

Leicester City Council Tree Strategy

Supporting document

2018 - 2023



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Cover photo: Belgrave Gardens

Below: St Stephen's United Reformed Church and surrounding area



Introduction

Trees help create a green environment for all. The very presence of trees in our city has a beneficial effect upon the people living and working here. They can make our urban setting feel more natural and improve its visual and physical quality. Their presence adds to the desirability of our urban environment and in so doing they can improve property values.

By adding to the sense of the city's liveability they become a factor in attracting inward investment, thereby adding to local economic vigour.

To maintain the council's tree stock we also need to protect them as they are under threat.

Every one of them will grow old and die; development pressure removes the space they need to achieve their potential and they can all too easily succumb to the physical damage and the pressures that are part and parcel of growing in Leicester's urban environment. Trees can also become a hazard, cause nuisance and inconvenience, and be at the centre of conflicts.



Epsom Road. Street trees add to property values but proximity to buildings demands a high level of maintenance

Climate change will also have its impact. This is likely to result in previously healthy trees going into decline and we need to replace them with a range of species once suited to other latitudes.

Related to both climate change and the globalisation of trade has seen the arrival in Britain of at least a dozen devastating pests and diseases from abroad, the most well-known being the Dutch Elm disease outbreak of the 1970s.



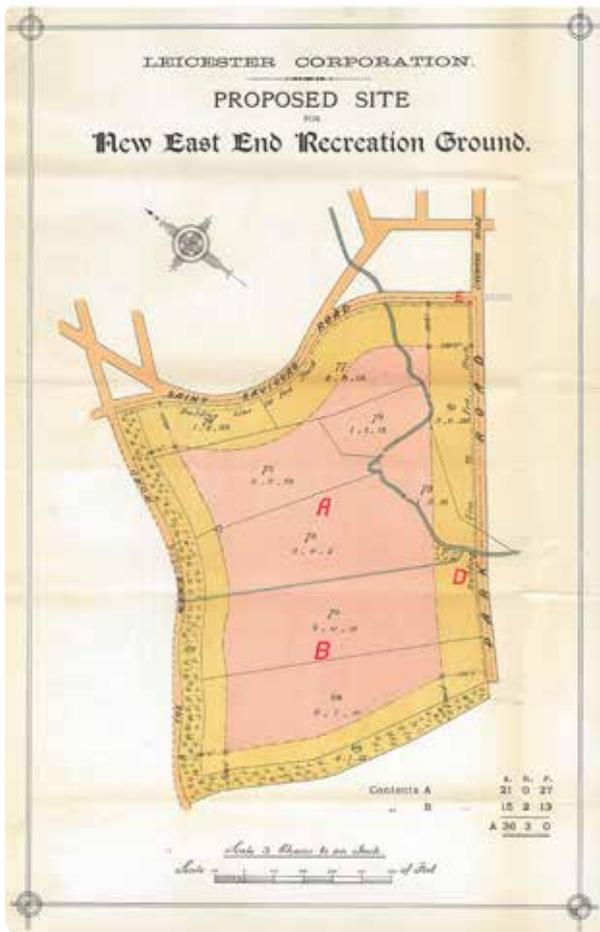
Many [imported pests and diseases¹](#) are already having a noticeable effect on the tree population of Leicester.

Through this strategy the council will pursue three key objectives in order to and promote the benefits of trees while addressing problems they can cause.

Private garden, Stoneygate. Horse chestnut leaf miner. A pest now widespread but unknown in the UK until 2002. Origin not known. First reported in Greece in 1985

1 www.forestry.gov.uk/forestry/bee-h-9xlqxd

Spinney Hill Park is surrounded by high density housing. Urban trees succeed if there is space for them



An integrated approach

This strategy captures our approach to tree management across the whole city. It draws on a number of documents from specific services who manage our trees within their own work areas. To find out more about specific service areas please refer to the following documents:

[Air Quality Action Plan²](#)

[Biodiversity Action Plan³](#)

[Green Infrastructure Strategy⁴](#)

[Sustainability Action Plan⁵](#)



The River Soar / The National Space Centre

2 www.leicester.gov.uk/media/180653/air-quality-action-plan.pdf

3 www.leicester.gov.uk/media/113637/leicesters-biodiversity-action-plan-2011-21.pdf

4 www.leicester.gov.uk/media/183734/leicesters-green-infrastructure-strategy-2015-2025.pdf

5 www.leicester.gov.uk/media/181523/sustainability-action-plan-2016-2019-updated-2017.pdf

Background and development of strategic aims

In 1993 the government published the document **Trees in Towns**⁶, a study of the extent and condition of trees in 66 towns and villages in England.

Findings indicated the majority of councils held little information about the trees under their control, planting practices lacked coherence and there was a prevalence of tree management aimed at addressing short-term needs only.

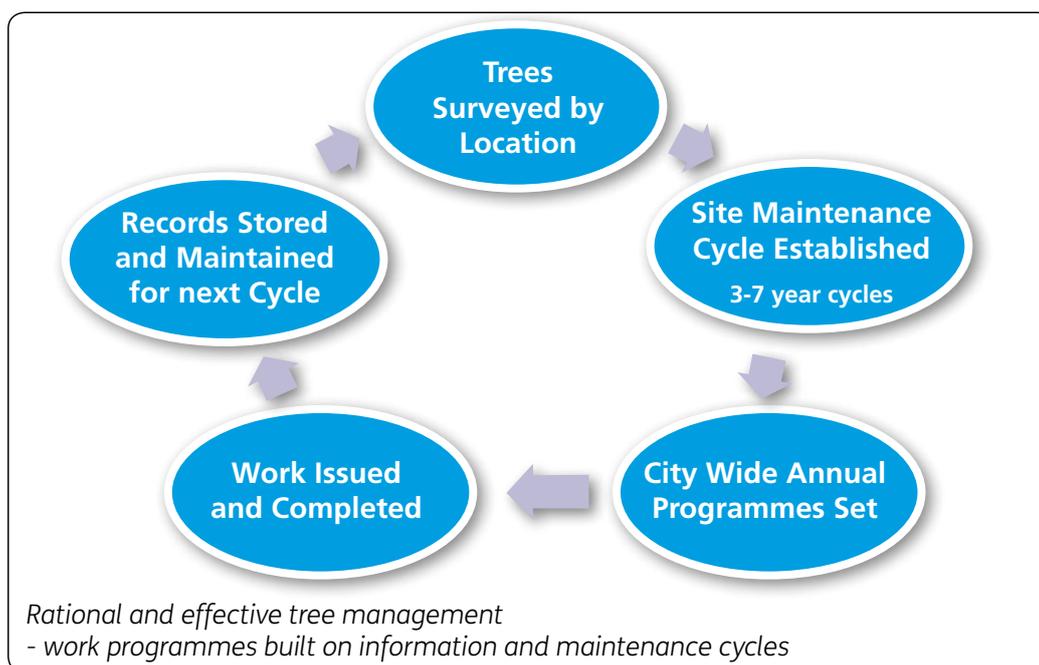
The study concluded with advice to local authorities to address this by examining trees in towns and to formulate long-term strategies for their maintenance.

In further support a year later the government published **Urban Trees Strategies**⁷, a study of tree strategies and policies that had been adopted by ten English cities. This study aimed to advise and encourage other urban centres to adopt similar policies.

In recognition of the need to follow a more strategic approach to tree management, in 1995 Leicester City Council purchased tree management software and hardware. This made it practical for the council to set about collecting and utilising the large volumes of information necessary for the management of trees under its control.

In this process two strategic management aims were developed:

- to refocus the resources devoted to tree maintenance so that longer term management was being addressed, as opposed to simply fire-fighting complaints
- to allocate available resources in a rational way, in accordance with a system of priorities



From the former a system of periodic inspection and cyclical works programming was developed.

From the latter a resource use priority system, based on severity of problems, was developed (appendix 1: Tree Policy. Priority management guide section).

This gave the highest priority to addressing hazards and to addressing the potential for claims of negligence to arise.

Lower priority was given to works that would address issues that cause little more than an inconvenience.

The priority system was introduced to city councillors in a presentation in 2002.

⁶ *Trees in Towns*, Department of the Environment 1993 HMSO

⁷ *Urban Trees Strategies*, Department of the Environment 1994 HMSO



In 2007 the council produced its [Transport Asset Management Plan \(TAMP\)⁸](#) in response to the government's requirement that highway authorities plan the management of the various assets making up the highway.

Highway trees were identified as a specific asset and a maintenance strategy was drawn up for them under the following stated aim: "... to maintain the tree stock in good condition and replace with appropriate species where necessary."

In the same year the concept of this part of the TAMP was extended in a document aimed at establishing a policy covering all trees under the council's direct control. This combined elements of the TAMP with the resource use priority system already in existence.

The document became the working Tree Policy (appendix 1) which stands today as both an operational and management guide.

In 2013 the need for a tree management strategy was identified in order to influence the development of Leicester's tree cover. Over time three strategic aims were identified. These were presented to and approved by the City Mayor in April 2016.

Bede Island South. Trees enhancing the urban landscape



8 www.leicester.gov.uk/media/178153/transport-asset-management-plan-2011-2015.pdf

Strategic aims

The following strategic aims support existing policies and strategies for dealing with long-term, often entrenched, problems. They also aspire to improve the quality of the city's trees as seen from varying, often conflicting, perspectives. They are achievable, non-prescriptive in terms of detail while remaining measurable:

- i. **Aim: Ensure that the current level of tree canopy and tree numbers under the city council's control are extended and the quality improved.**
- ii. **Aim: Ensure trees under the council's control are managed with the intention of resolving conflicts and problems in a rational, consistent and economic way – listening to different views, taking them into account but ultimately taking responsibility for, sometimes difficult, decisions.**
- iii. **Aim: Encourage other landowners to plant and manage their trees through advice, guidance and, where necessary, the use of tree protection legislation**



Evington Park House. Trees add to the desirability of a location

The tree and woodland resource of the city of Leicester

Strategic aim 1: Ensure that the current level of tree canopy and tree numbers under the city council's control are extended and the quality improved.

