

WINCHESTER CITY COUNCIL TREE STRATEGY





WINCHESTER CITY COUNCIL TREE STRATEGY 2022

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**INCREASING TREE COVERAGE IS AN
INEXPENSIVE AND EFFECTIVE WAY TO
SEQUESTER CARBON FROM THE ATMOSPHERE**

IT IS ESTIMATED THAT ONE HECTARE OF
WOODLAND CAN SEQUESTER BETWEEN 300 AND
500 TONNES OF CO₂ OVER A 100-YEAR LIFESPAN



1. INTRODUCTION

This strategy sets out how Winchester City Council will address both its legal and management duties in relation to trees, in order to protect and enhance the district's tree stock in a sustainable and appropriate manner, whilst recognising their value to people and places.

Whilst the council has many procedures and processes for managing and responding to tree issues, there is a need for a single document which clearly sets out the council's position and policies. This tree strategy will be the main point of reference for all works in relation to trees which come under the remit of the City Council, including trees owned and managed by the council and those in private ownership where the council has a role in their safeguarding or management.

This tree strategy is part of suite of plans developed in response to the climate emergency declared by Winchester City Council in June 2019. Increasing tree coverage is an effective way to sequester carbon from the atmosphere. Trees absorb carbon dioxide from the atmosphere and it is estimated that one hectare of woodland can sequester between 300 and 500 tonnes of CO₂ over a 100-year lifespan. The magnitude of carbon sequestration, however, will be influenced by factors such as tree species and age, growth rate, spacing of trees, soil type, and woodland management practices.

The council's Carbon Neutrality Action Plan includes ambitions to:

- a.** Collaborate with partners and landowners to identify up to 100 hectares of land to support additional tree planting and/or creation of grassland and wetland habitats; and
- b.** Develop a programme of habitat creation starting with planting at least 100 trees annually on council land.

The principles and policies set out in this document also support the council's Biodiversity Action Plan (BAP) 2021. Woodland and trees are one of the priority habitats identified in the BAP and many of the key species within the BAP rely on woods and trees to survive. Therefore by supporting and delivering the tree strategy, the council will be helping to deliver the aims and objectives identified in the Biodiversity Action Plan.

A glossary of words included in this strategy can be found in the Appendix.

2. THE NEED FOR A TREE STRATEGY

The benefits provided by trees are significant, not only as a valuable timber resource but also due to the social, environmental and economic benefits they provide within the built and natural environment. Their role in helping to regulate the climate is well documented. The value of trees is recognised within the England Trees Action Plan 2021-2024, national and regional Biodiversity Action Plans and the Winchester City Council Biodiversity Action Plan 2021. Key benefits provided by trees includes:

- Mitigating climate change by acting as carbon storage and sequestration.
- Cooling the urban heat island effect.
- Improving air quality by reducing airborne and particulate pollution.
- Mitigating flood alleviation, storm water management and wind turbulence.
- Masking noise pollution and improving water quality
- Aiding the restoration of contaminated land and soil protection.
- Enhancing landscape character and providing cultural and historical interest.
- Providing health and wellbeing benefits.
- Providing amenity, shelter and aesthetic value.
- Providing ecological and biodiversity benefits.

For a further understanding of the value of trees please see appendix i.

Winchester City Council is required from both a legal and management perspective to protect and enhance the districts tree stock. This includes health and safety requirements; occupiers liabilities, planning related legislation and wildlife and protected species legislation. For a detailed list of relevant legislation and guidance please see appendix ii.

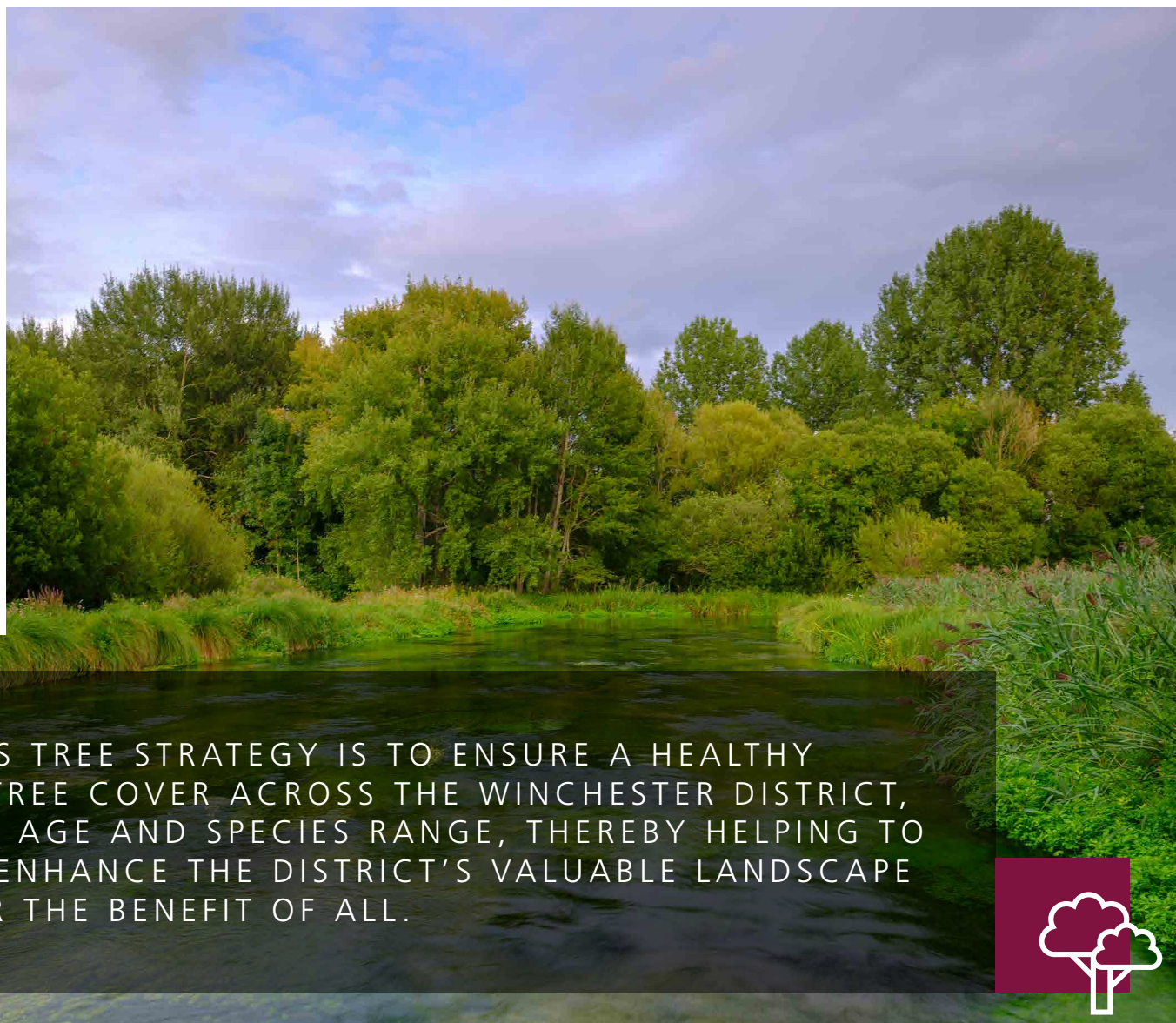
Whilst the council has a number of operational policies and procedures relating to trees, these are not easily accessible to the public or others. This tree strategy brings together all existing policies and procedures for the first time, across both the council's management and legislative roles.



3. THE AIM OF THE TREE STRATEGY

This strategy was approved in July 2022 and demonstrates that Winchester City Council is committed to managing its own tree stock in a sustainable and appropriate manner. This includes maintaining the existing canopy cover across the district and where possible increasing this, with a particular emphasis on trees which provide high amenity and/or biodiversity benefits in the long term.

The document is purposely detailed to allow members, officers, contractors, land owners and the public access to information when considering work on trees and to better understand how the council undertakes its responsibilities in relation to tree ownership and management. Consequently the document is divided into sections with corresponding policies attached and there are a number of appendices which will be updated as and when required.



THE AIM OF THIS TREE STRATEGY IS TO ENSURE A HEALTHY AND THRIVING TREE COVER ACROSS THE WINCHESTER DISTRICT, WITH A DIVERSE AGE AND SPECIES RANGE, THEREBY HELPING TO MAINTAIN AND ENHANCE THE DISTRICT'S VALUABLE LANDSCAPE CHARACTER FOR THE BENEFIT OF ALL.



4. GUIDING PRINCIPLES

4.1

The appropriate management of the council's existing tree stock

Whilst tree planting is often seen as a key delivery mechanism for responding to the climate emergency, the management of our existing tree stock is the council's first priority. It takes many years for a tree to begin to remove carbon from the atmosphere (anecdotal evidence suggests around 20 years) and therefore focusing on our existing tree stock is paramount if we are to help address the climate emergency now.

In order to appropriately manage the existing tree stock Winchester City Council will strive to:

- Achieve a diverse age range from young to ancient or veteran trees;
- Achieve a diverse range of species – both native and non-native;
- Manage the existing tree stock using a long-term programme of works and ensure that decisions are made for future benefit as well as immediate need;
- Plant and encourage the right tree in the right place for the right reason, in line with emerging Local Nature Recovery Strategies (LNRS);
- Achieve biodiversity and carbon gain through tree planting ie tree planting will be undertaken on sites where there is little existing biodiversity and/or carbon sequestration such as amenity grassland.
- Increase the net tree canopy cover across the district;
- Base decisions on the needs of both existing residents and visitors as well as future generations.
- Only undertake works on trees owned and managed by the council which are deemed essential i.e. works where there is a clear arboricultural reason and it is in the interests of the health and survival of the tree to undertake the works or where there is a high risk of injury to persons or damage to property caused by a structural failure or defect. Works which have no arboricultural justification, but rather aim to mitigate an inconvenience such as restricting light, or overhanging branches on neighbouring property will not be undertaken.
- Employ qualified and professional tree officers to oversee the work on behalf of the council;
- Use qualified and professional contractors to undertake practical tree works;
- Ensure the council operates a cost effective works programme, including the use of a tree framework agreement, investing in appropriate IT systems and budgeting for tree works to ensure the work can be delivered within existing resources;
- Operate in a sustainable fashion, including the sourcing of tree stock locally where possible and taking in to account the potential risks associated with biosecurity;
- Take account of risk to both people and property.

