

Oadby and Wigston Borough Council

Tree Strategy

Trees for Life



Oadby & Wigston
BOROUGH COUNCIL

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Version [1.0], May 2019

Forward:

If you look around you anywhere in Oadby and Wigston, most of what you can see will be roads, car parks and buildings. What you may not notice will be the extraordinary number of trees, hedges and planted landscapes. If so then look again. Trees are a vital part of the environment throughout the Borough. They bring a wide number of benefits to the people of the Borough - see pages 13 to 18. When properly valued in monetary terms many of them are of huge value as public amenities – see pages 11 and 12.

Oadby and Wigston Borough Council are the Local Planning Authority for the area. Amongst other things this means that we are responsible for administering a number of planning matters including the protection of local trees. The Council's Corporate Objectives are:

- **Building, Protecting and Empowering Communities**
 - “Delivering High Quality and Healthy Lifestyles in Communities”
 - “Making our Communities feel safe, be safe and supported”
 - “Informing, Including and Understanding our Communities”
- **Growing the Borough Economically**
 - “Delivering Development of the Town Centres”
 - “Delivering on our Housing Need”
 - “Attracting people and business to the Borough”
- **Providing Excellent Services**
 - “Excellence for our Customers”
 - “Improving how we work”

If you think about it the contents of this document – “Trees for Life” will assist The Council and our residents to achieve all of these priorities. Read on!

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.

Councillor John Boyce

Leader of Oadby and Wigston Borough Council



1. Introduction

- 1.1. 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 document is for everyone, as trees touch all of our lives.
- 1.2. Oadby and Wigston Borough Council has three corporate objectives:
 - Building, Protecting and Empowering Communities
 - Growing the Borough Economically
 - Providing Excellent Services
- 1.3. 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 document. This document 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. This document does not prescribe planning policy and is not intended to provide an exhaustive exposition, but to inform everyone.
- 1.4. 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.