The council's role

The council is directly responsible for the individual trees and woodland that it owns. It is the largest landowner in the city. As a consequence it has the greatest level of responsibility in this respect.

The council manages 150,000 trees across its varied land portfolio. Trees are located at the following types of location:

Parks and open spaces	80,000
Highways	20,000
Housing estates	21,000
Schools	16,000
Miscellaneous locations	13,000

The council also owns and maintains 107 hectares of woodland across these locations.

As the local planning authority the council protects many trees in private ownership through the service of tree preservation orders (TPOs) and through controls that are applied at designated conservation areas. Currently there are 24 conservation areas and over 500 TPOs.

Thousands of trees are protected by virtue of falling into one or other of these designations.

Despite the extent of both ownership and planning controls it is recognised the council may have influence over less than 50 % of Leicester's tree and woodland resource.



The council's tree management assets

The practice of managing individual trees and, typically, small woodlands for a range of recreational, environmental, commercial and practical reasons is known as 'arboriculture'.

When combined with coherent tree population management and application of relevant regulation arboriculture is sometimes referred to as 'urban forestry'.

The council utilises the following assets to help it manage Leicester's urban forest.

Financial resources

Numerous sources fund the council's tree management operations. Around 60% of the current turnover of £1.9 million is funded from central revenue budgets awarded directly to the council's in-house service provider.

The rest is gained through income generated by the in-house service provider from external sources, and through recharging within the council's internal market. Access to capital budgets is an important factor in the latter.

Asset: Operational staff

There are 28 operational staff on the establishment working under four distinct job descriptions.

Owing to regular use of agency staff, and fluctuations in their numbers, actual numbers of operational staff tend to exceed 30 at any one time.

Asset: Technical staff

There are seven technical and management staff working under five distinct job descriptions.

Several other staff, specifically within planning services, are involved in supporting parts of the function without this being their primary function.



*Glovers Walk, Beaumont Leys.
Tree work at height is hazardous*

Asset: Training, skills and experience

It is a requirement that staff are formally qualified to fulfil their roles. This is in part because of the hazardous nature of the work of operatives and because technical staff are involved in decision-making that could result in a requirement to attend formal hearings; although demonstrable skill levels are required also for a wider range of reasons.

Most staff dedicated to the function hold vocational qualifications in arboriculture ranging from levels 2 to 6.

All technical staff hold relevant vocational qualifications.

Most operatives hold vocational qualifications appropriate to their level. Those without hold appropriate competencies.

Operational staff can hold in excess of 50 competencies, many of which require updating every few years. The net result is a significant ongoing commitment and investment in staff training.

15 of the 28 operational staff have received all of their training in-house, having been taken on at some point as unskilled operatives.

The council also supports post entry vocational training up to level 4 for operational staff and up to level 6 for technical staff.

Experience is very important. Decisions and actions have a long-term, and often irreversible, impact on a location or neighbourhood; and trees respond to decisions and actions affecting them over periods counted in years. To have first-hand understanding of this requires long experience. The relevant experience of many staff exceeds 20 years; some have 30 or more years' experience.

Asset: Depot / compounds / offices

These are located at Beaumont Way, Bennion Road and Leycroft Road and are used to provide the requirements of up to 40 technical and operational staff. Storage space for up to 400 tonnes of timber products is utilised, as well as operational and garaging space for 108 vehicles and items of contractor plant with a current purchase value of £980,000.

Asset: Systemisation, including software

The management of urban trees demands that large amounts of detailed information relating to the stock, down to the level of individual trees, is collected and maintained. Both current and historic data are required for the compilation of works orders and management of long-term work programmes.



*Bennion Road Compound, Beaumont Leys.
Bulk storage space is needed*

Trees grow, establish themselves and start having an impact on their surroundings over a long period; as do the development of the issues and problems that surround them. Given this, urban tree management demands the retention of information spanning the life of the tree.

In practice, however, early records frequently do not exist, but the history that is available should always be retained and should be added to as time goes by.

In addition, work programme cycles are counted in periods of up to seven years, which in itself demands access to long-held information.

Coping with the volume of information collected and storing it in an effective way for long periods requires systemisation. This can only be achieved economically through the application of both bespoke tree management and standard office software.

A similar set of requirements applies to the management of regulations that arise from the formal protection of trees under planning acts. Planning regulation imposes a requirement to maintain information regarding creation of TPOs and decisions made under them permanently.

There is therefore a legal imperative behind ensuring management of public and regulatory duties are carried out effectively.

The council utilises a range of software, for example Ezytreev, Mastergov, File Director, MapInfo, Aurora and Windows, to help it achieve this. Ezytreev is specifically a tree management software package and is unique to the function.

Effective and systemised tree management reduces the incidence of damage, injury and any resulting insurance claims.

It also enables the council to respond effectively to the accusations of liability where such claims do arise. This produces a significant cost saving for the council.

During 2015/16 the council paid out £112,000 in tree-related damage claims. However, a number of other claims were successfully resisted during the same period, often

the result of being able to point to the management systems currently in place. From the average cost of pay-out the saving from this is likely to have been around £130,000 during that year

Systemisation is also dependent on staff and their skills. The council is able to apply established skills to now established systems, creating a considerable asset in the process.

Asset: Technical hardware

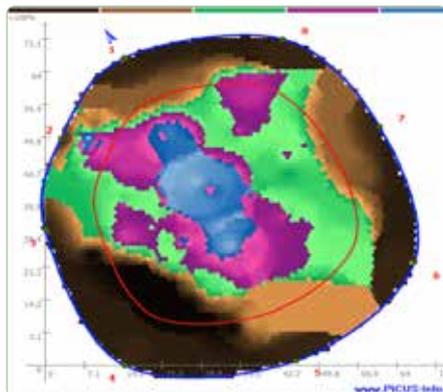
Technical hardware is essential for delivering services to a modern standard. When assessing tree condition the council makes use of non-invasive tomography and endoscopy to assist with decision-making. (Invasive techniques are also used for this purpose when appropriate.)

Asset: Operational plant and equipment

The council's in-house service provider utilises a fleet of six heavy vehicles, seven light utility vehicles, three four wheel drive vehicles and contractor plant including crane, hydraulic platforms, timber mill, telescopic handler,



Solihull, private sector client. Tomographic sensors (left) and resulting tomogram (right). Tomography used in decay detection in an aging cedar



loading shovel, stump grinders and wood chippers.

It also employs a significant fleet of small plant, such as chainsaws, powered winches and pole pruners, to enable it to deliver relevant operational services.

The value of this is over £1million. All of which requires maintenance, inspection and periodic replacement making it a significant commitment.

In addition, and owing to the nature of the work undertaken, it costs over £1,000 to outfit a single operative with the personal equipment they require. This excludes powered machinery and tools.

Asset: Suppliers

The internal service provider makes some use of other internal service providers for operational, training and technical services, as well as some advisory services.

Some plant, equipment and material supplied by other internal service providers is also utilised.

However, most areas are primarily serviced by external, often specialist, suppliers with whom the council often has had long-term relationships.

These include specialist software and hardware suppliers, specialist nursery stock suppliers and specialist personal equipment and contractor plant suppliers.

Procurement policies dictate the formal terms of these relationships.

Typically, around £300,000 is spent each year on supplies to support the management of the city's trees.

Asset: Customer base

Owing to the differing formal arrangements that affect parts of the council's land holding – for example varying lease arrangements and the differences between land held for public use and land that excludes the general

public – the council’s tree stock is subject to management under varying arrangements. This creates a diverse range of land-holding agents within the organisation itself with divergent customer needs. The system of internal customers and its diversity should be viewed as an asset.

There is also an internal customer base making use of advisory services. This demand arises from various regulations relating to trees that the council enforces. The principle internal customers in this respect are planning, highways and environmental health services.

Estates and Building Services, and to some extent other services, also frequently draw on advice and support regarding trees, usually for non-regulatory purposes.

The council also maintains an external customer base as an outcome of the sale of wood products and the provision of advisory and operational services. These customers include biomass buyers, domestic clients, private-sector contractors and consultants, and other public sector agencies.

The council also works closely with different departments / internal services that have an interest in trees, including environmental volunteer initiatives, nature conservation bioblitz and museum services, who play a major role in educating the public about the value of trees in the landscape.

Asset: Industry accreditation

[The Arboricultural Association](http://www.trees.org.uk)⁹ is the leading trade and professional association for arboriculture in the UK. It is involved in developing industry standards particularly in association with the British Standards Institute (BSI). It advises central government, works with examining and training bodies, and with the Health and Safety Executive.

It issues codes of practice, delivers training and seminars, gives advice to those with either a professional or non-professional interest

⁹ www.trees.org.uk



Beaumont Park Depot woodchip store

in arboriculture. It also maintains a system of registered and approved consultants and contractors.

Leicester City Council has been an approved contractor for a number of years.

It is regularly assessed by the Arboricultural Association for its competence and operational standards, safety standards, insurance status, administrative systems and standards of customer care. It is one of just two public sector bodies able to use the AA approved contractor logo.

Holding and maintaining the accreditation ensures that the council’s operations in this field are regularly scrutinised by an independent and respected external agent.

The council is then permitted to advertise its accreditation on the Arboricultural Association’s website and elsewhere, thereby improving its access to external markets. This allows the council to generate income to support and improve the management of its own trees.

Asset: Produce from operations

The council produces around 2,000 tonnes of wood products each year as a by-product of its tree management operations. About half of this is sold as fuel biomass to industry.

Around 40 per cent is sold as firewood for domestic use. Just less than 10 per cent is milled into reusable timber or is put to various uses in an unprocessed state.

A small volume is carved into commissioned pieces and a small amount has no use and will be tipped.

The near 100% recycle rate supports the council's broader recycling agenda.