EVIDENCE SUGGESTS THAT IT TAKES AROUND

20 YEARS FOR A TREE TO START REMOVING CARBON FROM THE ATMOSPHERE

MANAGING OUR TREE STOCK IS THE FIRST PRIORITY

4.2

The appropriate management of the existing tree stock not owned and managed by the city council.

Whilst the council has no direct responsibility for the management of trees under private ownership, it does have a responsibility through its regulatory function. This includes:

- Protecting important trees and woodlands which are potentially under threat through the use of Tree Preservation Orders and responding to applications for works to trees protected by Tree Preservation Orders and those in Conservation Areas;
- Responding to planning applications submitted to the council which potentially have an impact on existing trees and ensuring that works are undertaken in accordance with industry standards such as BS3998 (2010) and BS5837 (2012); and
- Enforcing planning conditions and obligations where appropriate, and issuing tree planting notices as required.

Details of how the council will deliver its responsibility in relation to its regulatory function are detailed later in the report.



5. DELIVERY

5. Delivery

Responsibility for the delivery of this plan sits primarily within the Natural Environment and Recreation team at Winchester City Council. However, officers will work closely with other teams including Housing, Legal, Development Management, Planning Enforcement, Strategic Planning, Estates and Parking and external bodies such as Hampshire County Council and the Forestry Commission. For a list of contacts both within and external to the council please see Appendix iii.



Tree Life Cycle

6. SCOPE

6.1

Geographical area covered

This strategy covers the whole of the Winchester district including the South Downs National Park (SDNP), as the City Council currently helps manage the South Downs tree stock through a Service Level Agreement with the National Park. This strategy therefore has regard to the purposes of the National Park ie *“To conserve and enhance the natural and cultural heritage of the area. To promote sustainable use of the natural resources of the area. To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public”*.

6.2

Types of vegetation covered

This strategy only covers trees, groups of trees, areas of trees, woodlands and high hedges. It does not cover shrubs, other hedges or other vegetation. The definition of a tree is:

“A woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground”. Ref: Marriam-Webster online dictionary.



South Downs, ©National Trust, John Miller

7. THE COUNCIL'S OWN TREE STOCK

7.1 Introduction

The council currently owns and manages circa 32,000 trees throughout the Winchester district. The tree stock comprises:

- At least 13,000 individual trees; and
- 232 groups of trees and woodlands.

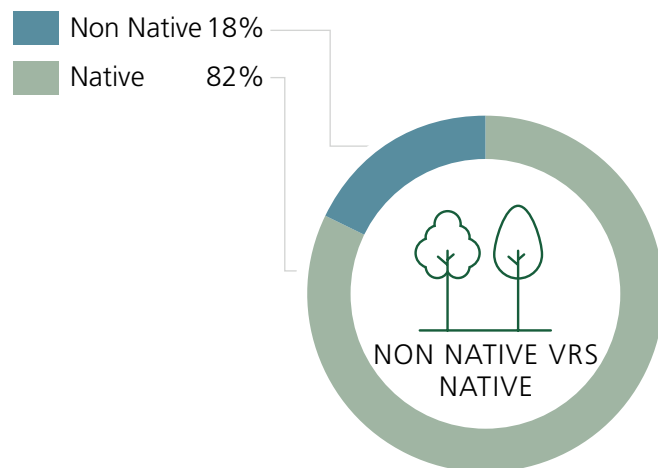
The most common species of trees on council land are maple, ash, beech and lime (see Appendix iv), with the majority of species classed as 'native' (see Graph 1)

There are some more unusual species on council land including locust, sweet gum and the Indian bean tree. We also have over 80 elm trees, many of which have been planted in recent years and are resistant to Dutch elm disease, which killed many of the elms in the 1960's and 70's.

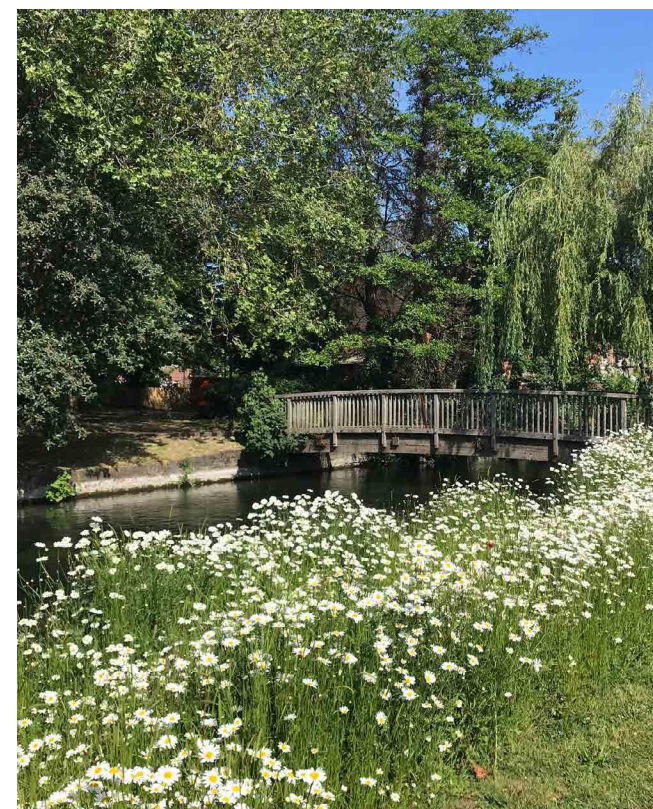
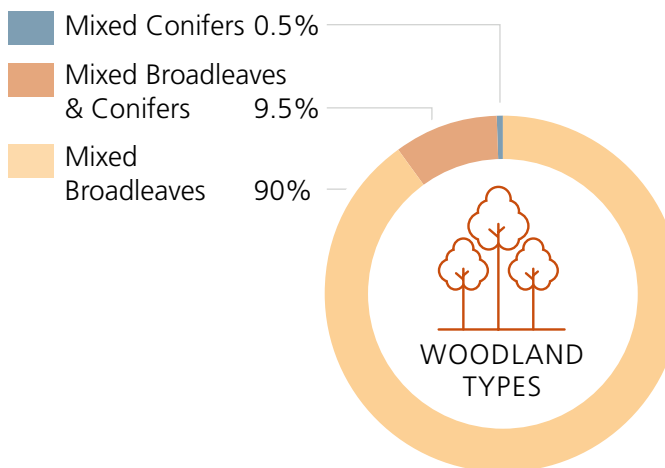
Our two largest woodlands are located at Whiteley and Otterbourne and both have public access. Most of the woodlands are mixed broadleaves with only one woodland being mixed conifer (see Graph 2 for a breakdown of woodland type).

The majority of individual trees are found in public parks and open spaces, woodlands, in the grounds of council-owned properties, council tenant's gardens, car parks, sports and recreation grounds, play areas, cemeteries and sewage treatment works.

Graph 1:
Breakdown of non native vrs native trees on WCC holdings



Graph 2:
Breakdown of woodland types on WCC holdings



7.2 Council tree inspection procedures

7.2.1

Introduction

Winchester City Council has a duty of care to manage the risks that council trees may pose to anyone who passes or comes within close proximity to a council-owned tree.

The Health and Safety Executive advises that this duty of care should be “*reasonable, proportionate, and reasonably practicable*” when managing the risk posed by council trees. Therefore the council must consider the many benefits trees provide, the risk they pose (i.e. aim to achieve a level of risk which is acceptable and/or tolerable) and the costs of managing the risk, when exercising its duty of care. It is important to note the council cannot, and should not, seek to remove all risk posed by trees, as this would not be reasonable, proportionate nor reasonably practicable.

POLICY 1

DUTY OF CARE

The council will consider the many benefits trees provide, the risk they pose and the costs of managing the risk, when exercising its duty of care.

7.2.2

Risk

Trees are natural living structures. Consequently they occasionally shed branches or fall. This is usually because the tree has died, has an obvious structural defect or has been unduly impacted by severe inclement weather conditions.

It is important to note that the risk posed to life and property in the United Kingdom by a failing tree is extremely small. See https://www.forestresearch.gov.uk/documents/7086/Commonsense_management_of_trees.pdf

POLICY 2

ASSESSING RISK

When considering risk, the council will assess two key elements:

1. The likely risk of a tree, or parts of a tree, actually failing; and
2. The likelihood that the tree (if it were to fail) would cause injury to person or damage to property.



7. THE COUNCIL'S OWN TREE STOCK - CONTINUED

7.2.3

Tree Survey Programme

In order to meet its duty of care, the council has an on-going tree survey programme in which a suitably qualified and experienced officer regularly undertakes site visits to assess the existing tree stock.

The frequency of visit depends on an initial assessment of risk, taking account of the two key elements identified in Policy 2. The council uses a Tolerability of Risk Framework (ToR) which is an internationally recognised approach when making risk management decisions and works on the premise of ensuring that risks from trees are as low as reasonably practicable.