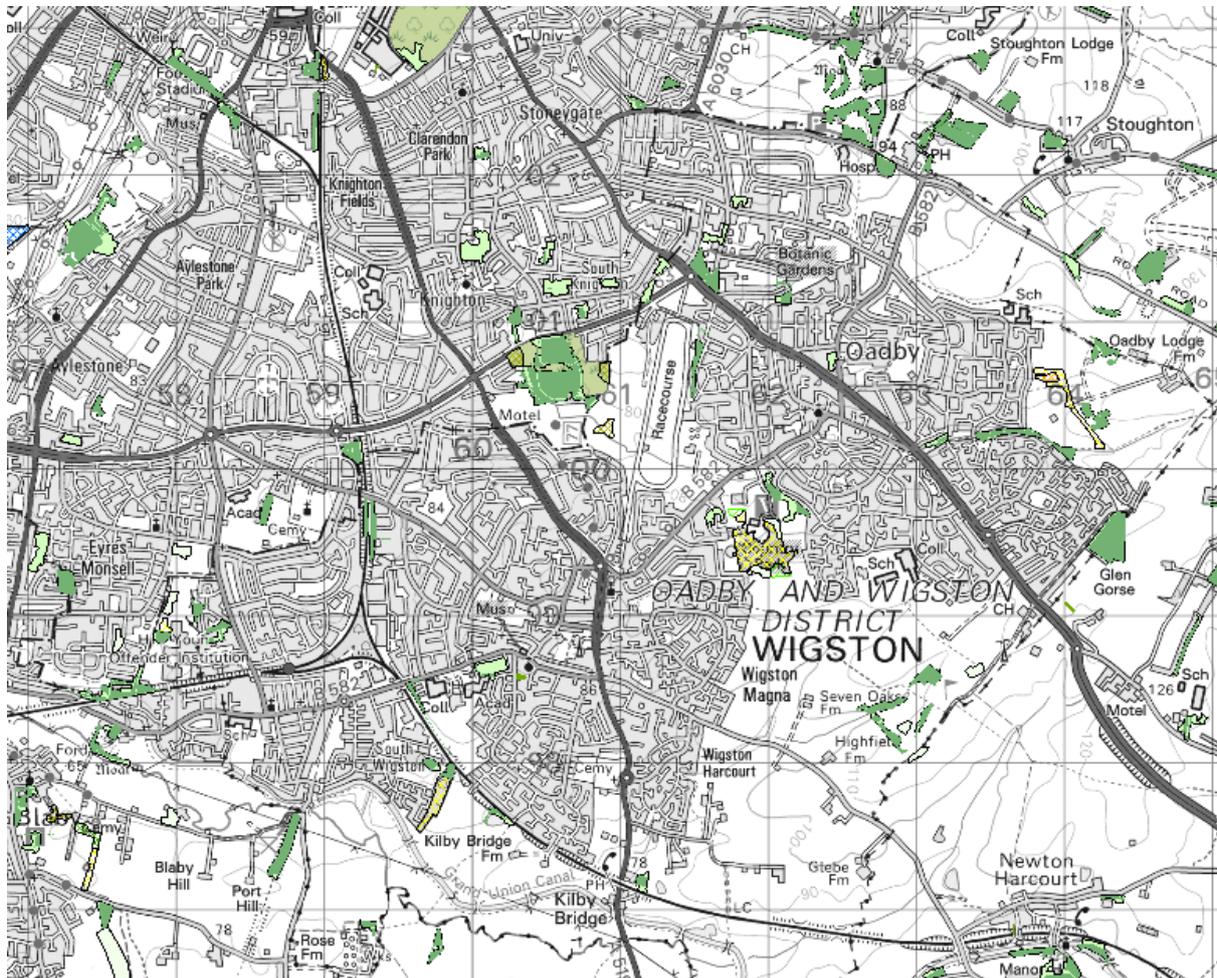
2 Oadby and Wigstons Trees

2.1 The Borough's Tree Stock

- 2.1.1 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.
- 2.1.2 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.
- 2.1.3 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.

Figure 1 Woodland around Oadby and Wigston

Magic Maps - (c) Crown Copyright and database rights 2019. Ordnance Survey 100022861



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

2.2 Biodiversity

The Biodiversity Audit (2005) and Extended Phase 2 Habitat Survey (2017) found the following:

2.2.1 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, totalling 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 flailed. 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/>).

2.2.2 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 Grange contains the only area of mixed plantation in the Borough and contains veteran, and potentially veteran oaks.



Photo 1 - The woodlands at Brocks Hill County 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_countr_y_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 2 - A woodland walk at Brocks Hill County Park



Photo 3 Group of trees on Saffron Road

2.3 Trees of special interest

- 2.3.1 185 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 4 – Holly Blue butterfly at Brocks Hill County Park

2.4 Putting a value on trees

2.4.1 Undoubtedly, important trees have been removed, and there is anecdotal evidence to suggest that, across all the different ownership categories, trees have been and are being removed unnecessarily due to the fear of litigation (National Tree Safety Group - <http://ntsgroup.org.uk/>)

2.4.2 With the growing recognition of how valuable trees are within our society, a number of methods to value trees have been developed. These aim to quantify their diverse roles and assess how important they are to our economy, ecology and wellbeing.

i-tree eco

2.4.3 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:-

<https://www.charteredforesters.org/2016/01/london-itree-results/>

Treezilla

2.4.4 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:- <https://www.treezilla.org/treezilla/map/>

CAVAT

2.4.5 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 5 - 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.

3 Why Trees are Important

- 3.1.1 All trees are a valuable resource that provide us with oxygen, absorb pollution and carbon dioxide, inhibit the sound of traffic, make our urban environment more pleasant and add value to our properties as well as sustaining wild fauna and flora, providing a living link to the past and many other benefits.
- 3.1.2 The ways trees help us are extensive with benefits that we all probably take for granted but rarely perceive.
- 3.1.3 Trees are integral to most natural land-based ecosystems, providing a wide range of ecosystem services to people, including mitigating the harmful effects of climate change as well as assisting with climate adaptation. Trees are an important part of the economy, providing timber and non-timber forest products. Their importance is recognised at all stages, from international to local government policies, many non-governmental organisations have policies dedicated to conserving trees and their biodiversity.

3.2 How Trees Grow

- 3.2.1 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 of the soil, typically the majority of roots and virtually all the large structural supporting roots are in the upper 60cm of the soil. Soil disturbance within the rooting area should be avoided, whenever and wherever possible as this can significantly adversely affect tree health and tree stability. 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.