The council can also expect to generate over £20,000 in income from sales, while avoiding a minimum of £170,000 each year in tipping fees (based on the standard rate of landfill tax).

Fuelwood from a sustainable source provides carbon neutral energy so the use of the council's wood by-products in this way supports the council's agenda for reducing carbon emissions.

Asset: Public support

We know from the volume of enquiries received about tree maintenance, as well as the furore that can accompany the essential

falling (sometimes even the pruning) of trees, that public interest in the management and maintenance of the urban tree stock is considerable.

An indication of the support for urban trees comes from the ongoing acceptance of tree protection legislation first enacted in 1947.

As a means for protecting local visual amenity the legislation remains generally popular with the public today.

Public pressure and support for tree management is in itself a significant asset.

This pressure allows the council to gauge how it is performing in terms of its tree management practices and in its management of relevant planning controls.



Watermead Country Park, before and after

Asset: A legal framework

The council is responsible for managing a number of regulated areas relating to trees in private ownership.

The most significant of these is the obligation imposed on it under planning acts to protect trees that are deemed valuable to the wider public.

The council is also obliged to respond to reports about dangerous trees under the Local Government (Misc Prov) Act 1976 (s. 23 and s. 24) and deal with hazards caused by trees under the Highways Act 1980 (various sections but most importantly section 154).

Under the Anti-Social Behaviour Act 2003 (Part 8) the council must also enforce regulations that relate to hedges bordering domestic gardens that have grown so large they cause a nuisance.

It is relevant that the council is also responsible for the protection of agricultural hedges under the Hedgerow Regulations 1997.

Although, as a predominantly urban authority, this is in practice a minor responsibility.

This entire framework imposes on the council a duty to have involvement in how trees in private ownership are managed under certain circumstances.

This further imposes a requirement for the council to have the facility to deal with these matters and it gives it some opportunity to support the management of trees it would otherwise have no direct interest in.

The law also obliges the council to act as a responsible landowner and adhere to various

Obligations acquired in common and statute law also require that the council deals with obstruction, hazard and nuisance caused by its trees.

This range of obligations gives the council the minimum standards it needs to apply when undertaking management and maintenance.

Asset: A framework of industry standards

As with many industries, the British Standards Institute (BSI) sets nationally recognised standards for arboriculture.

Various standards provide guidance on production, movement, planting and maintenance of trees, as well as standards for the management of trees affected by

construction (appendix 1, Tree Policy, sections 2 and 4.2).

Further professional guidance on other aspects of arboriculture, covering design and management as well as operational standards, is produced by a range of other agencies.



Braunstone Park. Replacement oak planting. Replace with as many as space and resources permit

obligations, including as a highways authority, regarding the management of its own trees (appendix 1, Tree Policy, sections 4.3 and 4.4 and appendix 3).

When undertaking practical management of its trees various legislation requires that the council complies with the control of disease orders, accommodates underground and overhead services, adheres to planning and forestry controls, and gives regard to wildlife conservation and preservation of archaeology.

These include Health and Safety Executive, Forestry Commission, Arboricultural Association, Trees and Design Action Group, Tree Advice Trust, Forestry Industry Safety Accord, National Joint Utilities Group, National House Building Council and Building Research Establishment.

There are few aspects of the practice of arboriculture that does not benefit from existing well-thought out guidance; the availability of which is of considerable importance to practitioners and to those with significant land holdings such as the council.

Strategic aims: The council's own trees

Two of the three adopted strategic aims relate directly to the way the council manages its own trees:

- i. Aim: Ensure that the current level of tree canopy and tree numbers under the city council's control are extended and the quality improved.
- ii. Aim: Ensure trees under the council's control are managed with the intention of resolving conflicts and problems in a rational, consistent and economic way – listening to different views, taking them into account but ultimately taking responsibility for, sometimes difficult, decisions.



Reproduced by kind permission of the Leicester Mercury



Victoria Park, 1981 and more recently

Extending canopy (part of Aim i)

Felling and removal of trees is a fact of managing a large stock of urban trees. This comes about as the use of locations change, trees decline and die or become a hazard or cause a nuisance actionable in law.

Extending canopy cover is closely related to the rate of replacement of trees that are removed. A further influence is the addition of new trees through either planting or natural regeneration.

As is well known, it takes many years for a newly planted tree to replace a mature tree that has been felled.

Newly planted trees are also vulnerable and may succumb to the pressures of their environment more readily than mature established trees.

For these reasons replacement on a one for one basis can be regarded as inadequate in many instances.

Action: The council has an existing policy of replacing removed trees with more than one replacement at or near their location. This policy will continue.

It should be borne in mind that replacement is not always desirable. For example; woodland thinning demands that tree numbers are reduced for the overall benefit of the wood.

Removal of trees where development also removes the space for trees may not allow for replacement planting at the location in question. Where trees are removed to negate an actionable nuisance it can be the case that planting another tree at the location would re-establish the nuisance.

Action: Flexibility will be applied when considering the requirement for replacement but with the exception of some works the default position will be a requirement for more than one replacement at or near the location of the removed trees.



From the top - High Street, Monks Rest Gardens, Pine Tree Avenue, Beaumont Leys. The ideal management cycle. Leicester achieves near 100% recycling but planting must keep pace with felling

Action: Public realm infrastructure schemes (engineering or landscaping) that incorporate tree removal and/or tree planting must incorporate quality planting design. Designers and lead agents must liaise with the in-house service provider at appropriate stages of planning, design and implementation.

Improving quality (part of Aim i)

There is no simple definition for what amounts to quality tree stock. An old declining and even dying tree in the right woodland or field setting can be regarded as having high value owing to its importance to wildlife.

The same tree, if it were growing in the verge of a busy highway, would have little or no value owing to the threat it poses to highway users.

Quality is not just centred on the condition of the tree. Broadly, quality can be seen as arising from two separate factors as follows (and these are not necessarily mutually exclusive).

Quality in terms of visual amenity:

The incorporated local authorities that emerged in the Victorian period were almost exclusively concerned with this when planting and maintaining trees and it remains important today.

Amenity is in itself a broad term, but in this context it can be taken to refer primarily to how trees can affect an area visually (although there are other factors such as screening, land marking, boundary marking, historic associations, botanical or scientific interest that also support the provision of amenity).



Western Park: dead and dying trees are ecologically important as they provide habitat for micro-organisms, invertebrates and vertebrates

In more recent times research has shown that the presence of urban trees increases property values, and there is some empirical evidence that the health and mental wellbeing is improved through the presence of urban trees. The visual enhancement trees provide can be regarded as key to establishment of many of these benefits.

For the most part visual amenity is promoted by a stock of healthy and attractive trees that cause few or no problems in their surroundings.

The presence of trees very often conflicts with other uses of a site and this in itself can undermine the aim of promoting amenity.

A list of these types of problems is given in appendix 1, Tree Policy.

Where amenity is the primary quality factor being promoted the council will:

Action: Promote the health of its trees and utilise a variety of species and cultivars, including exotics.



Netherhall. Successfully blending trees and open spaces



Jubilee Square. Trees planted to improve amenity

Action: Aim to reduce problems that can be associated with the presence of trees when making decisions about planting design and decisions about the positioning of trees in the landscape.

Action: Purchase planting stock of good quality and prepare an underground environment that is conducive to good tree growth.

Action: Maintain its trees with the aim of reducing nuisance, hazard and complaint.

Quality in Terms of the Physical Environment:

This is a very broad term as it encompasses issues such as habitat and wildlife conservation, management of microclimate and local land use and, through the issue of carbon sequestration, it relates to the council's response to global issues such as climate.

Habitat and wildlife: Britain is a naturally wooded country. Human intervention has

created many of the diverse habitats that are present today.

Without this habitats would be much less diverse and most of Britain would be dominated by woodland; Leicester would be entirely wooded.

A consequence of this is that much of the wildlife we have is associated with trees and woodland. This includes the approximately 60 species of trees native to Britain and the many other plants, animals (both vertebrates and invertebrates) and microorganisms (including fungi and lichen) associated with the habitat trees and woodlands create.

These habitats and the species they support are recognised through designation as habitats of principle importance. For Leicester these include wood-pasture and parkland, wet woodland and lowland mixed deciduous woodland.



Castle Hill Country Park. An old oak tree and young ash woodland. Old trees and native woodland are important for nature conservation.

Locally, such areas are also designated as Local Nature Reserves (LNR), Local Wildlife Sites (LWS) and Biodiversity Enhancement Sites (BES) and sometimes single mature veteran trees are designated a LWS due to their importance in supporting wildlife.

It can be seen that both trees and woodlands are critical to the mix when considering wildlife conservation.

However woodlands tend to have more importance for wildlife than single trees and old trees tend to be more important for wildlife than young trees.

It is also the case that tree species native to Britain tend to have a greater importance for wildlife conservation than non-native or exotic species.

Where wildlife conservation is a significant factor or of primary importance the council will:

Action: The council is required to undertake works to trees all year round. During the bird nesting season checks are made by experienced staff to ensure nesting birds are not disturbed. Trees are also inspected for the presence of bats by trained staff using specialist equipment.

Action: Seek to retain old tree stock, including those in decline, and manage them in a way that promotes their value to wildlife.

Action: Favour native trees over exotics when specifying, planning and implementing new planting.

Action: Protect and conserve protected/rare species through appropriate compensation when loss cannot be avoided.

Microclimate and Local Land Use:

Trees can be used to ameliorate the effects of floods, manage drainage and manage riverbanks. Through shade and transpiration they ameliorate the effect of urban heat sinks. They provide windbreaks and barriers and are used to reduce glare.

Trees are incorporated into highway management measures and are used elsewhere as physical and noise barriers, and to promote privacy through screening.

They make local landmarks, frequently with historic or personal associations, and are often planted as memorials.