Tree foliage slows the volume and speed with which rainfall enters drainage systems-reducing flash flooding

See page 50 for more interesting facts

All trees owned and managed by the council have been allocated a usage category as follows:

- **HIGH USAGE** – e.g. where trees could cause significant structural damage or risk to life i.e. users of busy highways/footways or static targets such as dwellings, parked cars, commercial premises, public parks and play areas. This can include large mature trees within striking distance of public highways or ancient or veteran trees/large trees with known defects.
- **MEDIUM USAGE** – e.g. where members of the public are passing under trees or near trees at infrequent intervals. This category can include trees of any size or age. Examples include trees located on large open spaces or sports grounds, sewage treatment works or permissible rights of way through woodland.
- **LOW USAGE** - e.g. areas where there are members of the public passing under or near to trees at very low intervals. This includes trees located in woodlands, in fields away from the highway or property or where members of the public are prevented from entering.

The level of usage will then determine the frequency in which the trees will be surveyed, as part of an on-going survey programme (see Policy 3 for the frequency of inspections depending on usage categories). This is the standard timeframe of inspection. However, if a defect is found, monitoring may occur more frequently.

POLICY 3

FREQUENCY OF COUNCIL TREE INSPECTIONS

The council will undertake walk over tree inspections at the following maximum intervals:

- Trees in high usage areas – once every three years
- Trees in medium usage areas – once every five years
- Trees in low usage areas – once every ten years

However, in periods of high demand or where there are unexpected impacts on trees or the work of the tree team, these timescales may be extended. The urgent and high priority cases will be dealt with at the earliest opportunity before moving to the medium priority cases.

Work to trees outside the programmed maintenance plan will only be undertaken when a hazard is clearly identified or on the balance of probability, the tree will present a hazard in the near future. In addition to the rolling programme of planned works, some works will arise from unplanned events such as severe weather conditions. Trees that threaten public safety and property will always be given the highest priority. This may lead to plans for essential works being postponed.

7.2.4

Inspection methodology and recording

The procedure for undertaking initial tree inspections will comprise a ‘walk over’ inspection at ground level, checking each tree’s structural condition and vitality and identifying any obvious defects or fungal pathogens. Officers will assess whether any arboricultural works are necessary to reduce or minimise risk posed by the tree to people or property in the context of risk posed, their amenity value and environmental benefit.

In the event that defects are identified which cause concern over the structural integrity of the tree or its declining health, a more detailed inspection of the tree will be carried out to ascertain the structural condition of the tree.

In addition, the council will undertake ad hoc inspections where necessary, particularly in relation to tree enquiries or post storm damage.

7.2.5

Recording tree inspections

All tree inspections will be recorded on specialist software, along with any arboricultural works considered necessary to reduce the risk. The council will record all trees surveyed whether work is required or not.

POLICY 4

TREE INSPECTION PROTOCOLS

The council will undertake a ‘walk over’ inspection at the first stage and if defects are identified a more detailed inspection of the tree will be carried out.

All tree inspections will be recorded on specialist software, along with any arboricultural works considered necessary, using a ‘negative reporting’ procedure.



TREES ENHANCE THE LANDSCAPE CHARACTER AND PROVIDE CULTURAL AND HISTORICAL INTEREST

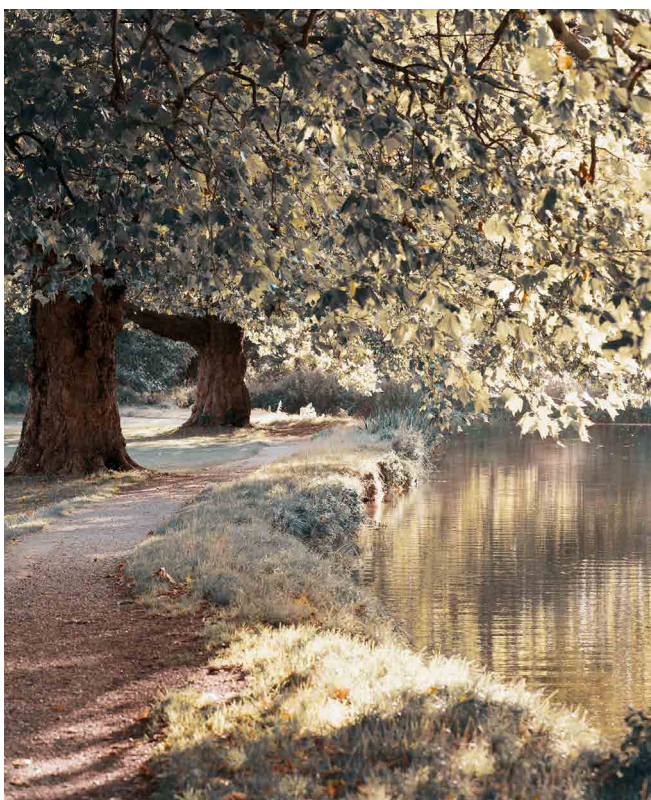
8. UNDERTAKING WORKS ON COUNCIL OWNED TREES

8.1

Introduction

To ensure best value, the council has a tree framework agreement with six contractors (commenced 2021 for 2 years with a possible extension for a further 2 years). These contractors undertake the majority of the tree works on council owned trees, on behalf of Winchester City Council.

Tree works are given one of four priorities.



8.1.1

Priority 1 – Urgent

Urgent tree works are those which are required to mitigate a problem which is causing or likely to cause a high risk of injury to persons or damage to property in the immediate timeframe. Where a tree has been reported to pose an immediate danger to life or property, the council aims to respond within 90 minutes of notification and assess the tree. Urgent works include (but not limited to):

- The tree is snapped or blown over;
- The tree is rocking and the roots are damaged;
- The tree is uprooted and leaning against another tree or building;
- A large branch is hanging off the tree or a dead branch is extending over private property or car parking areas;
- A fallen tree or branch is blocking a road, foot way or access to a property;
- The tree has landed on a car;
- Flood prevention; and
- Where a tree poses an immediate threat to life or property because of storm damage or unforeseen circumstances.

8.1.2

Priority 2 – High priority

These are works which remove a hazard but are not urgent (or an emergency) as defined above. In these cases it may be appropriate for the council to reduce or prune the tree to decrease the level of risk posed by the tree. The response time for Priority 2 is up to one week and includes (but not limited to):

- A dead or dying tree;
- Tree with poor extension growths or sparse crown;
- Soft or flaking bark on the main stem or primary stems of the tree;
- Fungal fruiting brackets on the tree;
- Splits and cracks;
- Included bark union with a high risk of separation;
- Tree with an over-extended heavy limb with high risk of failure and high target area;
- Crown lifting or removal of epicormic growth over a highway or footway or growth obscuring the highway;
- Watering and mulching drought affected trees; and
- Removal of major deadwood over pedestrian areas or highways.

8.1.3

Priority 3 – Medium priority

These are works which either manage an issue or which help extend the lifespan of the tree. The response time for Priority 3 is within three months and includes (but not limited to):

- Removal of epicormic growth over open space;
- Crown reduction or localised reduction due to structural defects;
- Crown lifting over open space;
- Mulching; and
- Adjustment of tree ties and stakes to ensure the tree is not restricted as it grows.

8.1.4

Priority 4 - Low priority

These are works which will not be undertaken unless under exceptional circumstances. This includes (but not limited to):

- Only where work is deemed essential will any major crown reduction, localised reductions or toppings be undertaken. Any other requests for major works such as these will be considered low priority;
- Only where felling is deemed essential will it be undertaken. Any other requests for felling will be considered low priority;
- Removal of minor deadwood;
- Crown thinning; and
- Cutting back from overhanging private property or car parking, particularly if the work aims to alleviate issues such as fruit fall, leaves, bird droppings, satellite reception, light, restricted views, pollen and honey dew.



POLICY 5

PRIORITY OF TREE WORKS

The council will undertake all priority 1 and 2 works. Priority 3 works will only be undertaken if there is sufficient need and resource and at the discretion of the Tree Officer. Priority 4 works are unlikely to take place.

Priority

Priority 1 – Urgent tree works which are required to mitigate a problem which is causing or likely to cause a high risk of injury to persons or damage to property in the immediate timeframe.

Priority 2 – works which remove a hazard but are not an emergency as defined above.

Priority 3 – works which either manage an issue or which help extend the lifespan of the tree

Priority 4 – works which will not be undertaken unless under exceptional circumstances and include major works, felling, removal of minor deadwood, crown thinning and cutting back from overhanging private property or car parking.

However, in periods of high demand or where there are unexpected impacts on trees or the work of the tree team, these timescales may be extended. The urgent and high priority cases will be dealt with at the earliest opportunity before moving to the medium priority cases.

8. UNDERTAKING WORKS ON COUNCIL OWNED TREES

8.2

Felling of trees owned and managed by the council and replacement tree planting

Due to the high number of trees that Winchester City Council owns and manages there will be occasions when the felling of a tree cannot be avoided. The decision to remove a tree is never taken lightly and tree officers often monitor the tree's health before ordering its removal.

The majority of trees are felled as they have become unsafe due to storm damage, vandalism, are causing structural damage to an adjacent built structure, have significant decay pathogens or have died and there is no other viable or cost effective options but to remove the tree. However, trees will also be felled where it is arboriculturally appropriate to do so such as selectively thinning a group of trees or where it provides long term benefit to a retained tree.

Where a tree is felled, the council seeks to plant a replacement tree either on the same location or an alternative location, as part of its on-going tree planting programme. This may change in the event of large-scale tree loss due to events such as ash dieback.

In addition, the council will continue to seek opportunities for natural regeneration, as this can potentially be more effective in delivering biodiversity, carbon and landscape benefits. However, as always

with trees, the location of any new trees must be carefully considered and the trees must be managed in the first few years to maximise their chances of surviving. Therefore any tree planting or natural regeneration will be carefully planned, communicated and managed and the council will prioritise effective replacement over high numbers of new trees.

POLICY 6

TREE FELLING AND REPLACEMENT PLANTING

The council will only fell trees where absolutely necessary or where there is a clear arboricultural reason to do so.

In normal circumstances, where a tree has been removed, the council will seek to plant replacement trees at a minimum of 1:1 ratio either on the same location or an alternative location.