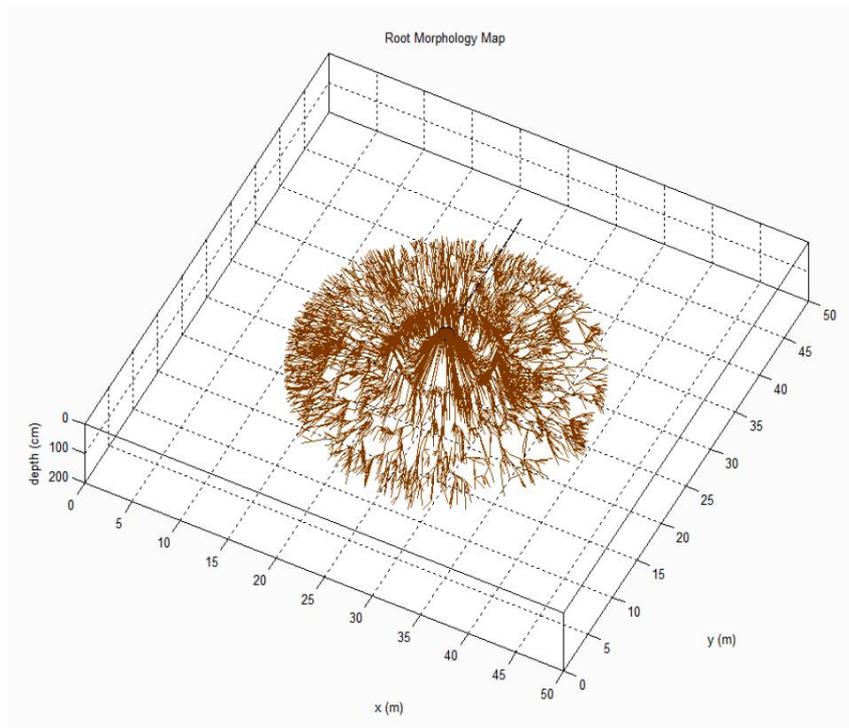


Figure 2 – Root morphology map of a large mature oak tree using ground penetrating radar (TreeRadar). Sharon Hosegood. For further details see

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

Getting involved

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

3.3 Landscape

- 3.3.1 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 Wigston and South 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, 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 6 - St Peter's Church, Oadby



Photo 7 - The passing of the seasons

3.4 Ecological benefits

- 3.4.1 Trees provide a host of significant ecological benefits, including habitats and roosting for bats, birds, insects and other creatures. 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 with hollow trees provide some of the most valuable habitat.
- 3.4.2 Dead wood (fallen, standing, large or small) 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.

3.5 Ecosystem services

- 3.5.1 Trees intercept heavy rainfall and reduce flash flooding. They filter the air converting carbon dioxide into oxygen and remove 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 8 - Woodland management and standing dead wood at Brocks Hill Country Park



Photo 9 - Yellow hammer at Brocks Hill Country Park

3.6 Promoting our wellbeing

3.6.1 Many of us feel intuitively that it is important for our quality of life to have access to nature. 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 10 - Brocks Hill Country Park

3.7 Cultural value

- 3.7.1 Trees may be significant to us personally, marking historical occasions, commemorating a birth, family event or celebration of a life. Trees – and in particular, veteran trees are often linked to local events and customs.

3.8 Future Proofing

Climate Change and Adaption

- 3.8.1 Weather is the short term changes in the atmosphere, the week to week, day to day and hour to hour experience. Our climate, however, is the average of weather over time and space.
- 3.8.2 Climate change is a serious threat to all forests, woods and trees. Not just extreme weather events that affect tree stability and health but also through pests and diseases which can 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.
- 3.8.3 The rapid changes we are now witness to across the globe are unprecedented and tree stocks are both at threat and part of the solution. 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, improving water quality and flows, and making urban environments more habitable.
- 3.8.4 To help future proof tree stocks a Europe wide network of organizations are in collaboration to collect data on plant growth, deaths and growth patterns. Trial plots of carefully selected species are established in various locations, the tree stock is being selected from populations with desirable attributes such as those from warmer climates or display lower water demand.