Western Park. There seems to be space for more trees but there are competing uses for land

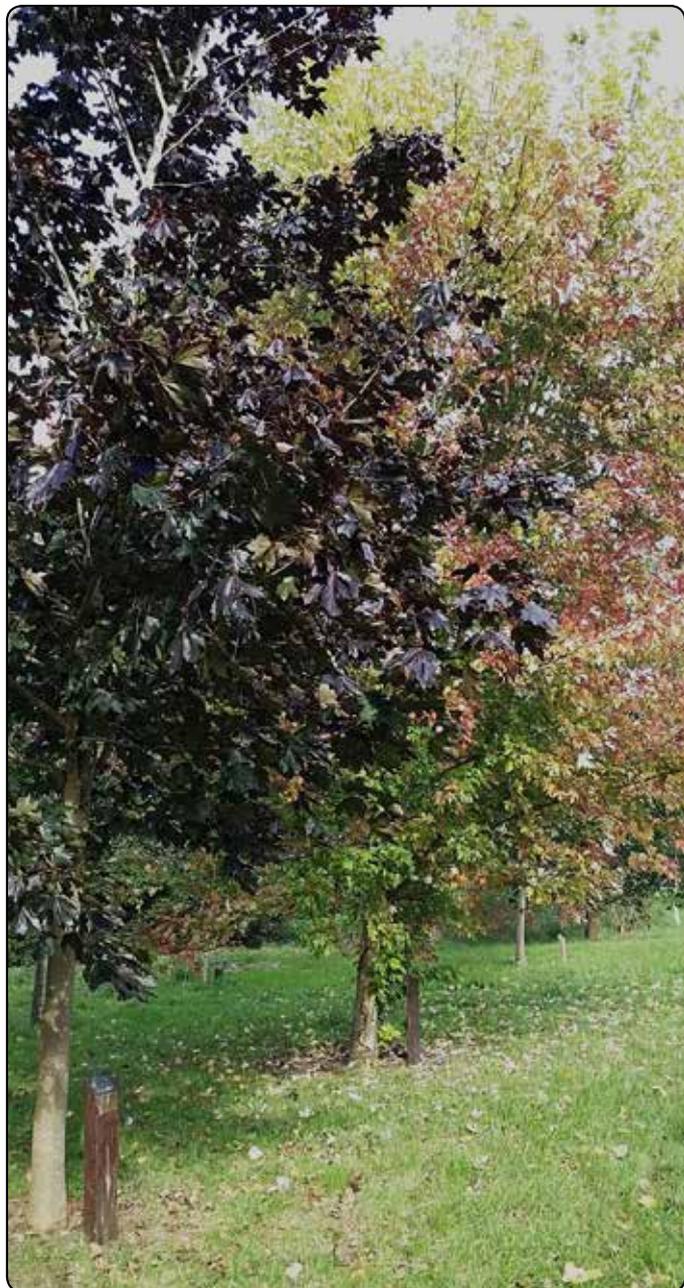
Trees can provide food for people in the form of fruit and nuts. At the end of their life, trees can also provide a carbon-neutral energy source and provide utility timber.

There is also good evidence the presence of trees reduces air pollution from localised sources, such as that from traffic. Research suggests that whether they do this effectively depends on a range of local circumstances. For example in some places the presence of vegetation may slow air currents and, unhelpfully, actually reduce dispersal of pollutants.

Under a separate action plan, '[Healthier Air for Leicester](https://www.leicester.gov.uk/media/180653/air-quality-action-plan.pdf)'¹⁰, the council aims to improve overall air quality in the city.

One of the 16 actions contained in the plan ("Using trees and plants to reduce air pollution") relates to the use of trees, vegetation and open spaces to help improve air

10 <https://www.leicester.gov.uk/media/180653/air-quality-action-plan.pdf>



Evington Arboretum. Trees used as memorials



Castle Hill Community Orchard. Food from trees! (before and after)

quality. It acknowledges the role trees can play in this area and the limits to understanding how this is best achieved.

Given this it specifically commits the council to working “with the local universities to find the best pollution absorbing plants and trial the use of them to combat air pollution from cars”

Given that the science isn’t fully understood development of appropriate systems to support planting decisions remains ongoing.

In general however trees planted to support local aims can start to have an effect relatively quickly. Where trees are used to support the management of microclimate and local land use the council will:

Action: Implement quality, well thought out design that achieves the desired result without adding to or creating conflict and inconvenience for users of a locality.

Global weather and climate: The effect trees have on global climate change is much less obvious or immediate.

Trees provide a means for locking up atmospheric carbon. The world’s forests in particular hold vast volumes of carbon which can only be released back into the atmosphere if trees die (or are destroyed).

This is one of the reasons why deforestation on a significant scale is so catastrophic.

The Leicester City Council area is just 28 square miles (73 square kilometres) with a tree canopy cover within this of 16 per cent. Tree cover therefore constitutes a locally significant 4.5 square miles (12 square kilometres).

All landowners and agencies worldwide have a duty to do what they can to both reduce carbon emissions and take measures to sequester carbon if they can.

The planting and maintenance of trees, and the recycling of materials that arise from their management, are some of the ways the council can be seen to be supporting this, an obligation further imposed on the council under the Climate Change Act 2008.

Working with trees with the intention of supporting a climate change agenda requires long-term thinking and long-term investment. To respond to this the council will:

Action: Introduce new stock and maintain the existing so that it is a sustained asset.

Action: Seek opportunities for increasing the tree asset in terms of overall canopy cover.

Action: Respond appropriately to the threat of pest and disease epidemics.

Action: Recycle the materials that arise from the management of trees, including the use of wood as a carbon-neutral fuel.

Resolving Conflict (Aim ii)

Much of the council’s Tree Policy (appendix 1) is concerned with the issue of control of conflict and the resourcing of this.

There are two primary areas of conflict; those that must be addressed for some reason (essential works) and those that could be addressed if certain criteria are met or that are not significant enough to require action (non-essential works).

Essential works: Trees may present a hazard and they can cause real nuisance, including damage to buildings and other structures.



*Subsidence damage.
The council is obliged to deal with varying numbers of tree related cases each year*

They may cause problems that undermine the council's regulated obligations such as obstructing use of the highway or damage to utilities and scheduled monuments.

Part 1 of the Tree Policy gives a list of the types of problems of this nature.

If the Council fails to address these issues it can be seen as not fulfilling its basic obligations and it may become subject to legal action.

Action: Where these problems arise the council will address them and make resources available for doing this.

Non-essential works: The council frequently receives requests to:

- carry out works to trees in order to address a minor or common inconvenience such as a perceived problem with fallen leaves
- address a problem a resident might clear themselves such as by changing the position of a television aerial to improve reception
- carry out work that would not resolve a perceived problem.

A list of these types of problems is given in



*Private garden, Knighton. Dove tree.
The Planning system makes provision for the protection of trees on the basis of amenity*

Part 2 of the Tree Policy.

In all instances the council considers whether it should carry out work in response to requests.

However, in many cases the tree would be damaged and its value undermined and/or the cost of undertaking work may be prohibitive.

Action: The council's Tree Policy will be used to ensure tree management resources are focused responsibly and the value of the public's tree asset is protected.



Heavy machinery is often used to carry out essential work



Bede Island South, a private development. Designing with trees - a condition of planning consent



Strategic aim: Trees in private ownership

The third adopted strategic aim relates to the way the council manages planning legislation designed to protect the amenity provided by trees:

iii. Aim: Encourage other landowners to plant and manage their trees through advice, guidance and, where necessary, the use of tree protection legislation.

The council bears responsibility for implementing requirements in several areas of legislation relating to trees. The most onerous by far is the requirement placed on it under planning acts to preserve amenity by protecting certain trees from wilful damage or destruction, and to give consideration to the preservation of trees when managing the development process.

As a result of this legislation the council oversees the management of thousands of trees in private ownership. This arises through the service of Tree Preservation Orders (TPOs) and as a consequence of designating conservation areas.

In respect of this protection, to a large degree the council is a passive actor. It can respond to requests and applications to carry out work to protected trees but it isn't able to actively insist on maintenance.

The council is obliged to judge effects on amenity when considering these applications.

Action: The council will seek to preserve amenity afforded by trees when considering its response to tree work applications made under planning controls.

The council can be far more proactive when considering the effect of development on trees. It can apply conditions, make TPOs and require amendments to development proposals in order to ensure the retention of trees of amenity value.

From developers it can require the presentation and implementation of quality design that incorporates tree planting into housing and other development schemes.

Action: The council's assessment of planning applications will take into account the effect of development on trees and, where the balance of planning factors favours preservation, the amenity and biodiversity they provide will be protected.

Action: Where new landscaping that includes tree planting is made a condition of planning consent proposals will incorporate quality design and specification, including use of native species as appropriate. Advice on this must be sought at appropriate stages of planning and implementation.

Action: In all of this the council will seek to work directly with landowners and developers to support them with the management, inclusion and retention of trees affected by the planning process. This will include the provision of advice and guidance regarding the formal procedures involved, and may include advice and guidance on the practical maintenance of trees.

Action: The council is also responsible for enforcement action when trees are damaged in contravention of tree protection legislation.

It is an important aspect of its role to show that action will be taken if unauthorised and unacceptable works are undertaken.

The council will respond promptly (within 24 hours) to reports of contravention and deal with these quickly and proportionately. The council's Trees: Enforcement procedure provides the instrument for this action.

Action: The council will be bound by the relevant [planning practice guidance](#)¹¹ when managing protected tree regulation.