Any tree planting or natural regeneration will be carefully planned, communicated and managed and the council will prioritise effective replacement over high numbers of new trees.

8.3

Works to trees owned and managed by the council

The maintenance of trees is an important management operation. This includes pruning, crown lifting; crown reduction; crown lifting, crown thinning or tree felling.

However, the council receives a high volume of requests for tree works annually from residents and others within the district. It is not possible or appropriate to agree to the majority of these requests as they are non-essential, and it is only where the works requested are deemed essential that they will be undertaken.

If anyone is concerned about a tree and wish to contact the city council, they should complete an online enquiry form at <https://www.winchester.gov.uk/planning/trees> which will be passed to a tree officer for assessment.

8.3.1

Essential works

Where there is a clear arboricultural reason or where there is a high risk of injury to persons or damage to property caused by a structural failure or which cannot be mitigated in any other way, the council will remove the nuisance under its duty of care where it is deemed appropriate by the Tree Officer.

POLICY 7

ESSENTIAL WORKS TO COUNCIL OWNED TREES (PRIORITIES 1-3)

The council will remove tree material where:

- a. It is causing structural damage to a dwelling, garage or boundary wall;
- b. There is a high risk of injury to persons;
- c. There is potential damage to property caused by a structural failure, which cannot be mitigated in any other way;
- d. A tree is causing an obstruction to the highway, an established private drive or where essential maintenance works are required.
- e. There is a benefit to the tree i.e. through formative pruning, general pruning and selective thinning of a group of trees for the betterment of the retained trees.

8.3.2

Non-essential works

Whilst the council recognises that people can be impacted by trees, it is not appropriate nor possible to undertake many of the works requested.

Due to the need to help reduce the impacts of climate change and to support the climate emergency declared by the council, the council will only undertake works which are essential. Whilst non-essential work can be beneficial for individuals, any works to trees can put the tree at risk as it:

- Creates wounds which are potentially damaging to the health of the tree and may allow the ingress of disease or decay in to the tree thereby harming the long term health and wellbeing of the tree;
- Reduces photosynthetic material from the tree's canopy, which has a detrimental effect on the trees ability to carry out its biological functions such as compartmentalising pruning wounds;
- Leads to the development of new dense leaf, bud and twig regrowth exacerbating issues such as blocked light, sap and leaf fall;
- Leads to new buds being formed which do not form a strong union with attached branches which requires ongoing future management to reduce the risk of branch and stem failure;

In addition, non-essential work can:

- Damage the pleasant appearance of trees and reduce the trees public visual amenity value and wildlife provision.
- Be costly and reduce the amount of budget available for the council to spend on essential maintenance.
- Remove material which can be of high ecological value such as ivy and dead wood. However this will only be retained where it does not pose an unacceptable level of risk to life or property.

When the council receives a request for works to its trees which is not essential, it will consider the request. However, as the council has no legal obligation to undertake non-essential tree works and due to the issues identified above, the majority of these works will not be undertaken. This includes cutting back from overhanging private property or car parking, particularly if the work aims to alleviate issues such as fruit fall, leaves, bird droppings, satellite reception, light, restricted views, pollen and honey dew. See Appendix v for further information.

8.4

Common Law Right to undertake works on Winchester City Council trees

For works which are non-essential, those who live adjacent to council trees do have a common law right to remove material from a tree that is up to or over the boundary of their property, as long as they do not commit a trespass or enter the land of the neighbour (Earl of Lonsdale v Nelson 1823 and Lemmon v Webb 1894).

The person who undertakes the work takes responsibility for ensuring that the tree does not become unsafe at any point in the future, due to their actions. If the tree does become unsafe, the person who undertook the work could be liable for damage should the tree fail or die as a result of the works undertaken to it. The council monitors all its trees and works undertaken by a third party.

In addition, the person undertaking the work has a duty to dispose of the wood in an appropriate manner such as through a waste recycling centre and to not dump the cut wood on the tree owner's land, as this could be seen as fly tipping, which is liable to prosecution. The council advises that any works are undertaken by a competent arborist.

Therefore if a neighbour wishes to undertake pruning works and is legally entitled to do so in accordance with their Common Law right, they are able to do this as long as they:

1. Do not trespass on council property to undertake the works;
2. Only remove material up to the boundary of the property from inside their own property.
3. Take responsibility for ensuring that the tree does not become unsafe at any point in the future, due to their actions;
4. Dispose of the cut material in an appropriate manner and not fly tip the cut material on council owned land;
5. Apply to the Local Planning Authority if the tree is located within a Conservation Area or is protected by a Tree Preservation Order (TPO);
6. Will not carry out the proposed works until the Local Planning Authority has granted consent; and
7. Do not remove, damage or wilfully destroy any council owned trees.

However it is important to note that the owner of a property neighbouring the council tree has no legal right to cut off or remove any part of the tree that does not overhang their property and are not permitted to enter council land to carry out the works. In addition, if tree is in a Conservation Area or protected by a Tree Preservation Order, this common law right does not apply.

See section 11 for further information on protected trees.

POLICY 8

COMMON LAW RIGHT TO UNDERTAKE WORKS ON WINCHESTER CITY COUNCIL TREES.

If a neighbour wishes to undertake pruning works and is legally entitled to do so in accordance with their Common Law right, they are able to undertake the works as long as they:

- a. Do not trespass on council property to undertake the works;
- b. Only remove material up to the boundary of the property from inside their own property;
- c. Take responsibility for ensuring that the tree does not become unsafe at any point in the future, due to their actions;
- d. Dispose of the cut material in an appropriate manner and not fly tip the cut material on council owned land;
- e. Apply to the Local Planning Authority if the tree is located within a Conservation Area or is protected by a Tree Preservation Order and will not carry out the proposed works until the Local Planning Authority has granted consent; and
- f. Do not remove, damage or wilfully destroy any council owned tree.

All works must be undertaken in accordance with British Standard 3998 (2010).

8.5

Tree roots and structural damage to built structures including drains

The roots of trees grow and move through the soil in various ways depending on tree species, soil type and local conditions. Shallow or surface roots can cause damage to footpath surfaces or other light structures by radial root growth or soil desiccation.

Where a hazard from tree roots occurs and the council has been notified, a tree officer will respond and if necessary, the information will be passed to the council's insurers, who will undertake an assessment of the impact and make any recommendations. Tree felling will only be considered when all other options including engineering solutions have been considered and/or rejected. A replacement tree will be planted where possible.

Where roots of a council tree have entered a council owned property, the tenant should contact the council's Housing team in the first instance. If the property is privately owned, the owner is recommended to contact their property insurers who should contact the council on their behalf once they have undertaken their own assessment of the alleged structural damage.

Although the homeowner has a Common Law right to cut the roots back to their boundary (McCombe v Read [1955] 2QB 429), it is essential that consideration is given to the stability of the tree and how this might be affected. Anyone undertaking tree root reduction works may be liable for damage if the tree fails in the future. If the tree is protected by its

location within a Conservation Area or is protected by a Tree Preservation Order, the home owner must apply to the Local Planning Authority at Winchester City Council before undertaking the proposed root reduction works, as the Common Law right is not applicable. Home owners are advised to speak to their home insurers before carrying out any tree root reductions. Additionally, the homeowner's Common Law right to cut roots back to their boundary is subject to the following limitations:

- The cutting back of roots must not cause the tree to become unstable.
- Except for minor works, a qualified professional arboriculturist should be used.
- Do not trespass on Council property to undertake the works.
- Only remove roots up to the boundary of the property from inside the homeowner's own property.
- Dispose of the root cuttings in an appropriate manner and not fly tip the cut material on Council-owned land.
- Apply to the Local Planning Authority if the tree is located within a Conservation Area or is protected by a Tree Preservation Order and not carry out the proposed works until the Local Planning Authority has granted consent.

- Do not remove, damage or wilfully destroy any council owned tree.
- All works must be undertaken in accordance with British Standard 3998 (2010).

Damage to drains is often unpredictable and therefore tree roots should not automatically be assumed to be the cause. Underground services are often damaged by other means such as heavy lorries or previous site construction. The damage cannot be fully diagnosed until the drains have been surveyed by an appropriate person who is experienced and qualified to do so.

POLICY 9

TREE ROOTS AND DAMAGE TO BUILT STRUCTURES INCLUDING DRAINS

The council will inspect footways within its ownership where reported tree roots are causing a trip hazard and carry out necessary repairs. A tree will only be removed and a replacement tree planted when all other options including engineering solutions have been explored.

If it is alleged that council tree roots have entered a property or a properties' drains, the council will expect written technical reports from an appropriate expert who is suitably qualified and experienced within their field of expertise before engaging the services of the council insurers.