Pests, diseases and ill-health

- 3.8.5 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. For example, Great Britain's woodlands are made up of around 4.7% Ash; the social, environmental and commercial value of these trees is estimated between £94 and £146 million per year. In future planting, we should aim to provide a mix of species to build resilience in the landscape.



Photo 11 Peace Memorial Park

3.8.6 There are three main causal agents; 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 you're in doubt about your trees health, seek advice from a tree expert.

3.8.7 Priority pests and diseases to look out for:

- Emerald Ash Borer
- Longhorn Beetle – Asian and Citrus
- Sweet Chestnut Blight
- Xylella fastidiosa
- Chestnut Gall Wasp
- Oak Processionary Moth

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

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

Getting involved

3.8.8 The Forestry Commission provide Tree Alert, a tree pest and disease sighting reporter. This has been set up for use by everyone to help gather information about the health of the nation's trees, woodlands and forests.

<https://www.forestresearch.gov.uk/tools-and-resources/tree-alert/>

Observatree provide a comprehensive list of high priority tree pests and disease, as well as their signs and symptoms throughout the seasons.

<http://www.observatree.org.uk/tree-health/pests-and-diseases/>

3.9 Biosecurity

3.9.1 The threats to our tree stock have never been greater, it's not always possible to see pests and diseases and they can be transmitted accidentally by people moving between different areas. Pests are most often transported in soil or organic material, such as plant debris, that can be carried on footwear or by the wheels of vehicles. Diseases may also be spread via the equipment used for tree work. Some pathogens are dispersed in water and so the risk of these being spread increases when conditions are wet.

3.9.2 Every little helps, we recommend biosecurity guidance provided from the Forestry Commission as best practice for use by all those who engage in the forestry and arboricultural sectors.

3.9.3 Certain plants may be subject to movement and sale restrictions as well as requirements to quarantine. Quarantine measures help to keep foreign pests out of areas where they could damage crops, trees, wild plants and ecosystems. Under plant health legislation a number of plant pests and diseases are classified as quarantine organisms and are therefore subject to statutory control.

Unregulated plant trade and sales can be a serious threat, please buy responsibly from reputable suppliers.

Getting involved

The Forestry Commission provides a free training module for use by both the public and professionals:

<https://www.forestryengland.uk/article/biosecurity-advice-forest-visitors>

<https://www.trees.org.uk/Help-Advice/Biosecurity-Guidance>

<https://www.forestrylearning.org.uk/>

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.

3.10 Tree Wardens

- 3.10.1 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.
- 3.10.2 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.

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.

4 Tree Ownership

4.1 Who owns the tree?

- 4.1.1 The owner of a tree is typically defined as the person who owns the soil surrounding the base of its stem. If this soil is owned by more than one person, these persons are considered tenants in common of the tree.

4.2 What are the implications?

- 4.2.1 As the owner or any party with control over the trees management, you have a duty of care to “take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property”.
- 4.2.2 The surveying of trees within falling distance of property and boundaries is considered a ‘reasonable’ precaution provided; recommendations to reduce or remove risk are carried out by a professional tree firm, or a management plan is put in place which lays out timescales for phased works to be carried out between surveys.
- 4.2.3 A suitably qualified and insured arborist can provide you with a tree risk survey which should also recommend appropriate management and works where required to fulfil your duty of care.

4.3 Managing Risk

- 4.3.1 Managing the risk from trees is the responsibility of the owners and managers of the land on which they grow. There are many different types of landowner and trees grow in many different environments. The overall approach when assessing risk is that a balance should be struck between risks and benefits.
- 4.3.2 The risk of being struck and killed by a tree or branch falling is extremely low (in the order of one in 10 million for those trees in or adjacent to areas of high public use). However the low level of overall risk may not be perceived in this way by the public, particularly following an incident.
- 4.3.3 One reason why trees fall into the “low” level of risk category is because over past decades, in the majority of cases, appropriate and timely management decisions have taken place. Hazardous trees have been identified and remedial works undertaken.
- 4.3.4 So far as non-fatal injuries in the UK are concerned, the number of accident and emergency cases (A&E) attributable to being struck by trees (about 55 a year) is exceedingly small compared with the roughly 2.9 million leisure-related A&E cases per year, even wheelie bins are involved in many more incidents than trees (about 2,200 a year).