¹¹ www.gov.uk/government/collections/planning-practice-guidance

Achieving aims and implementing actions

The aims of the strategy will be achieved providing the fundamentals are in place. There are three broad areas:

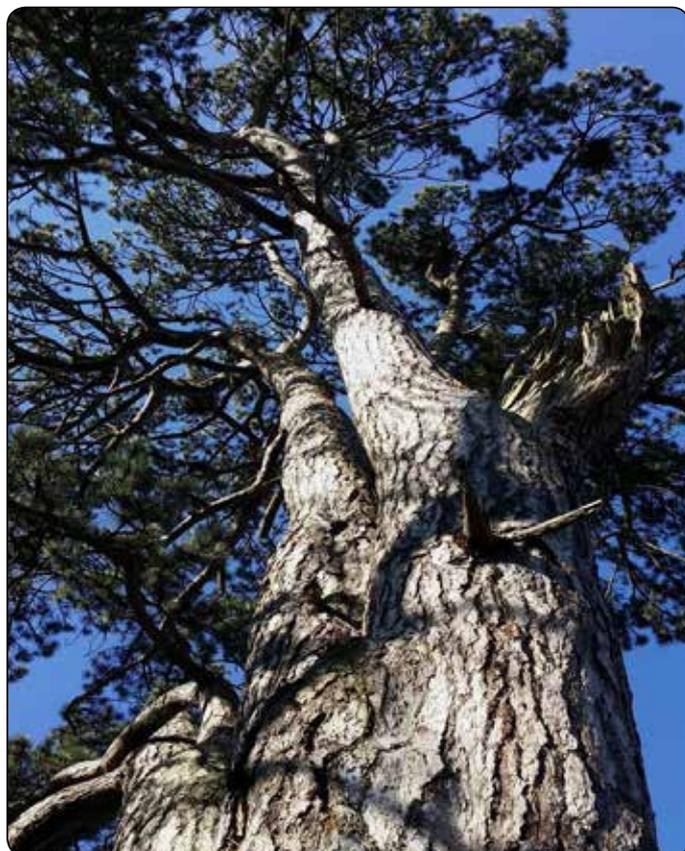
- a) Financial resources; drawing on awarded budgets and income generation.
- b) The staff resource; including training; experience, motivation and skills.
- c) Practical means; including organisation/ structure, systemisation, facilities, equipment.

Financial Resources

This is the key issue for delivery of any outcome. The cost of the demand for all arboricultural works including materials sales, advisory services and operational works, currently sits at around £1.9 million per annum.

There are two sources of funds that enable something approaching this level of work to be undertaken:

- a) Direct funding from central budgets
- b) Funding derived from income



Stoke Bruene, South Northants District. Black Pine.
Advisory services are sold to external public sector clients

The ratio between these two sources changes year on year but in recent years typically two thirds comes directly from central funds while a third is gained through income.

There is extreme pressure on central funding, so this is likely to decline over the period of the strategy. Income is also primarily derived from funding that has its origins in central funding, since most of it comes from facility managers allocating funds for tree management works from their revenue budgets. This is also likely to come under pressure.

Related to this, in terms of it being allocated by other budget holding managers, another source of income is that derived from the council's capital funding for schemes that includes tree planting.

This has been an important source of income (also an important means through which Aim (i) – maintaining canopy cover – can be achieved).

Whether capital funding is likely to decline is unclear, but even without that threat capital funding potentially provided by the council is often lost to the internal service provider as contracts are packaged up in such a way as to exclude access to the works by the internal provider. This practice undermines the viability of the in-house provider.

Supporting action: To counter this wherever possible, council contracts involving tree planting and related landscape capital works will be packaged in such a way that the internal service provider is not automatically excluded from involvement.

An important and growing source of income is from works and technical services provided to the private sector or non-Leicester City Council agencies, although it still constitutes much less than half of all income.

In part, the growth has been enabled through the service provider's status as a contractor approved by the lead professional body, the [Arboricultural Association](http://www.trees.org.uk)¹².

¹² www.trees.org.uk



Another previously growing source of income derived from the private sector has been the sale of wood products.

Most of this is used as fuel. While this income source will be maximised it is recognised that it is near its limit in terms of the income receipts it generates. This is less than two per cent of total running cost.

Supporting action: Income from all sources will be maximised and routes into more private sector service provision will be explored with the intention of increasing non-Leicester City Council dependent income streams.



Supporting action: Resources provided centrally will meet the minimum requirement for ensuring the council fulfils its obligations to undertake essential works.

Supporting action: Financial resources will not be wasted through poor management and inefficiency. The staff and infrastructure issues discussed below are critical to achieving this.

Supporting action: There is a high degree of support from the public for the management of the council's trees. Resourcing decisions will take this into account.

Milling and wood carving at the council's Beaumont Leys depot. Operations that recycle while adding value to the trees the council fells



Sturdee Road Recreation Ground. Tree work is hazardous. The operative cannot go wrong. There is a significant safety issue and if the tree is damaged through a lack of skill and knowledge this will be permanent



New Parks Way. This tree has collapsed onto a busy highway. The presence of an ambulance points to the result. Skilled decision makers and adequate systems are needed to bring these incidences to a minimum

The Staff Resource

The issue of staff is of huge importance. Paying for staff is the single highest cost applied to the management of the council's trees. It is therefore critical that staff employed to fulfil the aims of the strategy are of the required calibre. They must be able to meet the demands of the strategy and meet these effectively and efficiently.

Practical arboriculture is inherently hazardous and technical arboriculture involves decision making that can have a significant impact on the council in terms of the management of safety, management of public relations and the cost of insurance and other claims.

Practical arboriculture is also affected by a plethora of safety regulation. Whereas technical arboriculture deals with the implementation of legislation relating to private-sector trees and highway safety, neighbour disputes and planning controls.

In all of this there is a high chance of staff becoming involved in formal action.

The practice of arboriculture deals with few absolutes. Decisions are often based on judgement taking into account a range of factors, including pressures, constraints and regulation.

Staff must draw on a knowledge of these as well as on practical skills and experience, and knowledge of relevant botany, to achieve

outcomes. Since decisions have an effect over periods counted in decades, it is also an advantage for experience to be counted in decades.

Supporting action: The council will employ appropriately qualified, skilled, motivated and experienced staff in order to ensure the aims of the strategy can be achieved.

Regulation is subject to change, the limits of relevant botanical understanding expand and equipment, plant and information-communication technology continues to be developed. This creates a demand to change and improve practices.

Supporting action: Staff will constantly update their knowledge. Training will be continuous.



Ashton Green. Use of an endoscope for bat detection prior to tree work. Protected species legislation is increasing obligations. Standards and skills must be raised in response.

Practical means

Organisation/structure: In 2004 the council structured practical arboriculture services so that both technical and operational services are delivered by one internal provider, the “Trees and Woodlands Section”.

In 2009 that team began working with Planning Services to support delivery of technical arboriculture services there. Since then the arrangement has consolidated with cross service use of software, provision of items such as training, urgent cover and application management.

The centralised nature of the arrangement



Beaumont Park Depot. Arboricultural works require a lot of machinery and equipment. Maintaining, garaging and replacement following depreciation are significant commitments.

has enabled the council to take advantage of economies of scale in terms of how both technical and operational services are provided. Staffing levels are such that there are no operational or technical areas that cannot be covered in-house, including provision of a

24/7 callout service ensuring a response to emergencies on any day, at any time.

Operational tree work is typically hazardous. Modern health and safety requirements are also more effectively met through the structure and staff numbers, and the range of skills and organisational flexibility this produces.

There are currently 35 establishment staff covering a range of management, technical and operational duties. Agency staff cause some upward fluctuation in this number as demands (often seasonal) change.

The arrangement has proved to be effective



and it is considered it provides the best means for delivery of aims and policies.

Supporting action: The current organisational structure has developed over time in response to needs. It has proved its worth and will be retained as the vehicle for achieving the aims.

Systemisation: Administrative systems and

programmes of work, supported or enabled through the application of hard and soft information and communication technology maximise operational efficiency and effective use of budgets. Bespoke tree management software in particular supports much of this.

Supporting action: Systemisation will continue. Systems will adapt to changes brought about by the developments in technology and other changes, including changes to regulation. The council will support ongoing use and development of ICT corporately.

Facilities: The arboricultural function requires office, storage compound and depot facilities. The vehicles, plant and specialised equipment used by ten operational teams and seven technical staff, as well as the bulky materials produced during tree work operations demands this.

Supporting action: Property facilities will be adequate and be fit for purpose. Facilities

must support efficiency of operation and meet modern safety standards.

Equipment: The range of technical equipment, plant and machinery used is comprehensive. There are few, if any, technical or operational arboricultural tasks that could not be carried out by the service provider. This can only support effectiveness in addressing the aims of the strategy.

As well as being diverse, in general equipment is up-to-date or near to it. It therefore operates efficiently. Continual investment in new hardware of this nature does lead however to spikes in expenditure which need to be managed.

Supporting action: The philosophy of extending, replacement and upgrading will be followed wherever business cases indicate ultimate cost effectiveness and where budgets permit.

Summary of actions

Actions supporting strategic aims

■ To maintain tree numbers/canopy cover

- Compensate adequately for the loss of large trees in the landscape by planting more than one replacement at or near the location of the removed trees.
- Apply flexibility when considering the requirement for replacement planting while accepting the default position is a requirement for multiple replacements.
- Public realm infrastructure schemes (engineering or landscaping) that involve tree removal and/or tree planting will incorporate quality planting and design. Designers and lead agents must liaise with the in-house service provider at appropriate stages of planning, design and implementation.

■ To promote amenity

- Promote the health of the council's trees and utilise a variety of species and cultivars, including exotics.
- Reduce problems that can be associated with the presence of trees when making decisions about planting design and decisions about the positioning of trees in the landscape.
- Purchase planting stock of good quality and prepare an underground environment that is conducive to good tree growth.
- Maintain trees with the aim of reducing nuisance, hazard and complaint.

■ To promote habitat and wildlife

- The council is required to undertake works to trees all year round. During the bird nesting season checks are made by experienced staff to ensure nesting birds are not disturbed. Trees are also inspected for the presence of bats by trained staff using specialist equipment.
- Promote the planting and management of woodland and groups of trees.
- Seek to retain old tree stock, including those in decline, and manage them in a way that promotes their value to wildlife.

- Favour native trees over exotics when specifying, planning and implementing new planting.

- Protect and conserve protected/rare species through appropriate compensation when loss cannot be avoided.

