surgeons recommended by the Arboricultural Association at via their website at: <http://www.trees.org.uk/Find-a-professional>.

How do you get Consent to work on a tree covered by a TPO?

If you wish to carry out work to a tree protected by a TPO you must make an application on the standard application form – with any necessary supporting information. You can do this in writing to Oadby and Wigston Borough Council at the Council Offices, Station Road, Wigston, LE18 2DR. For an electronic version of the standard tree works application form and guidance notes, see the hyperlinks on pages 11 and 12 of this document. Applications not made on the standard application form cannot be accepted and will be returned to you. You must include a plan showing exactly which trees you wish to prune, although this need not be to scale. You must also indicate exactly what sort of work you wish to carry out and the reasons why. Certain types of work will also need appropriate supporting documentation. For example, if you give the reason for work as being safety or

damage to property you will need to provide written and qualified evidence of this. You can find information about supporting documentation in the guidance notes for the standard application form. We will write to confirm receipt and registration of your application. We will consider it and let you know our decision within eight weeks.

If you are refused Consent can you appeal?

Yes. If your application is refused or if you do not receive a decision within eight weeks, you can appeal to the Planning Inspectorate who will consider your appeal on behalf of the Secretary of State. We will send you details of how to appeal along with the decision notice refusing Consent. You may also appeal if we grant permission subject to certain conditions. During the appeal process the information you submitted along with your application and our comments will be carefully considered by an independent Planning Inspector.

Can you get compensation if your application is refused or conditions are attached?

There are limited circumstances where you can make a claim for compensation if you are refused permission to carry out work to a protected tree or conditions are attached.

If you wish to make a claim for compensation you should write to us within 12 months of our decision or within 12 months of the Secretary of State's decision if you appealed.

Will I be told if a TPO is made on a tree on my property?

Yes. When we make a TPO, we will send copies to the owner of the property and any adjoining properties which are affected.

How can you object to, or express support for, a new TPO?

To object to a new TPO or to express your support for it, write to us within the time allowed, usually 28 days after the order has been made. We will consider your comments when deciding whether or not to confirm the TPO.

When can you prune a protected tree without Consent?

There are certain circumstances when you can carry out work to a protected tree without first seeking our Consent. These include:

- If the tree is dead or dangerous. The danger must be present and the onus will be on you to prove this if the facts are questioned. It is good practice to let us know if you plan to carry out work on this basis at least five days in advance so that we can agree with you which trees are dead or dangerous. Removal of dead wood from an otherwise healthy tree is considered to be covered by this exemption
- If you are obliged to carry out work by an Act of Parliament. Most commonly, this applies to trees overhanging a public highway where you have an obligation to

maintain reasonable clearance above the road. This usually equates to 2.5m above a footway or 5.5m above a vehicular carriageway

- Where work is absolutely necessary to implement a detailed planning permission. This does not apply to an outline permission or to development carried out as "Permitted Development" – that do not require planning permission from the Council.
- If the tree is a fruit tree and you prune it in accordance with good horticultural practice, or if it is a fruit tree in a commercial orchard
- If the work is to be carried in accordance with a Forestry Commission grant scheme or if a felling licence has been granted by the Forestry Commission.

Might I have to plant a replacement tree?

If you cut down or destroy a protected tree you will have to plant a new one if:

- You did so in breach of a TPO or without notifying your intention in a conservation area
- You did so because the tree was dead or dangerous (except if in a woodland)
- You obtained permission but a condition requiring a new tree to be planted was attached to the permission
- In most cases where the Forestry Commission grants a felling licence.

What happens if I carry out work on a protected tree without permission?

If you deliberately destroy a protected tree or damage it in a manner likely to destroy it, you could be fined up to £20,000 if convicted in a magistrate's court. For other offences you can be fined up to £2,500. Furthermore, you will normally have to plant a new tree if the tree was cut down or destroyed.

How else might a tree be protected?

In addition to TPO and conservation areas there are various other factors which may constrain work to trees. These include:

- Felling which involves more than 5m³ of timber, or more than 2m³ if sold, may require a felling licence from the Forestry Commission
- Many wildlife habitats are protected under the Wildlife and Countryside Act and the Countryside and Rights of Way Act. This includes bat roosts and the nests of wild birds. If a tree contains a protected habitat work may have to be delayed or may require a licence from Natural England
- Trees may sometimes be protected by conditions attached to planning permission
- Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

23.0 Bibliography

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Photos from Brocks Hill Facebook page, or by the main author Sharon Hosegood, Chartered Arboriculturist FICFor FArborA BSc (Hons) Tech Cert (Arbor A)

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