- 4.3.5 It can be reliably predicted that if a falling tree kills a member of the public, there will be a passing story in the local, and occasionally national, media. This is because unusual events, such as tree-related deaths, are more likely to be newsworthy than commonplace accidents, even though the latter pose a far greater risk and cause much more harm overall.
- 4.3.6 The pressures on tree owners to follow a risk-averse approach have never been greater. Responsible management should seldom result in large-scale tree removal for safety reasons, no tree can be guaranteed to be safe as long as we retain trees, we cannot achieve zero risk. A disproportionate response to the actual risks posed by trees leads to unnecessary intervention, particularly alongside roads and public places. Disproportionately responding to risk itself runs the threat of diminishing the landscape and depriving the whole community of the enjoyment of trees and their wider benefits.



Photo 12 - A defect or two shouldn't immediately condemn a tree.

4.4 Protected trees

- 4.4.1 There are a number of reasons a tree might be protected; Tree Preservation Orders, Conservation Areas, Planning Conditions and Covenants.
- 4.4.2 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.
- 4.4.3 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.

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

4.5 Tree Preservation Orders

- 4.5.1 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). Annotated photographs can be very beneficial to avoid misinterpretation.

- 4.5.2 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.

4.6 Trees in Conservation Areas

- 4.6.1 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.
- 4.6.2 Within a designated Conservation Area all trees have a level of protection similar to trees covered by a Tree Preservation Order (TPO). Follow the TPO guidance within this document

4.7 Carrying out work on a tree in a Conservation Area

- 4.7.1 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.
- 4.7.2 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.

To 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).



Photo 13 - Tree works at Brocks Hill County Park

5 Hedges

- 5.1.1 A hedge can be cheap to create and last for a long time. It can help bring wildlife into your garden; and its flowers, berries and leaves can add colour and beauty. You don't normally need permission to plant a hedge in your garden and there are no laws that say how high you can grow your hedge.
- 5.1.2 But you are responsible for looking after any hedge on your property and for making sure it's not a nuisance to anyone else. You can help prevent a hedge on your property from becoming a nuisance by trimming the hedge regularly, both its top and all sides.

5.2 High Hedges

- 5.2.1 If a hedge is allowed to grow unchecked it can sometimes cause problems.
- 5.2.2 If you are troubled by someone else's hedge, the best way to deal with the issue is to talk to them about it. Calling in the council or going to court, especially without first approaching your neighbour yourself, might make matters worse.
- 5.2.3 It's in both your interests to try and sort things out. After all, you have to continue to live near each other and so it's better if you are on good terms.

5.3 Protected Hedgerows

- 5.3.1 Agricultural hedges are afforded protection under the hedgerow regulations, to remove a hedgerow protected under the regulations you will need to submit a hedgerow removal notice to the council. If the hedge is deemed important you will receive a Hedgerow Retention Notice.

- 5.3.2 Hedges within or that form the boundary of a dwelling are exempt from requiring notification, where the hedge demarks the boundary between two properties and in the absence of mention of the hedge or boundary measurements in the titles of either property a Court is likely to assume that a line drawn through the centre of the base of the hedge represents the boundary; thus the hedge is joint property. Any jointly owned hedge cannot unilaterally be removed.
- 5.3.3 You may cut back that part of the hedge that overhangs your property but must not endanger the continued life of your neighbours half of the hedge. Any alternative boundary demarcation will have to stand within your land alone, similarly any foundations must not endanger the continued life of your neighbours half of the hedge.
- 5.3.4 Hedgerow removal notices should be submitted to the Local Authority.

6 Trees, Design, Planning and Development

- 6.1.1 When it comes to building and development, whether it's permitted development or full planning approval, trees are a material consideration.
- 6.1.2 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

- 6.1.3 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 likely to damage the roots.

The root system

- 6.1.4 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.