■ To enhance microclimate and land use

- Implement quality, well thought-out design that achieves the desired result without adding to or creating conflict and inconvenience for users of a locality.

■ To respond to global obligations

- Introduce new stock and maintain the existing so that it is a sustained asset, ensuring the right tree is planted in the right location.
- Seek opportunities for increasing Leicester's tree asset in terms of overall canopy cover.
- Respond appropriately to the threat of pest and disease epidemics.
- Recycle the materials that arise from the management of trees, including the use of wood as a carbon-neutral fuel.

■ To fulfil formal obligations

- Where issues of actionable nuisance and hazard arise the council will address them and make resources available for doing this.

■ To manage resources appropriately

- The council's Tree Policy will be used to ensure tree management resources are focussed responsibly and the value of the public's tree asset is protected.

■ To manage the pressure on trees in the private sector

- The council will seek to preserve amenity afforded by trees when considering its response to tree work applications made under planning controls.
- The council's assessment of planning applications for development will take into account the effect on trees and, where the balance of planning factors favours preservation, the amenity they provide will be protected.



Spinney Hill Park

- Where landscaping that includes tree planting is made a condition of planning consent, proposals will incorporate quality design and specification. Advice on this will be sought at appropriate stages of planning and implementation.
- The council will seek to work directly with landowners and developers to support them with the management, and inclusion and retention, of trees affected by the planning process. This will include the provision of advice and guidance regarding the formal procedures involved, and may include advice and guidance on the practical maintenance of trees. The council will respond within 24 hours to reports of contravention and deal with these quickly and proportionately.
- The council will be bound by the relevant Planning Practice Guidance when managing protected tree regulation.

In support of actions

■ To ensure the viability of service provision

- The council will support the internal service provider by packaging contracts involving tree planting and related landscape capital works in such a way that the provider is not automatically excluded from involvement.
- Income from all sources will be maximised. Routes into more private sector service provision will be explored with the intention of increasing non-council dependent income streams.
- Resources provided centrally will meet a minimum requirement, ensuring the council fulfils its obligations to undertake essential works.

- Financial resources will not be wasted through poor management and inefficiency. It will be recognised that appropriate staff and infrastructure management are critical to achieving this.
- Resourcing decisions must take into account that there is a high degree of support from the public for the management of the council's trees.

■ To ensure staff are capable of fulfilling policy

- The council will employ appropriately qualified, skilled, motivated and experienced staff in order to ensure it is possible for the aims of the strategy can be achieved.
- Staff will constantly update their knowledge. Staff training will be continuous.

■ To ensure practical means and information systems are available and are employed to fulfil policy

- Management practices will be systemised. Systems will adapt by taking advantage of improvements in technology and other changes, such as changes in regulation and improvements in knowledge. The council will support ongoing ICT development corporately.
- Building and depot facilities must be adequate and be fit for purpose. Facilities will support efficiency of operation and meet modern safety standards.
- The philosophy of extending, replacement and upgrading equipment and plant will be followed wherever business cases indicate ultimate cost effectiveness and budgets permit.

Review and Monitoring

There is an existing review and monitoring structure that will be used to monitor adherence to and progress towards each aim as follows:

Aim: ensure the current level of tree canopy cover under the council's control is extended and the quality is improved

■ Planting maintenance success rate

Planting success rates can be poor if maintenance is inadequate. Losses can undermine efforts towards sustainable management - existing monitoring systems will be used to measure this.

■ Surveying and work programme cycles – achieved on time

Effective site surveying and works programming, within stated time periods, will ensure quality is maintained. Existing systems ensure the monitoring of this

■ Quality control

A proportion of completed works are subject to quality control inspections to ensure specified outcomes meet minimum standards. This work supports the move towards improving overall quality of the resource.

Aim: ensure trees under the council's control are managed with the intention of resolving conflicts and problems in a rational, consistent and economic way

■ Financial and work programme management

Different aspects of work programmes, expenditure and income generation are monitored on a weekly, monthly and quarterly basis. These will remain the mechanism for monitoring how financial resources are controlled and used to achieve outcomes.

■ Competitive quoting and market testing

The in-house service provider generated £194,000 in income from external clients during 2017/18.

The increasing external client base provides a measure of the competitiveness of the pricing structure in current use. Since the same

pricing structure is used to value in-house works it suggests the values used are within commercial margins.

■ Regulated and non-regulated monitoring of operational works

Operational works are monitored under a range of checks and controls. Regulatory examples are:

- Provision and Use of Work Equipment Regulations (PUWER)
- Lifting Operations and Lifting Equipment Regulations (LOLER)
- Work at Height Regulations (WAHR)
- Control of Substances Hazardous to Health (COSHH)
- Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR)
- Driver and Vehicle Standards Agency (DVSA)

There are also systems for work site checks, risk assessment, vehicle checks, method statements, quality control checks.

There is no shortage of formal systems



Leicester Mercury Archive c1989



Abbey Park pagoda c2016

for monitoring and controlling works that operational staff and their managers are required to adhere to

■ Operative competency refresher training and technical and operational continuing profession development (CPD)

Much operational refresher training is effectively compulsory in order to ensure staff skills remain within standards promoted by the [Health and Safety Executive \(HSE\)](http://www.hse.gov.uk)¹³.

There is also an ongoing need also for all arboriculture staff to maintain competence in their particular area of work.

All refresher training is the subject of a planned programme. Other CPD may arise either through the professional development review (PDR) process or via ad hoc availability.

All training is recorded and becomes part of the monitoring and review framework.

■ Commendations, request and complaints

Commendations received are a clear measure of performance. Few service recipients think to thank staff for their work so when it happens it has some significance.

Records are retained by the service provider. Currently commendations are showing an upward trend.

Requests offer insights into the level of demand for services, although they are of a disparate nature. Many are requests for works to be carried out. Others are for advice, information or quotes. Most are simply acted on.

A significant issue with requests is they can escalate to complaints, where a perception arises that a reported concern isn't being addressed. Complaints can however be without substance.

However those where there is a finding against the service provider following investigation do become a measure of performance.

13 www.hse.gov.uk/treework



Planned scheduled works at Great Central Way

There are two levels where an investigation that may result in a decision going against the service provider:

- the internal complaints management system
- Local Government Ombudsman investigation.

These outcomes are a performance measure.

■ Arboricultural Association biennial assessments

A full two-day assessment takes place every four years with a shorter one-day assessment taking place during the intervening period, at year two.

Various levels of operational quality is measured which, once passed, point to effective service delivery by the provider.

■ Recycling rate

The current near 100 per cent rate of recycling of wood products supports both the council's environmental agenda and the financial viability of the arboricultural function by saving £190,000 per annum (around £169,000 cost saving, around £21,000 in generated income).

The recycling rate isn't guaranteed so the returns from it are a measure of effectiveness of management practices.

Aim: encourage private land owners to manage their trees, in part through the council's

appropriate use of tree protection legislation

■ TPOs made and Conservations Areas designated or amended

The council extends its influence over the management of trees of importance in the landscape through these mechanisms, so this is an important measure of the impact the council has in this area.

■ Revocation and renewal of existing TPOs

Surveying and updating existing TPOs through the revocation and renewal process provides a measure of the council proactively managing TPOs; providing another measure of appropriate use of tree protection legislation.

■ Protected tree application deadlines met

The government requires that the council makes decisions on applications to carry out works to trees subject to TPO within eight weeks of the date of submission of the application.

If a property owner (or their agent) wishes to carry out works to a tree in a Conservation Area they need only to notify the council of the intention.

The council then has six weeks to consider whether to make no response or whether to make a TPO to control or prevent work.

It can be seen that the council is obliged at different levels to take action within a timescale.



Spinney Hill Park. Recycled; a new use. Trees removed from Leicester's parks turned into a play feature

Meeting these deadlines is a measure of the appropriate and effective application of tree protection legislation.

■ **Planning enforcement actions taken following reported contraventions**

The protection afforded trees can be contravened and where this occurs it becomes an enforcement issue for the council as the local planning authority.

Records of reported contraventions and the responses to this and outcomes of action taken is a measure of appropriate management of the legislation.

Future Monitoring

In order to ensure monitoring is comprehensive systems will be developed to ensure the following additional monitoring can be carried out. Development will require the allocation of resources. It is currently uncertain how this will be achieved.

Aim: To ensure the current level of tree canopy cover under the council's control is extended and the quality improved.

■ **Felling rate against replacement planting rate (revenue works)**

The rate at which trees are replaced after felling can be an indicator of the sustainability of the council's tree resource.

Decisions to change species or variety to something better suited to a location are an indicator of improvements in quality.

Currently it is possible to extract most felling using existing software (5963 since Oct 2007).

Replacement planting records however are disparately recorded. Work is being done to achieve a more accurate measure of felling and replacement.

■ **New planting under capital schemes**

This is a means by which the public tree resource can be extended in terms of numbers and the quality of the resource improved through improved specification.

Various agencies, including the private sector,

participate in tree planting affecting the public resource.

For example over 14,000 trees were reported as having been planted by December 2010 under the council's 10,000 tree project and six community orchards have been established in recent decades, with three more planned or in progress.

(Since no central record is currently maintained regarding such schemes work will be done to ensure future schemes are brought into the existing review and monitoring system -Success rates can then be monitored and maintenance managed).

Aim: To encourage private land owners to manage their trees, in part through the



council's appropriate use of tree protection legislation

■ **City wide canopy cover change over 10 years**

This is an obvious measure for assessing if the city-wide tree asset is being sustained (both the public and private asset).

It should also be noted that even after 10 years a significant change isn't likely, but tree population management does require very long-term planning, action and monitoring.

(Being able to compare the current measure of 15.69 per cent of total area with future measures depends on the system referenced in this document, including the original method of measurement, being available in years to come.)

■ Replacement planting required

Approval of applications to fell trees subject to TPO can be accompanied by replacement planting conditions.