8.6

Council trees and poisonous berries

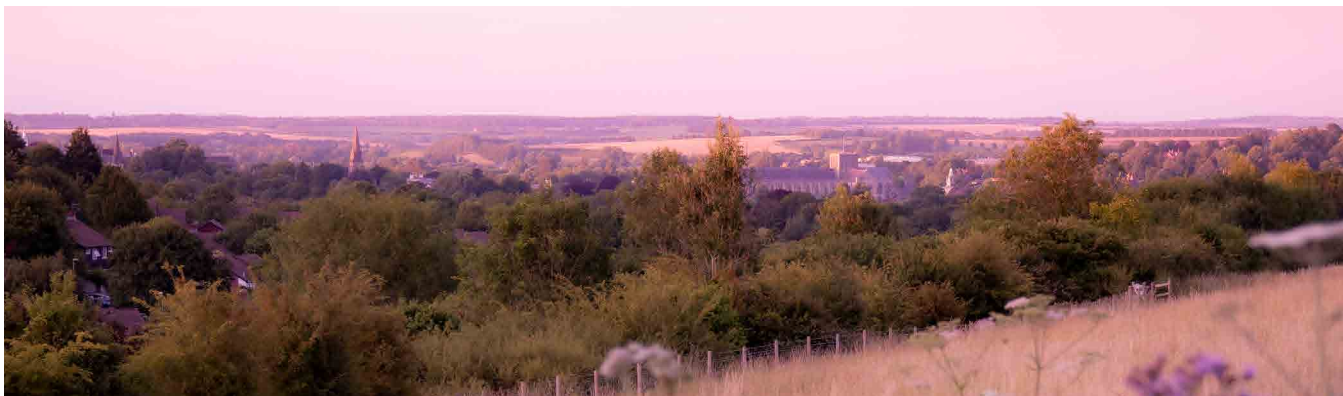
There may be trees located within council open spaces which produce poisonous berries, such as the yew tree. As this is a natural occurring process there is no reasonable solution to reduce the exposure of the general public to the berries. In addition, yew trees are very striking trees and can make a significant contribution to the historic setting of the character of the built environment. Therefore yew trees will be retained on city council land. However, if homeowners, tenants and farmers have concerns about unsupervised young children or livestock being exposed to poisonous foliage or berries they are advised to contact the council. See appendix iii for contact details. If the poisonous berries and foliage are within a council tenant's garden, the council will inspect the site and make an informed decision on the risk associated with the presence of the vegetation.

POLICY 10

POISONOUS BERRIES AND FOLIAGE

Winchester City Council will only fell or prune trees within its parks and open spaces which have poisonous berries or foliage, if after investigation, there is an unacceptable risk to young children, vulnerable adults or livestock. Parents or guardians are advised to supervise their children and vulnerable adults at all times whilst accessing any open space/parks.

If the poisonous berries and foliage are within a council tenant's garden, the council will inspect the site and make an informed decision on the risk associated with the presence of the vegetation.



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8.7

Tree safety

The council is aware some residents may feel apprehensive about the size of a tree and/or worried that a tree might fail. However it is important to note that trees are not dangerous just because they are large, tall or move in the wind. Tree movement in high winds is natural and one of the ways they are able to withstand strong winds. However if someone is concerned about the health of a council owned tree they should contact the council. Things to look out for are:

- The presence of fungal fruiting bodies (brackets or mushrooms) on near the tree;
- Large cavities or decay in the main stems or branches;
- Large dead limbs'
- Loose bark;
- Lifting of the ground at the base of the tree; and
- The tree changes dramatically in how it looks.

The council will inspect a tree and take appropriate action if concerns are raised. In addition, the council undertakes a frequent and regular survey programme of all its trees (see section 6.2.3 for further details).

POLICY 11

TREE SAFETY

The council will only prune or fell trees that it owns or manages if there is a clear arboricultural or safety need.

The council will investigate and inspect any tree that is suspected of being dangerous due to defects and take appropriate action.

8.8

Ivy on trees

Ivy (*Hedera helix*) is a native species which provides important habitat to a wide range of wildlife, acts as a food source for a range of species and provides cover for birds, bats, mammals and insects. Ivy often grows on tree stems and branches and should not necessarily be of concern. However, it can restrict the full structural assessment of a tree and increase the sail area of the trees canopy, adding weight and stress to the upper parts of the tree.

Therefore ivy will only be severed at the base of the trees where necessary and will be left in situ to die back as this will reduce the impact of any loss of cover/habitat for biodiversity and help prevent sun damage to newly exposed parts of the tree.

POLICY 12

IVY ON TREES

Ivy will only be severed at the base of a tree where there is a clear need ie:

- Where it restricts the full assessment of parts where a significant defect is suspected;
- Where ivy growth is so prolific it increases the sail area; or
- Where it affects the growth of the inner crown of a tree to an unacceptable level.

Once severed, ivy will be left in situ to die back.

8.9

Communicating when tree works are due

The council recognises that the majority of residents of Winchester value trees and that people are concerned when work is undertaken to trees without any communication from the council. Therefore when significant works are needed the council will publicise these through a variety of means including direct contact with neighbours impacted by the works, site notices, keeping councillors informed and updates via the council website.

However, it is not always possible nor appropriate to communicate all works, due to the volume of works undertaken and the need to focus resource on managing the tree stock directly.

POLICY 13

COMMUNICATING WHEN TREE WORKS ARE DUE

Where works are minor, i.e. works to trees under 15cm at diameter at breast height; cyclical pollarding of trees; removal of epicormic growth or crown lifting; there will be no public/member communication.

Where works are urgent such as the removal of fallen trees or trees deemed likely to immediately fail, the works will be carried out without public engagement, although local ward members and relevant Cabinet members will be informed.

Where tree works are non-urgent but have a significant impact on the local landscape or street scene, the council will aim to inform local residents and ward members and erect site notices prior to undertaking the works.



8.10

Unauthorised works to council trees

Due to the importance of trees, the council can, and do, take appropriate legal action under the Criminal Damage Act against third parties who damage or fell its trees without the council's consent.

To report vandalism or unauthorised tree works to the council please contact the tree team. Telephone 01962 848301 or email naturalenvironment@winchester.gov.uk

POLICY 14

UNAUTHORISED WORKS TO COUNCIL TREES

The council will investigate all known acts of unauthorised trees works to council trees and seek prosecution where appropriate.

8.11

Tree works and wildlife protection

Trees are significantly important for wildlife and many species will breed, feed or shelter in trees. Birds and bats in particular can be impacted by works to trees and it is essential the council takes appropriate account of all wildlife legislation when undertaking works to trees.

Council tree works will meet criteria and best practice under relevant legislation and guidance including the Wildlife and Countryside Act 1981 (as amended), Countryside Rights of Way Act 2000, Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (as amended) (Habitat Regulations). For details on the procedures the council will undertake to ensure biodiversity is protected and enhanced, please see Appendix vi.

In addition, tree owners should be aware of the provisions of the Countryside and Rights of Way Act 2000 and Wildlife and Countryside Act 1981 (as amended) and in particular to Sections 1 and 9. These make it an offence to:

- Kill or injure any wild bird or any wild animal listed on Schedule 5;
- Damage or destroy the nest of any wild bird (when the nest is being built or is in use);
- Damage or destroy any place which certain wild animals use for shelter (including all bats, dormice and certain moths);

POLICY 15

TREE WORKS AND WILDLIFE PROTECTION

Prior to the commencement of works to council owned and managed trees, the wildlife/habitat potential of the trees will be considered and appropriate checks made. Further advice, surveys, measures and/or relevant licences will be sought when appropriate. In some cases work may need to be postponed to minimise impacts on protected species.

Wherever possible habitat features such as cavities, dead wood, water pockets, log piles and standing dead trees (among others) will be retained in situ as valuable niche habitats for wildlife. The presence of protected and other species will be a material consideration during the tree inspection process.

- Disturb certain wild animals occupying a place for shelter (including all bats, dormice and certain moths); or
- Pick, uproot or destroy any wild plant listed in Schedule 8.

Tree owners are advised prior to commencement of any works to consider whether such birds, animals or insects may be nesting or using the tree(s), and to ensure appropriate checks are made to ensure they do not contravene the legislation.

8.12

Green waste from council tree works

The council will seek to ensure all waste arising from tree works is reused or recycled by the tree contractors. They will also seek to re-use on-site wood products including bark chip for mulching around newly planted and young trees and shrub beds.

Where situations allow, such as areas in woodland or large groups of trees located away from the public highway or footpaths, logs from works will be left on site as habitat piles. Secondary and primary branches will be chipped to create wood chip mulch which will be composted and used for mulching around the bases of newly planted and established trees or on footpaths. Larger logs will be sent to paper manufactures or the national grid for the energy production.

POLICY 16

GREEN WASTE FROM COUNCIL TREE WORKS

The council will seek to ensure all waste arising from tree works is reused or recycled.



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9. OTHER TREE MANAGEMENT ISSUES

9.1

Pests, disease and biosecurity measures

Due to warmer winter conditions currently being experienced and the increase in the movement of plants and soil across borders, the risks of importing pest and diseases is increasing. Many British native tree species are under threat from pests and diseases imported on trees, shrub, plants, soils, wood packaging, vehicle tyres or soil on foot ware. Current key threats include Chalara Dieback of ash (*Hymenoscyphus fraxineus*) which is throughout the district and the oak processionary moth which severely affects oaks.

It is important that all tree owners are vigilant and the council will continue to prevent or minimise the introduction, establishment, spread and impacts of tree pests and diseases, including:

- Learning to recognise and report pests and diseases of concern to the Forestry commission using the Tree Alert online portal;
- Adopting good biosecurity practice to avoid the spread of organisms from place to place e.g. sterilising tools, footwear etc; or
- Not bringing soil or plants back from abroad.
- Only purchasing locally grown trees and shrubs;
- Reporting any notifiable pest and disease by means of the appropriate mechanisms and follow industry standard biosecurity measures as required;
- Asking contractors working on land owned or managed by Winchester City Council to sterilise equipment before and after use.

The forestry commission has published a link to aid tree owners to identify tree pest and disease at <https://www.gov.uk/guidance/identify-a-tree-pest-or-disease-overview>.