6.2 Trees in relation to design, demolition and construction - recommendations

- 6.2.1 The British Standards Institution (BSI) provide recommendations and guidance for arboriculturalists, architects, builders, engineers, land managers, landscape architects, contractors, planners, statutory undertakers, surveyors, and all others interested in harmony between trees and development.
- 6.2.2 British Standard 5837:2012 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.
- 6.2.3 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.

6.3 Permitted development

- 6.3.1 Permitted development allows improvement and extension of homes without the need for a planning application. Even if your work does not require planning permission, you must still consider the impact your work may have on trees.
- 6.3.2 If your work will affect trees that sit in a Conservation Area or are covered by a Tree Preservation Order (TPO), you must not carry out any work on them without our authorisation. Trees in these situations are legally protected, and carrying out unauthorised work, or causing them any damage, is a criminal offence.
- 6.3.3 A frequent cause of harm to trees on building sites is ground compaction; this can be caused by storing building materials or driving machinery over the roots. Failure to plan for trees during building projects is commonly overlooked and could result in a tree falling through your new extension, and/or prosecution and a criminal record. We want to protect trees and help residents. We are always happy to give advice, so please speak to us before you start any work. If in doubt, speak to a suitably qualified and experienced Arboriculturist.

6.4 Tree Protection

- 6.4.1 For the majority of planning requirements the provision of a Construction Exclusion Zone demarked by protective fencing will be adequate. This is to restrict the area that can be used, ensuring that machinery and material storage cannot damage the tree. If access is tight then temporary ground protection can be installed.
- 6.4.2 Tree protection measures may seem trivial to some, but ground compaction is a hidden stressor, suffocating roots and disrupting respiration processes which power every function of the tree. If the tree dies or fails, liabilities are thrown wide open, some temporary fencing is much cheaper than the possible repair bill or law suit.

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.

National House Building Council – NHBC Standards 2011, Chapter 4.2 - Building near trees

References:

- The Tree Council - <http://www.treecouncil.org.uk/>
- Hedgerow Regulation 1997
- Anti Social Behaviour Act 2003 (Part 8) and the High Hedges (appeals England) 2005
- BS 3998: 2010 Tree Work - Recommendations
- BS 4428: 1989 Code of practice for general landscape operations (excluding hard surfaces)
- BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations
- BS 7370: 1991 Grounds maintenance. Recommendations for establishing and managing grounds maintenance organizations and for design considerations related to maintenance
- BS 8545: 2014 'Trees: from nursery to independence in the landscape – Recommendations'.
- Part VIII of the Town and Country Planning Act 1990, the Town and Country Planning (Trees) Regulations 1999
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- Town and Country (Tree Preservation)(England) Regulations 2012
- The Forestry Act 1967
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- Highways Act 1980
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- Oak Processionary Moth Guidance Note – London Tree Officers Association (LTOA)
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- Trees in the Townscape: A guide for Decision Makers (TDAG)
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- The Health and Safety Executive - Management of the risk from falling trees or branches - http://www.hse.gov.uk/foi/internalops/sims/ag_food/010705.htm)
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- <http://www.treezilla.org/>
- <http://www.treecouncil.org.uk/>
- [http://www.forestry.gov.uk/pdf/space4trees_stage3_doc.pdf/\\$FILE/space4trees_stage3_doc.pdf](http://www.forestry.gov.uk/pdf/space4trees_stage3_doc.pdf/$FILE/space4trees_stage3_doc.pdf)
- <http://www.itreetools.org/eco/>
- <http://ltoa.org.uk/resources/cavat>
- <http://www.observatree.org.uk/>
- <https://forestry.gov.uk/biosecurity>

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



Photo 14 - Snake bark maple

Appendices

- 1. Describing a proposal to undertake pruning work on protected trees**
- 2. Tree Strategy**
- 3. Frequently Asked Questions (FAQ)**

Appendix 1: Describing a proposal to undertake pruning work on protected trees.

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 the 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. Other tree surgeons with a current membership to a suitable SSIP scheme will have been required to prove; adequate insurances, risk assessments, method statements, suitable qualifications for works undertaken, an appropriate waste carriers licence, training, complicity with health and safety legislation and working in line with current best practices.

As a tree owner you are not expected to have a professional working knowledge of trees or how different tree species will react to different tree work operations, a professional will usually be willing to provide advice as to what is most suitable for your particular tree(s) to attain the results you desire.