It is not always desirable to replace trees removed, but in most instances such a condition is applied.

The measure of the number of conditions made and compliance, and success rate of planting, provides an indicator of relevant sustainable management.

(A monitoring system will be established)

■ Advice and support provided

Development pressure can lead to the creation of TPOs to protect trees. Development is an essentially commercially motivated process and the cost of management of trees affected by it is for the applicant to bear.

Most TPOs however are not created with this situation as the background.

Similarly, most trees protected through the designation of conservation areas are not under that designation as a result of commercial pressure.

The majority of applications to carry out work on protected trees that the council receives are made by tree owners motivated simply by a need to carry out maintenance.

In this more common scenario it is appropriate for the council to assist applicants as much as is possible with advice on issues relating to both the application process and tree management.

The extent to which this is done is a measure of council support for tree owners regarding management and maintenance.

(A recording system will be established)

■ Trees successfully retained on development sites

The balance of planning considerations can lead to commitments to retain trees affected by development.

In the immediate term the intention can fail if the tree or its surroundings are damaged during construction works.

In the longer term the outcome can fall short of the intention if design is so poor the relationship between existing trees and new-build/living space is unsatisfactory.

A measure of the success is the number of trees intended for retention that are present at the conclusion of development and thereafter.

(Systems need to be developed to adequately monitor and measure this.)

■ Planning conditions for landscape works/ tree planting

Planning consents often include conditioned landscaping with a tree planting element.

Implementation is not expected to be a problem but there is no single record devoted specifically to this and there is currently no system for monitoring the success rate of these planting schemes.

(Systems will be developed to adequately monitor and measure this.)

“We believe that having a comprehensive up to date tree strategy in place is key to local authorities being able to maximise the wider benefits that trees and woods can deliver for their communities.”

Woodland Trust



Leicester City Council is committed to embedding the principles of the Tree Charter

Appendix 1: Leicester City Council Tree Policy

1. Introduction

For the purposes of this document the word ‘tree’ refers to both trees and woodlands.

This policy relates to the management of trees owned by the council.

The council has enforcement powers under various Acts of Parliament giving it a measure of influence over how some trees in private ownership are managed and maintained. These matters fall outside of the bounds of this policy.

The council’s ‘make or buy’ policy ensures that the council’s trees and woodlands section is the appointed agent for managing and/or maintaining all of the trees it owns, or is otherwise directly responsible for.

Reference documents listed in the policy are those that are current at the time of writing. Any subsequent revisions will be regarded as having replaced those referred to.

2. Capital works

Capital projects can have a landscape development aspect that includes the felling, pruning or establishment of trees. Other capital projects may be concerned solely with landscape development or tree planting.

In all cases tree planting, including specification details and layout, must be appropriate for the location. During the planning stage provision should be made for the cost of ongoing maintenance of planted trees. This should include a lengthy defects liability period of four years or more, to be borne by the contractor or their agent.

Planting specifications should aim to meet or better the relevant advice given in the following British Standards.

BS 4428:1989 Code of practice for general landscape operations

BS 3936: Part 1:1992 Nursery stock. Specification for trees and shrubs

BS 4043:1989 Transplanting root-balled trees

BS 8545:2014 Trees: from nursery to independence in the landscape (referencing TDAG: Guide for delivery)

The trees and woodlands section should be consulted over relevant design details during the planning stage.

The council’s appointed client is responsible for initiating, funding and managing any tree works element of a capital project. The client will also be responsible for any consultation required, whether or not this is a requirement in law (e.g. seeking a planning consent, or a local political requirement e.g. a public consultation exercise).

The trees and woodlands section is not normally the client for such a project. It may however be expected to take over responsibility for maintenance of newly established trees at the end of the defects liability period.

3. Revenue Works

3.1 Responsibility for the Management of Trees

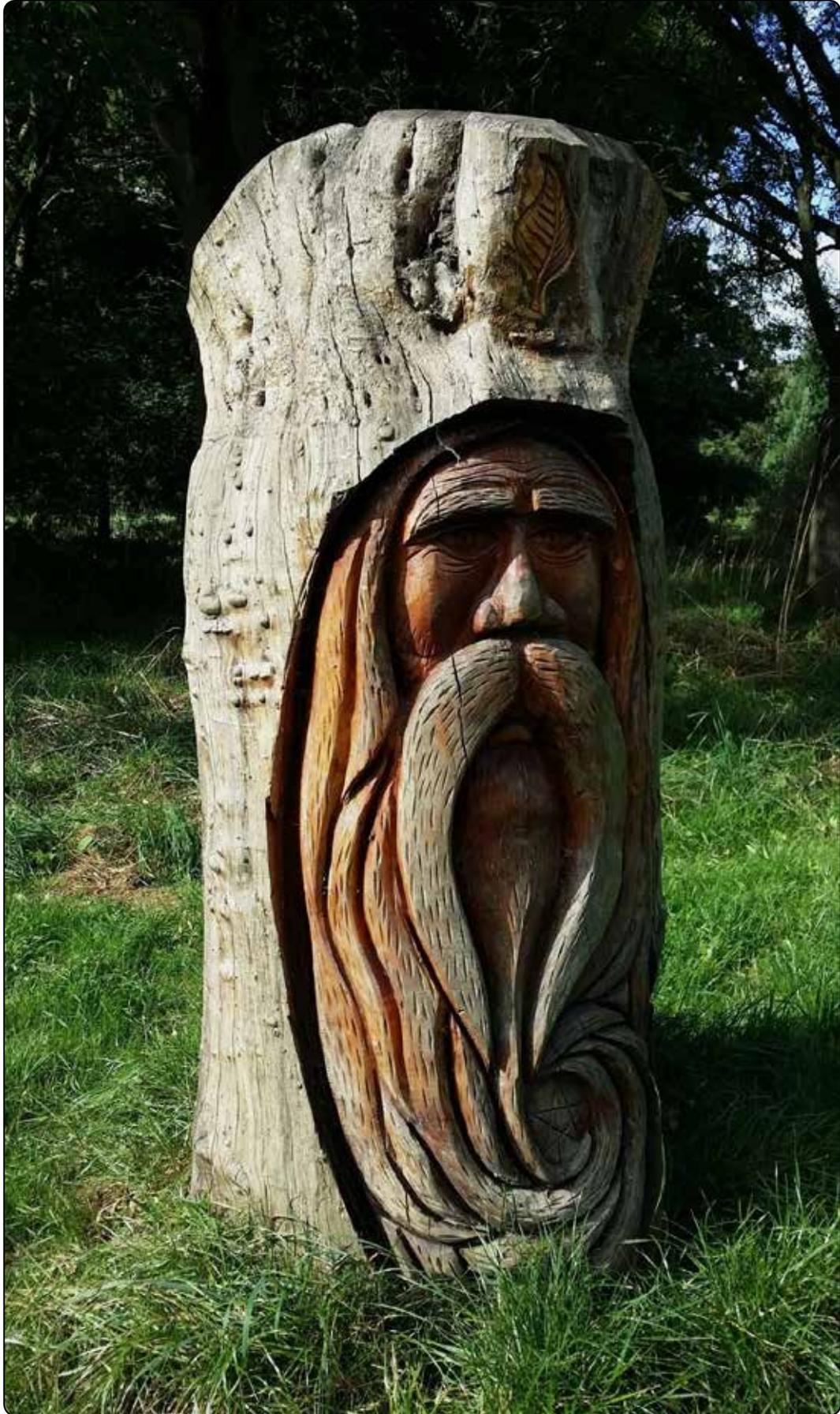
Various land holding departments and service areas retain stocks of trees. Many land holding services retain ultimate responsibility for tree management. Any delegation of this responsibility within each of these services is established through local agreement or custom.

Three service areas: Housing services, highways group, and parks and open spaces services have delegated maintenance responsibilities for their trees (those growing on verges and public open spaces) to the council's trees and woodlands section.

In all cases the responsibility for the tree stock reverts to the relevant land holding service once any maintenance or management work that the trees and woodlands section is able to commission (given resource constraints) is completed.



Belgrave Gardens, with Belgrave Hall in the background



Evington Arboretum. Sculpture using a tree from the city's parks

3.2 Resources

3.2.1 Materials, equipment and staffing

Using delegated budgets and other income the trees and woodlands section purchases and manages (or hires) any materials, equipment, machinery, staffing, training and contractors required for the provision of tree management and maintenance services to the council.

3.2.2 Financing of works

Service areas requiring the support of the trees and woodlands section fund the execution of works as needs arise through the year.

The parks and open spaces service allocates budgets at the start of each financial year to support maintenance of trees at housing estates, trees on the adopted highway and trees in parks. The trees and woodlands section is required to aim to contain expenditure within these budgets.

3.2.3 Operational efficiency

The trees and woodlands section will seek to deliver cost effective services. It will use all appropriate means to reduce charges and costs.

3.3 Staff and public safety during works to trees

Tree work involves the use of cutting machinery and working at height, often in combination. As a result such work is inherently hazardous.

The trees and woodlands section maintains a system of dynamic and task specific risk assessments and safe working guides. These are used to ensure the maintenance of staff and public safety during works.

Regulations and authoritative guides are used to inform risk assessments and safe working guides, and the working practices that arise from these. The following list includes the main sources of guidance and regulation. An exhaustive list is held within the relevant section of the safety plan of the council's parks and open spaces service.

Arboriculture and Forestry Advisory Group/Forest Industry Safety Accord Guides Nos.103-805

Control of Substances Hazardous to Health 2002

Arboricultural Association Guide to Good Climbing Practice 2005

Lifting Operations and Lowering Equipment Regulations 1998

Personal Protective Equipment at Work Regulations 1992

Provision and Use of Work Equipment Regulations 1998

Safety at Street Works and Road Works, A Code of Practice 2001

Work at Height Regulations 2005

Tree Work at Height: Industry Code of Practice for Arboriculture 2015

Control of Pesticide Regulations 1986 (Amendment 1997)

4. Management of trees

4.1 Objectives

Historically the council's primary aim in maintaining a population of trees has been to enhance amenity. This is a broad term and covers a range of imparted benefits such as visual enhancement of the landscape, boundary demarcation, provision of shelter and screening.