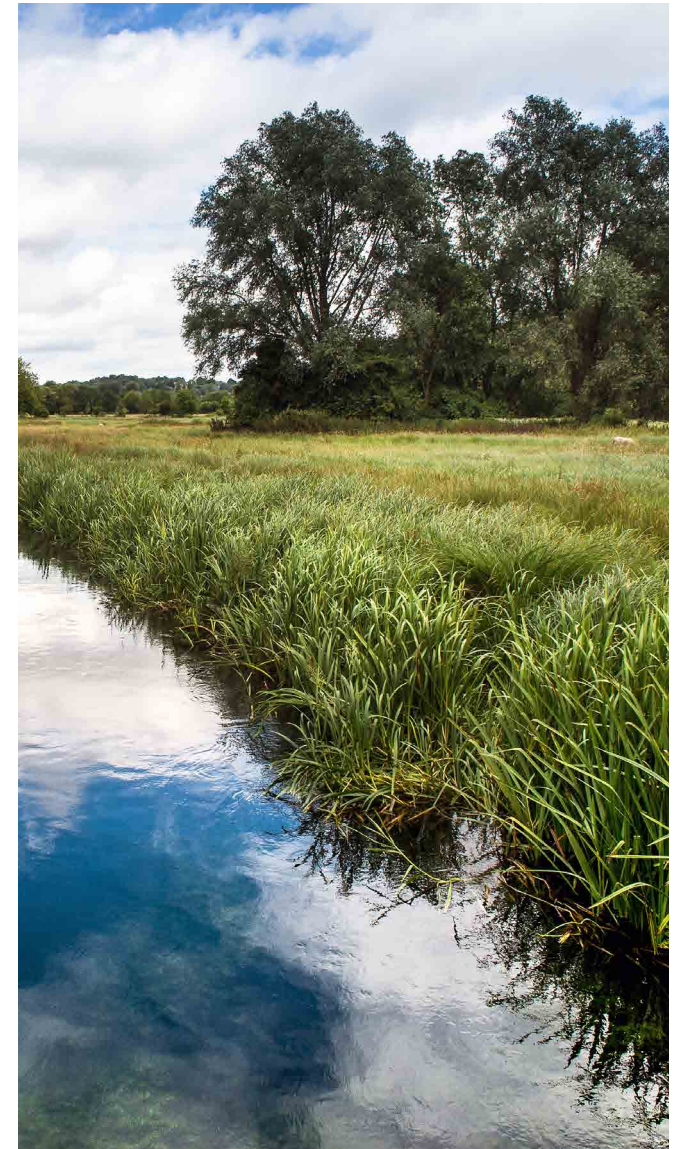
POLICY 17

PESTS, DISEASE AND BIOSECURITY

Winchester City Council will be vigilant and continue to prevent or minimise the introduction, establishment, spread and impact of tree pests and disease.

This includes

- Learning to recognise and report pests and diseases;
- Adopting good biosecurity practice;
- Not bringing soil or plants back from abroad.
- Only purchasing locally grown trees and shrubs;
- Reporting any notifiable pest and disease by means of the appropriate mechanisms and follow industry standard biosecurity measures as required.



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9.2

Ash Dieback (ADB).

Ash trees are a common tree located throughout the Winchester district. The council owns circa 1,200 individual ash trees across the district. However there are huge numbers of ash trees located within council and private woodlands and estates across the district.

Many of the ash trees across the district have been colonised with ADB which is caused by the fungus *Hymenoscyphus fraxineus* (formerly known as Chalara). The disease can infect ash trees of all ages and once an ash tree is infected, the disease restricts the flow of water and nutrients, leading to the trees rapid decline and potential death. ADB is now widespread across the UK and current estimates suggest that it could lead to the loss of 95% of all ash trees by 2030. This disease will have a dramatic effect on the landscape within the Winchester District as it is predicted that the effects of ADB on the local landscape will be greater than Dutch elm disease. However, it is not possible to predict the landscape or ecological impacts of the loss of ash trees at this time.

ADB is spread through the movement of diseased ash plants and logs/unsawn wood from infected trees. A ban was applied on all movement of ash trees and seeds in October 2012, however prior to that there were high volumes of ash (*F. excelsior*) imported to the UK every year.

If your ash tree becomes infected with the disease you must notify the Forestry Commission at:

<https://www.gov.uk/guidance/find-a-specific-tree-pest-or-disease#tree-pests-in-alphabetical-order>,

Where trees with ash dieback have been identified, the council will consider removing the infected trees where appropriate and to restock using suitable replacement trees. However, the council will not automatically remove infected ash unless there is a strong arboricultural or risk need.

If you are concerned about an ash tree on land owned by Winchester City Council please report the issue by contacting the Winchester City council at naturalenvironment@winchester.gov.uk or telephone 01962 848301.

POLICY 18

ASH DIEBACK.

Winchester City Council will not automatically remove infected ash trees. However, the council will undertake a more frequent inspection routine to monitor the trees health by means of cyclic tree inspection and risk zoning

Where infected dying or dead ash trees pose a high risk to life or property they will be removed.

Where the council receives a tree works application to fell protected ash trees that are potentially infected by ADB, a full arboricultural justification will be required by means of a professional arboricultural report or confirmation from the Forest Research Tree Health Diagnostic and Advisory Service that the trees are infected. Application and documentation for felling will be in accordance with the requirements of policy 20. (Determination of tree work applications for trees subject to protection from a Tree Preservation Order).

Winchester City Council will not support the removal of healthy ash trees without full arboricultural justification. The potential for an ash tree to become infected will not be a material consideration.

Winchester City Council will use planning conditions to ensure replacement trees of suitable species and size are planted where protected ash trees are removed.

Winchester City Council will plant replacement trees on land it owns or manages where infected ash trees are removed.

9. OTHER TREE MANAGEMENT ISSUES

9.3

Tree planting, natural regeneration and establishment

The council is committed to delivering a regular and effective tree planting programme across its whole land holding which includes parks and open spaces, cemeteries, historic formal gardens, recreation grounds and housing land including tenants/communal gardens and open spaces. However, it is also important to note that whilst trees have biodiversity and carbon sequestration benefits, so do other habitats such as wetlands and permanent species rich grassland. Therefore trees will only be established where they add benefit in terms of biodiversity and carbon sequestration.

As part of the ongoing maintenance of the existing tree stock, some trees will need to be felled and the council will look to replace every tree lost with at least one new tree. In addition to planting, the council will continue to seek opportunities for natural regeneration, as this can potentially be more effective in delivering biodiversity, carbon and landscape benefits.

However, as always the location of any new trees must be carefully considered prior to establishment. In particular planting should only be undertaken on sites where it achieves carbon sequestration and biodiversity enhancements such as amenity grassland.

In addition all new trees should be managed in the first few years, with some form of management throughout their lifetime. The council will look to maximise the survival of all newly established trees.

However, it is important to note this can be costly and resource intensive as newly established trees will often require watering in the first few years of their life, regular checks, protection for pests and weeds, formative pruning etc. In fact, the greatest cost of tree planting is the work needed to maximise their chances of survival once they have been placed in the ground.

Therefore any tree planting or natural regeneration will be carefully planned, communicated, funded and managed. Therefore when undertaking planting, the council will undertake the work in accordance with best practice and consider a range of factors including location, soil type, proximity to buildings and structures.

With regard to species selection, this will be determined by the site constraints and conditions and potential future issues such as global warming, pests and diseases. Therefore planting will not be limited to native tree species which are becoming increasingly vulnerable to pest and diseases and climate change. Instead, the council will plant a greater range of species including non-native trees, to ensure the trees in the district are more resilient to change.

Furthermore, due to the need to limit nitrates leaching from the soil and entering the water system, to provide biodiversity net gain and to support the climate emergency, the council will seek opportunities where appropriate to undertake larger planting schemes.

Prior to undertaking tree planting the council will inform ward members and relevant local residents of tree planting where necessary.

POLICY 19

TREE PLANTING, NATURAL REGENERATION AND ESTABLISHMENT

The council will undertake a regular tree planting/natural regeneration programme in accordance with best practice. In addition, it will seek opportunities for larger scale planting programmes where appropriate.

When considering new planting the council will consider:

- Location.
- Existing tree cover, habitat type and land use.
- Species type.
- Soil type and condition.
- Presence of services including underground and overground wires.
- Proximity to buildings and structures.
- Funding, cost of planting and maintenance requirements.

9.4

Tree related subsidence and heave

Subsidence and heave is a complex interaction between the soil, built structure, climate and vegetation that occurs on highly shrinkable soils such as the clay soils found in the south of the district. Damage occurs to the built structure when the soil supporting all or part of the structure dries out and/or re-hydrates, resulting in the built structure moving, causing structural cracking or differing floor levels.

Trees have a large root system and can contribute to soil drying out, particularly in heavy clay soils, although it does depend on the species and size of tree and surrounding area. However, other factors can cause or exacerbate subsidence such as:

- Natural seasonal soil moisture changes;
- Localised geological variations;
- Lack of flank wall restraint;
- Over-loading of internal walls;
- Internal alterations reducing the load bearing capacity of the original building;
- Installation of replacement windows without proper support;
- Loft conversions;
- Settlement;
- Land slippage.
- Leaking drains or water supply.

Therefore if a council owned tree is cited as causing subsidence and/or heave, the council will need to see clear evidence that the tree is a causal factor in the damage to a built structure. This is expected to include:

- Root Identification report
- Geotechnical report
- Soil Analysis report
- Arboricultural report
- Engineer's Report
- Level monitoring report for a period of 1 year.
- Drain and water supply survey

Any claims made against the council for tree related damage or subsidence will need to be supported by strong expert evidence that demonstrates on the balance of strong probabilities, that the tree(s) is a causal factor in the property subsidence. Where necessary the council will obtain expert advice to verify the submitted evidence.

The legal onus is on the complainant to prove the tree(s) is the cause of the damage to the built structure. Property owners are advised to contact their property insurer if they believe their property is suffering from tree related damage or subsidence.

The policy below relates to council owned trees only. For trees protected by a Tree Preservation Order or located within a Conservation Area, please see sections 10 and 11.

POLICY 20

TREE RELATED SUBSIDENCE AND HEAVE

Where a tree is owned or managed by the council, the council will only agree to the removal of the tree(s) once it has been established (on the balance of probability and through the provision of sufficient expert evidence) that the tree(s) is an influencing cause of the alleged damage to the adjacent built structure.

10. EXISTING POLICY REGARDING TREE PROTECTION AND DEVELOPMENT MANAGEMENT

Trees are protected through a range of mechanisms which are detailed below.