Generally, trees develop in balance with their environment both above and below ground. Conflicts with people and property can, however, result from natural processes of growth and dieback or from the effects of damage caused by severe weather, pests or diseases. Resolution of conflicts can be achieved by tree work, but there is often a need to consider other measures such as modifying the use or management of the surrounding land.

As a client, your initial desire for tree work is often based on particular circumstances which might not necessarily be appropriate in other respects. In particular, when specifying tree work, there is always a need to take account of the effects of the work on the long-term growth and the future management needs of the tree.

Common tree work operations



General information - The common operations described and simply illustrated here show some of your options.

An arborist should be able to help in defining the work that will be appropriate for the tree(s) and in line with British Standard 3998 – *Recommendations for Tree Work*.

- Please note that the entire branch system is known as the 'crown'.
- LPA approval is not required to remove **dead branches**.



Crown Thinning - This reduces the density of the tree's crown without changing the overall shape and size of the tree. Thinning reduces the amount of foliage and allows more light through the canopy or crown.

The amount of thinning proposed should be specified as a percentage (%) of the leaf area (usually no more than 30%).

- Useful for letting more light into gardens and windows



Crown Lifting - This means removing lower branches to increase the clearance between the ground and the crown.

Identify the branches you wish to remove, or specify a height above ground level to which you wish to "lift" the crown.

- Useful for allowing more light into gardens
- Prevents low branches obstructing paths, drives etc.



Crown Reduction - The tree crown is reduced by shortening branches, and so changes the overall size and shape of the tree. Reductions are usually carried out all round the outer parts of the crown to maintain a balanced shape, but seldom should it include cutting through the main stem.

The amount of reduction proposed should be stated in terms of the intended height and spread of the tree after pruning (rather than what percentage (%) of the overall crown is to be removed).

- Partial reduction may be useful for preventing branches contacting buildings, roofs and guttering

“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-clean”

A crown clean 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.

“Lopping and Topping”

Generally regarded as crude, heavy-handed or inappropriate pruning. This outdated terminology is still included as part of planning legislation, but only as a legacy from the original 1947 Act, our industry has come a long way in 70 years.

Appendix 2 Tree Strategies

Overall Objectives

- Objective 1** We will develop the tree population. The tree stock will be expanded with new tree planting where appropriate and practicable.
- Objective 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.
- Objective 3** We will provide and promote the highest standards of tree care to the Industry benchmark - British standard BS 3998: 2010 *'Tree Work – Recommendations'* as well as adopting relevant arboricultural legislation and research development.
- Objective 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).
- Objective 5** If you cut down, significantly damage or destroy any protected tree you will have to plant a new tree of a suitable size, preferred species, location and planting time unless the Local Authority has agreed to dispense of this requirement. Existing legal protection immediately covers any replacement in perpetuity. Failure to replant can and will be enforced up to and including entering your land to plant the replacement(s) and recovering all associated costs through the courts.
- Objective 6** We will continue to run the tree warden scheme, but incorporate this within the councils Volunteer Policy and Procedure (when adopted).
- Objective 7** The council will not normally undertake or grant permission for any tree pruning works or removal of trees in direct response to any natural or seasonal phenomena, for example:
- Falling leaves;
 - Sap exudation, (honeydew);
 - Falling fruits, nuts or seeds;
 - Bird droppings;
 - Blossom or pollen;
 - Reduction or increased moisture to gardens;
 - Germinating seeds from council owned trees;
 - Blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves; or
 - Presence of algae and moss build up.

Objective 8 The council will not normally undertake any tree pruning work due to:

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

Council owned trees

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

We will:

Objective 9 Carry out replacement planting when a tree is removed. The replacement planting location and species of tree will be assessed for suitability.

Objective 10 Take all reasonable steps to fulfil duties and obligations to ensure tree safety for public and property.

Objective 11 Every 3 years the council will provide a scheme of tree planting for council owned land within the borough.

Objective 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).

Objective 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.

Objective 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.

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

Woodland management objectives

Objective 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.

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

Objective 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.

Objective 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.

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

Objective 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.