It is now recognised however that trees also play a significant part in promoting biodiversity and in reducing air pollution, in part through carbon sequestration. Given this they are important tools in supporting the council's broader environmental objectives, as determined through adoption of the ISO 14001:2015: Environmental Management Systems, Leicester's Community Plan (2003), Leicester Environment Strategy (2004), Leicester Sustainability Action Plan (2015), Leicester Green Infrastructure Strategy (2015).

Through relevant policy the council has the objective of at least sustaining its stock of trees. This means maintaining tree numbers and/or the area of land given over to trees.

In detail the picture is dynamic. Individual trees are removed for various reasons over time. To help sustain the stock compensatory replacement is regarded as necessary, although this may not be at the location of the removed trees.

In some cases it is possible to take the opportunity to increase tree numbers at a particular location. This should be taken up as a means for compensating for losses that may not have been made good elsewhere.

There is no specific policy to increase the tree stock numbers over all. However adherence to this as a practice is seen to support the council's broader environmental objectives.

4.2 Standards

In order to ensure a standard of management that promotes and compliments its objectives, the council strives to adhere to nationally recognised tree management practices. It therefore aims to meet or better the standards promoted in guides produced by the British Standards Institute and other authoritative bodies, listed as follows.

BS 3998:2010 Tree Work - Recommendations

BS 4428:1989 Code of practice for general landscape operations

BS 3936: Part 1:1992 Nursery Stock. Specification for trees and shrubs

BS 4043:1989 Transplanting root-balled trees

BS 5837:2012 Trees in relation to design, demolition and construction

NJUG 10 1995, utility services in proximity to trees

NHBC Standard, Chapter 4.2 1995 Building Near Trees

Natural England and the Forestry Commission produce various authoritative guides on the management of small woodlands in particular. These are used as reference material as required.

4.3 Legal constraints

In some circumstances the council can be obliged in law to adhere to certain constraints, in terms of the way it manages parts of its stock of trees.

The following are examples of legislation that may apply such constraints:

- Wildlife and Countryside Act 1981 (as amended)
- Town and Country Planning Act 1990
- Forestry Act 1967

The council will adhere to all relevant legal constraints.

4.4 Resolving conflict and problems

4.4.1 Primary issues

As both a good neighbour and a landowner inviting the public access and use its land, the council aims to manage its trees in a way that removes the conflict and hazard its trees can cause.

The council recognises there are three levels of conflict that can arise between individuals and trees.

Trees can (a) present a danger, (b) be a nuisance in law or (c) may cause inconvenience.

Where its trees become a danger the council is obliged to address this. The council will address all such dangers as soon as it becomes aware of them. To that effect it will maintain staffing, equipment and reporting systems that allow it to respond appropriately at all times of the day.

Nuisance in law requires that trees have a material effect on a complainant. Damage to buildings is an example. The council will seek to resolve all such problems as soon as it can do so practically.

For an extensive list of the type of incidence regarded as constituting a legal nuisance, or that otherwise demands action see Appendix A, part 1

Inconvenience is a lesser problem, where a concerned party may not be eligible for redress in law. An example of this may be irritation caused by leaf litter. While the council will act as a good neighbour and seek to address such concerns it is in this area that it is most likely to be obliged to consider whether some of the other policy objectives referred to in this document take precedence. It may also be obliged to consider whether the requirement to manage within resource constraints precludes action. In cases where a practical response to a request to address an inconvenience is declined the council will advise the requesting party of its decision and the reasons for it. Ultimately the requesting party has the option of an appeal to the Local Government Ombudsman. The council will assist them with this.

The council recognises that in owning a stock of trees they are likely to cause some level of inconvenience to some individuals at certain times. On balance it takes the view that this can be acceptable given the benefits trees impart to the wider community and given the council's broader policy objectives.

For an extensive list of the type of incidence regarded as not constituting a legal nuisance see Appendix A, part 2

4.4.2 Legal framework

Case and Statute Law help to define the council's responsibility with respect to the issues discussed in 4.4.1.

The principle relevant statute is as follows,

The Occupiers Liability Act 1957/1984

Other acts however have been used in high profile prosecutions relating to problems caused by trees, for example,

The Health and Safety at Work Act 1974

Case law continues to develop and is too complex to attempt to adequately refer to here.

The council will heed relevant developments in law and will seek to respond adequately to the implications of these.

4.4.3 Knowledge of the stock

The council recognises that knowing about the condition of its tree stock is key to resolving the conflicts and problems the resource can cause. It is also key to its ability to manage trees in accordance with other policy objectives. This former point is reinforced by the outcome of case law in particular. The implication is that trees require periodic inspection by a competent person.

There is no guidance or ruling on how often trees should be inspected to meet the requirements of the law. The need however for inspection that is frequent enough to allow for timely identification of problems can be balanced against the nature of a site, in particular against the degree of risk posed to individuals and property that exists at a site. It is recommended therefore that the following inspection cycles be aimed at.

- Trees growing on adopted highway, every 3 to 6 years.
- Trees growing in public open spaces, every 4 to 8 years
- Trees growing in schools, every 3 years
- Trees growing at sites of limited public access, every 4 to 8 years
- Trees growing on tenanted/leased land, N/A (unless specifically advised it is assumed this responsibility is delegated to the tenant)

Individuals who can demonstrate that they hold arboricultural expertise will carry out all formal inspections.

4.5 Consents and consultations

Pruning or felling of trees, even for safety reasons, can be the subject of significant local concern. Where works that may cause such concern become necessary the relevant authority, residents and local ward councillors will be consulted and advised as appropriate.

Where it is necessary to apply for works to trees subject to planning controls this will be made in accordance with the regulated process

4.6 Arisings

The works to the council's trees produces around 3,000 m³ of timber products each year. In order of greatest volume first these are woodchip, firewood, stems that could be milled, mixed waste (stones/soil/woodchip), stumps.

The council aims to manage these materials in a way that maximises reuse.

It recognises however that it is also obliged to manage the materials in question in accordance with relevant legislation. In particular the following,

Environment Protection Act 1990 (Amended 1995)

The council will balance its reuse aims against its obligations in law.

Priority management guide

Part 1

Nuisance and regulated issues

The council will accept liability for and/or address the following through works to trees

1. Where there is obstruction of a legal access right (vehicular or pedestrian)
2. Where trees demonstrably cause a health problem, such as an allergic reaction
3. Where there is a risk someone might consume fruit known to be poisonous
4. Where there is obstruction of bus stops
5. Public CCTV obstruction where there is no other practical or economic alternative
6. Physical contact of stems or branches with buildings or structures
7. Where trees provide an access or obstruct visibility so that crime is a likely result
8. Climbing by children where there is an obvious hazard
9. Where trees or limbs are damaged or weakened so that a hazard over private or public land/property results
10. Where roots are known to be involved in damaging structures, including surfaces and underground structures (either directly or indirectly)
11. Where trees are host to an infectious or a notifiable disease or pest
12. Where limbs and trees have fallen in a public place, except where conservation is an overriding priority
13. Public footway obstruction
14. Highway obstruction
15. Road sign or traffic light obstruction
16. Highway sight line obstruction
17. Streetlamp obstruction, where the area of intended benefit is compromised
18. Where a trip hazard is caused
19. Damage to scheduled monuments

Part 2

Other common causes of complaint

The council will address these only if it is practical to do so and it has the resources available and works would not damage amenity. In the absence of these provisions requests for works will be declined

1. Obstruction of advertising
2. Unsubstantiated claims of ill health caused
3. Bark stripping
4. Seed and berry caste, where these are non-toxic
5. Bird droppings and bird roosting
6. Boundary overhang
7. Private CCTV obstruction
8. Climbing by children where there is no obvious hazard
9. Dead or dying trees unless a hazard is caused
10. Fallen trees or limbs in woodland and informal areas
11. Occurrence of sooty mould and honey dew
12. Presence of insects unless a known human pest species
13. Where the size of a tree draws complaint
14. Direct sunlight obstructed to a dwelling, unless there is a proven environmental health concern
15. Direct sunlight obstructed to a garden or drying area
16. Direct sunlight obstructed to solar panels
17. Satellite or terrestrial television reception obstructed
18. Leaf litter and twigs on roofs and in gutters
19. Leaf litter and twigs in private gardens
20. Dead or damaged newly planted trees
21. Requests for tree planting
22. Contact with overhead services, unless damage to overhead plant caused by highway tree
23. Failure of light from street lamps reaching private land
24. Obstruction of views

Links and references

- P5. Imported pests and diseases
www.forestry.gov.uk/forestry/bee-h-9xlqxd
- P6. Air Quality Action Plan
www.leicester.gov.uk/media/180653/air-quality-action-plan.pdf
- P6. Biodiversity Action Plan
www.leicester.gov.uk/media/113637/leicesters-biodiversity-action-plan-2011-21.pdf
- P6. Green Infrastructure Strategy
www.leicester.gov.uk/media/183734/leicesters-green-infrastructure-strategy-2015-2025.pdf
- P6. Sustainability Action Plan
www.leicester.gov.uk/media/181523/sustainability-action-plan-2016-2019-updated-2017.pdf
- P7. Trees in Towns
[Trees in Towns, Department of the Environment 1993 HMSO](#)
- P7. Urban Trees Strategies
[Urban Trees Strategies, Department of the Environment 1994 HMSO](#)
- P8. Transport Asset Management Plan (TAMP)
www.leicester.gov.uk/media/178153/transport-asset-management-plan-2011-2015.pdf
- P14. Arboricultural Association
www.trees.org.uk
- P25. Planning practice guidance
www.gov.uk/government/collections/planning-practice-guidance
- P34. Health and Safety Executive - Tree work health and safety
www.hse.gov.uk/treework