10.1

Winchester City Council Local Plan

The Winchester Local Plan contains numerous policies some of which directly relate to the trees and their protection. It is therefore essential that anyone wishing to undertake development which may impact on trees and their location, woodlands and important hedgerows should consult this document as early as possible. For a link to the current Local Plan please see Appendix vii

10.2

The National Planning Policy Framework (NPPF) and corresponding guidance

This provides information for anyone wishing to undertake development which may impact on trees and their locality, woodlands and important hedgerows. Again it is essential that anyone wishing to undertake development which may impact on trees and their location, woodlands and/or important hedgerows should consult this document as early as possible. For a link to the NPPF please see Appendix vii.

POLICY 21

EXISTING POLICY REGARDING TREE PROTECTION AND DEVELOPMENT MANAGEMENT.

Any development works which impact on trees, woodlands and important hedgerows must have regard to the Winchester City Council Local Plan and all national guidance such as the National Planning Policy Framework.



11. STATUTORY TREE PROTECTION - TREES AND DEVELOPMENT MANAGEMENT

11.1

Introduction

Under the UK planning system, Local Planning Authorities have a statutory duty to consider the protection and planting of trees and their setting, when assessing applications for proposed development. Winchester City Council tree officers act as consultees to the planning case officers, thereby providing expert advice and recommendations in line with all relevant legislation and guidance.

Trees that have taken many decades to mature can be easily damaged within minutes by construction activities. Soil compaction, soil disturbance; trenching and contamination can damage and kill tree roots which in turn impacts negatively on the tree, often leading to its early demise. Soil structure surrounding the roots is also at risk from compaction (such as from vehicle access) and contamination (i.e. spillage of substances toxic to tree roots) which can have further long term impacts on tree health. Damage to stems and branches from construction plant creates wounds to the tree which create opportunities for decay pathogens to colonise trees, thereby reducing their safe useful life.

Trees often do not recover from damage caused by construction activities and even if the development does not directly remove a tree, it can often die subsequently, following development, therefore the early provision of physical protection from construction activities is vital for the preservation of trees.



TREES PRODUCE MEDICINE

- Aspirin comes from Willow bark
- Taxol which is used in the treatment of some cancers comes from yew trees
- Quinine is the basic ingredient for many anti-malarial drugs and is obtained from pine tree bark

See page 50 for more interesting facts

11.2

Trees in relation to development management

The potential affect on trees, whether statutorily protected by a Tree Preservation order/Conservation Area or not, is a material consideration that is taken into account in dealing with planning applications. Where trees are statutorily protected, it is important to contact the Local Planning Authority at Winchester City Council and follow the appropriate procedures before undertaking any works that may affect trees or their roots.

Therefore it is essential that from an early planning stage of the proposal, an applicant or land owner must take into account any trees which are directly or indirectly impacted by a proposed development. This includes trees/woodlands/ groups of trees within the redline boundary and trees which fall just outside the red line boundary but are on a neighbouring property. Consideration must be given to the tree itself and its root protection area. This can be achieved by a adhering to BS5837 (2012) and undertaking an Arboricultural impact assessment carried out by a suitably qualified and experienced Arboricultural consultant.

The types of tree protection works which need to be considered if a tree is impacted by development includes (but not exclusively):-

- Tree protection fencing to create construction exclusion zones;
- Ground protection;
- Installation of special surfacing to prevent soil compaction;
- Arboricultural works to access site and facilitate proposal;
- Pre-start site meeting;
- Inspection of fencing and ground protection measures specified and agreed by the Local Planning Authority; and
- Tree planting programmes including tree canopy net gain.
- These works will need to be supervised by an arboricultural specialist appointed by the developer, at all times.

Therefore where an application is potentially impacting on trees, an applicant or landowner is required to submit the following documents to the council, to allow for a full and proper assessment of the proposed works.

- An arboricultural impact assessment
- An arboricultural work method statement
- A tree protection plan including details of ground protection, low impact foundations low impact surfacing, drains and utility service runs.

Failure to provide the necessary documents at application is likely to result in a delay to your application, a request for additional information to be supplied by the applicant/landowner and even refusal of a planning application.

Any documents submitted in relation to trees and development are expected to reflect the guidance confirmed within BS5837:2012 Trees in relation to design, demolition and construction – Recommendations (or any subsequent revisions).

In addition all planning applications for development must be in accordance with the 1APP local requirements list which can be found at

<https://www.winchester.gov.uk/planning/planning-applications/1app-local-list-documents/>

Please note: The removal of protected or unprotected trees, groups of trees and woodlands will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations. Where consent to remove trees for development is given, it is likely the council will request a ratio of one replacement tree to one felled for trees where the felled tree has a diameter at breast height (DBH) smaller than 30cm. and three replacement trees for every one felled where the DBH is greater than 30cm.

11. STATUTORY TREE PROTECTION - TREES AND DEVELOPMENT MANAGEMENT

11.3

Key areas for applicants to consider

When submitting a planning application which has the potential to impact directly or indirectly on trees, an applicant should ensure:

- Development proposals demonstrate that ground protection measures are in place prior to any work starting on site. This is key to protect the soil within areas where new tree planting is to be undertaken;
- That all suitable opportunities to maximise opportunities for trees and woodlands are identified and incorporated into the development.
- The development design makes allowances for future growth of root systems, stem and canopies for retained trees. This is to reduce the number of issues and conflicts arising post construction in relation to existing trees.
- New tree planting must follow the premise of "*right tree in the right place*". Any new tree planting must allow for sufficient soil volumes and space to allow trees to establish and grow to maturity including the root systems, stem and canopies.

POLICY 22

TREES IN RELATION TO DEVELOPMENT MANAGEMENT

The Local Planning Authority at Winchester City Council requires any planning applications submitted for development which may affect trees directly/indirectly be completed in accordance with the 1 APP local requirements, the Winchester City Council Local Plan and the NPPF and all other relevant guidance and legislation.

In addition the following supporting documentation must be submitted in accordance with the recommendations confirmed within BS5837 (2012).

- Full tree survey to assess all trees on off the site that may be affected by the proposal.
- An Arboricultural impact assessment
- An Arboricultural work method statement
- A tree protection plan including details of ground protection, low impact foundations low impact surfacing, drains and utility service runs.

The Local Planning Authority at Winchester City Council will assess submitted development proposals that may affect trees health against the prevailing planning policies, supplementary planning documents and neighbourhood design statements.

The Local Planning Authority will use Tree Preservation Orders to protect trees which are

under threat from development, but will not use Tree Preservation Orders solely to prevent development.

The removal of protected trees, groups of trees or woodland will only be permitted in exceptional circumstances and in accordance with the relevant legislation. Where protected trees are subject to felling, new suitable replacement trees of an appropriate number, species and size will be planted in an appropriate location to mitigate their loss.

With regard to tree planting, opportunities at the planning stage of the development for new planting will be considered and incorporated into the schedule of works where feasible, including achieving a net gain in tree canopy cover.

The chosen tree species for all new tree planting must be site appropriate and there must be adequate soil volume and sufficient space for the trees to potentially reach full maturity.

The Local Planning Authority at Winchester City Council will take into account the ultimate mature size and canopy spread of the retained trees that are on and near the proposed development site. Consideration will be given to the needs of the tree(s) in regard to the available space and the relationship to the proposed built structure, when assessing applications. This is to avoid future pressures on the tree(s) for reduction or removal due to leaf debris, nuts and seeds, bird fouling or light and shading issues.

11. STATUTORY TREE PROTECTION - TREES AND DEVELOPMENT MANAGEMENT

11.4

Utility operations near trees and planning applications.

Utilities operations near trees will be managed in line with the guidance set out by the National Joint Utilities Group (Volume 4: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2, 2007)). If utility companies and their contractors fail to carry out works in accordance with this guidance, the council will issue planning enforcement stop notices to cease work immediately and may consider prosecution if protected trees have been damaged.

POLICY 23

UTILITY OPERATIONS NEAR TREES AND PLANNING APPLICATIONS

If utility companies and/or their contractors fail to carry out works in accordance with all relevant guidance, Winchester city Council will issue planning enforcement stop notices to cease work immediately and may consider prosecution if appropriate.

It is essential that all utility companies gain permission from Winchester City Council for any works to a council owned/managed tree prior to undertaking the work.

11.5

Ancient woodland and ancient trees in relation to development management.

There is Standing Advice produced by Natural England and the Forestry Commission on planning decisions in relation to ancient woodland and ancient or veteran trees.

Any applicant should take account of this Standing Advice when looking to undertake any works which may impact on ancient woodland or ancient trees themselves or on the tree roots, soil, seed bank, historical value, environmental and/or ecological benefits that the tree provides.

Ancient or veteran trees take many years to develop and are irreplaceable once damaged. Ancient woodlands, ancient trees and veteran trees provide irreplaceable habitats for fungi, and soil microorganisms plus ground flora, bats, birds and other wildlife. Development and construction activities can have a highly detrimental impact on the health of an ancient woodland or trees, and the wildlife they support. See appendix ii for a link to the Standing Advice.



FLOWERING BULBS SUCH AS BLUEBELLS HAVE EVOLVED THEIR GROWTH CYCLE TO BE IN SYNC WITH THE OAK TREE'S GROWTH CYCLE TO ENSURE THEY GET ENOUGH LIGHT TO FLOWER

See page 50 for more interesting facts

12. STATUTORY TREE PROTECTION – TREE PRESERVATION ORDERS (TPO'S)

12.1

TPO's – Introduction

Under the provisions of Section 198 of the Town and Country Planning Act 1990, the council has a duty to protect individual trees, groups of trees, woodlands or areas by means of a Tree Preservation Order (TPO). However it can only be applied to trees which are deemed to have sufficient amenity value.