Objective 22 We will apply for the appropriate licences for felling, from the Forestry Authority, within Oadby and Wigston Council Country Parks

Privately owned trees

Objective 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'*.

- Objective 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.
- Objective 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* in light of trees retained and proposed to be planted.
- Objective 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.
- Objective 27** We will make Tree Preservation Orders when expedient in the interests of amenity.
- Objective 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 objectives 7, 8 and 9 apply.
- Objective 29** When considering applications to carry out work to protected trees where subsidence/heave is alleged, the level of detail set out in objective 15 is required.
- Objective 30** We will enforce and where appropriate, prosecute tree related contraventions.

FAQs

Protected trees

1. 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.

2. What about trees in Conservation Areas?

This is essentially the same as a TPO except in this case you need only provide us with 6 weeks' notice of your intention to carry out works, if the council do not agree with the proposed works we can refuse permission and apply a TPO.

3. 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.

4. 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. When you are buying a property the presence of a TPO should be revealed via a search of the local land charges register.

5. Who is responsible for maintaining a tree with a TPO?

A tree with any form of protection should not prevent its appropriate management. 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 necessary.

6. 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>.

7. 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, annotated photographs can be useful. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. When can you prune a protected tree without requiring 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 a requirement to let us know if you plan to carry out work on this basis at least five working 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 works are considered of sufficient emergency that notification is not possible you must notify us as soon as practicable.

- 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 out in accordance with a Forestry Commission grant scheme or if a felling licence has been granted by the Forestry Commission, provided you declare the TPO on your application.

13. Will 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.

14. 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. In serious cases a person may be committed for trial in the Crown Court where fines are unlimited. For other offences you can be fined up to £2,500. Furthermore, you will normally have to plant a new tree.

15. 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.

16. If I see work being carried out to a protected tree, how can I find out if the owner has permission:

Site notices will have been posted prior to any permission being decided, if you're a close neighbour the council will have informed you of the request to carry out works. You can ask the owner or tree surgeon to see a copy of the permission. Failing this you can contact the Local Authority to check.

Permission for works to a TPO tree expires after 2 years, permission for works to trees in Conservation Areas expires after 1 year.

Tree Advice and Guidance

Before undertaking 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 Michael.Bennetto@oadby-wigston.gov.uk. *(E-mail is preferred as, like any good arborist, Michael is away from his desk for much of the working day).*

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.

17. 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 boundary 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 is your responsibility to dispose of it.

18. 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.

19. 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 a non-refundable £450 (would it be better spent addressing the problem?). 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.

20. 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?

Too many trees in are being cut down due to exaggerated fears of damage to house foundations and the risk-averse approach of property owners instilled by insurers. Building regulations are in place to ensure that adequate foundations are used to accommodate movement. Once the suspected tree is removed it doesn't necessarily solve the problem. Removing trees that were present at the time of construction may inadvertently exacerbate the situation and cause damage due to heave.

If you believe that your property is suffering subsidence damage due to the action of trees in your ownership (or a neighbour's tree) then you should contact your property insurer at the earliest opportunity. Failure to notify your insurer may invalidate your cover.

The council will consider an application if supported by the evidential assessment of a qualified Arboriculturalist and a structural engineer together with appropriate geotechnical information

An application for tree works based on the above complaint would normally be made subsequent to a claim to insurers which was considered valid, investigated and assessed. The council will need the evidential assessment of the investigators before considering the application (see policy 15). Alternatively, consider installing a root barrier or if insufficient drainage is the issue, a French drain.

21. 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.

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

When laid on sand, over time this gets washed away. Relaying the slabs on a stable base layer can typically fix uneven surfacing without having to cut any roots

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.

23. 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 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.
- 'Is this the right tree for this space?'

24. 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.. 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.

25. So if I buy "The Oaks" can I 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.

26. 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 increase the property value and provide a more desirable environment.

27. So what do I do if I don't want trees?

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!

28. 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 can be patchy underneath tree canopies due to competition for water, food and light.
- A few trees and shrubs are known to release or contain compounds which inhibit other plant species from growing nearby to varying degrees, those affecting grass include Eucalyptus, and Juniper.

29. 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.

30. 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.

31. 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).

32. 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.

33. Can you recommend a good tree to plant?

We would love to!