A Tree Preservation Order may be placed on a tree because of:

- A request to undertake work on trees in a Conservation Area which are deemed to have a detrimental impact on the tree's health and amenity value.
- Potential threats from development.
- Information provided by members of the public, neighbours and others
- Information provided by City Council Members and officers.

Once a potential need for a tree(s) to be protected has been raised with the council, officers will assess whether it is expedient in the interests of amenity to make a provisional Tree Protection Order. Whilst it is legally acceptable to TPO any tree, the council does not consider this to be appropriate and will only protect trees which are considered to be under threat either now or in the future from felling or unsuitable management and which are of sufficient amenity value.

All new TPO's will be confirmed within 6 months of issue.

The Secretary of State has produced Planning Practice Guidance which explains the legislation governing Tree Preservation Orders and tree protection in Conservation Areas, and this can be viewed at:

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>



A TREE PRESERVATION ORDER IS A LEGAL DOCUMENT THAT PROHIBITS:

Cutting down; topping; lopping; uprooting; wilful damage and/or wilful destruction of trees without consent from the Local Planning Authority at Winchester City Council.

There are 4 types of TPOs:-

- Individual TPO - This relates to individual trees and there is no limit on the number of individual trees that can be included within a TPO.
- Group TPO - This relates to trees in a group which can be of any number of trees. There is also no limit as to the number of groups that be included in the TPO.
- Woodland TPO - This safeguards the woodland as a whole and includes all present and future trees within the area. It can be of any size or number of trees and there is no limit to the number of woodlands that can be included within the TPO.
- Area Orders - area orders are used to protect individual trees dispersed over an area. Authorities may either protect all the trees within an area defined on the orders map or only those species which are expedient in the interests of amenity. The area category is intended for short term protection in an emergency.

POLICY 24

THE PLACING OF TPO'S ON TREES

Winchester City Council will protect individual trees, groups of trees, woodlands or areas by means of a TPO where trees are deemed to have sufficient amenity value and where there is a perceived threat to the tree either now or in the future, where possible.

12. STATUTORY TREE PROTECTION – TREE PRESERVATION ORDERS (TPO'S)

12.2

How to find out if your tree is protected by a TPO

Before carrying out work on a tree the owner/contractor must check to see if it is protected. It is a criminal offence to cut down, uproot, wilfully destroy a tree, top, lop or wilfully damage a tree in a way that is likely to destroy it or causes or permits such activities. The penalty for undertaking unauthorised work to a protected tree can be unlimited fines and custodial sentence if the offence is deemed significant.

To find out if a tree is protected by a TPO please go to the Winchester City Council website - www.winchester.gov.uk/planning/trees and follow the links.

It is important to note that a TPO does not prevent works to a tree. Assuming the works are reasonable and the person undertaking the works has the appropriate permission in advance from the local planning authority at Winchester city council, the works can be undertaken.

12.3

Applying to undertake works to trees protected by a TPO

All works to trees protected by a TPO must have the approval of the Local Planning Authority at Winchester City Council. To apply for approval applicants can:-

1. Download an application form at <https://www.winchester.gov.uk/planning/planning-applications/winchester-1app-forms>. Please use Form No 26.
2. Submitting an application through the planning portal at <https://www.winchester.gov.uk/planning/trees>
3. Request a hard copy of the application form by contacting the tree team at Winchester City Council on 01962 848301 and naturalenvironment@winchester.gov.uk.

It is essential an applicant provides all the necessary information when submitting an application for works to a tree protected by a TPO. In particular, the applicant MUST provide the following:

- Completed and dated application form, with all mandatory questions answered.
- Sketch plan showing the location of all tree(s);
- A full and clear specification of the works to be carried out;
- A statement of reasons for the proposed work; and
- A tree report by a tree professional (arboriculturist) or other to provide evidence in support of statement of reasons where required by the standard application form.

Failure to supply sufficiently precise and detailed information may result in an application being rejected or delayed. In addition the council is not obliged to accept incomplete, vague or ambiguous applications and if the information is not acceptable the application will be returned to the applicant.

If an applicant is unsure of the works required, we recommend they contact a reputable tree consultant before applying to the Council. A list of consultants approved by the Arboricultural Association can be found at www.trees.org.uk/find-a-professional.

Unfortunately due to legal and resourcing constraints it is not appropriate nor possible for a council tree officer to provide advice.

12.4

Process for applications received by Winchester City Council

Assuming that all the necessary information is provided, the application will be validated within 5 days of receipt (where possible) and the applicant will receive notification that the application has been validated. If the tree owner has appointed an agent to act on their behalf, the confirmation letter will be sent to the agent along with an orange notice that must be displayed for 21 days at the site where the proposed tree works are to be carried out. In addition all relevant neighbours and the Local Parish Council will be notified of the application and will be given the chance to comment on the proposal.

In addition the council publishes a weekly planning list of all planning applications including TPO applications in the local newspaper.

The City Council also keeps a register of all applications for consent under each Tree Preservation Order. This register is available to the public at <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>

The council will normally determine a tree works application within 8 weeks of it being validated, unless an extension of time has been agreed with the applicant for more complex cases. In addition, there may be times when the determination takes longer than 8 weeks, but in this situations the council will be in communication with the applicant or their agent advising them of the current status of the application.

The Local Planning Authority may determine tree works applications as follows:

- Refusal: If the Local Planning authority is minded to refuse a tree works application the Council will make contact with the application prior to the decision being issued.
- Grant consent unconditionally
- Grant consent, but with conditions such as to regulate the standard of work, or planting of a replacement tree.

Where the Local Planning Authority refuses a tree works application the tree owner has a right of appeal to the Planning Inspectorate. Details of how to appeal a decision are in the decision letter.

Consent for tree works approved by the Local Planning Authority is valid for 2 years from the date the decision notice was issued.

Please note, the council has the power to take legal action against anyone contravening a Tree Preservation Order under Section 210(2) of the Town and Country Planning Act 1990, which provides that anyone found guilty of these offences is liable, if convicted to unlimited fines and/or a custodial sentence.



12. STATUTORY TREE PROTECTION – TREE PRESERVATION ORDERS (TPO'S)

12.5

Process if a tree protected by a TPO is dead or dangerous

If your tree (which is protected by a TPO) is dead or you consider it dangerous, consent is not required but the council should be given five days' notice before any works are carried out, unless it is an emergency. In these situations we still advise that you notify the council as soon as possible to minimise any negative repercussions. However, we strongly recommend that photographs of the dead or dangerous tree are taken prior to its remove and forwarded to Winchester City Council as soon as possible.

It should be noted that the five day notice is an exemption to trees protected by the Town Country Planning Act 1990 – (Tree Preservation) (England) Regulations (2012), and it is only permitted under this notice to carry out tree works on a protected tree where it is urgently needed to remove an immediate risk of serious harm. Where a breach is suspected the onus will be on the tree owner to prove that the tree(s) was exempt from protection due to the risk of serious harm it posed before removal.

If there are dead branches within the canopy of a protected tree, Local Planning Authority consent is not required to remove these. However, when considering dead wood, tree owners, their agents and authorities should consider whether the deadwood is providing habitat for protected wildlife species and therefore

protected under other legislation. Once again, it is advisable to photograph dead branches before they are removed to evidence that there has not been a breach of a TPO.

The council has the power to take legal action against anyone contravening a Tree Preservation Order under Section 210(2) of the Town and Country Planning Act 1990, which provides that anyone found guilty of these offences is liable, if convicted to an unlimited fine and/or a custodial sentence.

Please see section 8.3 for details of subsidence related applications for works to trees that are protected by a Tree Preservation Order.

POLICY 25

TREE WORKS APPLICATIONS FOR TREES PROTECTED BY A TREE PRESERVATION ORDER

Tree works applications for trees protected by a TPO which contain all necessary information will be validated within five days of receipt by the City Council.

Winchester City Council will not accept incomplete, vague or ambiguous tree works applications for trees protected by a TPO.

The council will carefully assess each tree works application in regard to the submitted proposals including the potential impact on the local landscape, the setting and character of the area, the public visual amenity value and health of the trees. The application will be assessed against local planning policy and a decision made as to whether the proposed tree works are justified.

Winchester City Council will not consent to tree works that will have a detrimental effect on the tree(s) health and visual public amenity value without full arboricultural justification.

The council where necessary will use conditions when granting consent for tree works to ensure that:

- All consented works are in accordance to good arboricultural and forestry standards;
- New replacement trees are planting where consent is given to fell trees.

Decisions for TPO tree works applications will be issued within 8 weeks.

13. STATUTORY TREE PROTECTION – TREES LOCATED IN CONSERVATION AREAS

13.1

Introduction

There are 37 Conservation Areas in the Winchester District. All trees which have a stem diameter of 75mm or above at 1.5m above ground level are automatically protected in a Conservation Area, and cannot be pruned or removed without first giving Winchester City Council 6 week's written notice.



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CONSERVATION AREAS ARE DESIGNATED FOR THEIR 'SPECIAL ARCHITECTURAL AND HISTORIC INTEREST'. THEY VARY IN CHARACTER, FORM AND SIZE FROM A SMALL GROUP OF BUILDINGS TO A LARGE PART OF A TOWN, BUT THEIR DESIGNATION MEANS THAT THEY ARE ALL WORTHY OF PROTECTION AS AREAS OF SPECIAL MERIT.

13. STATUTORY TREE PROTECTION – TREES LOCATED IN CONSERVATION AREAS

13.2

How to find out if a tree/s are protected by a Conservation Area

Before carrying out work on a tree in a Conservation Area, the owner/contractor must check to see if it is protected. It is a criminal offence to cut down, uproot, wilfully destroy a tree, top, lop or wilfully damage a tree in a way that is likely to destroy it or causes or permits such activities. The penalty for undertaking unauthorised work to a protected tree within a Conservation area can be up to an unlimited fine and/or a custodial sentence if the offence is deemed serious.

To find out if a tree is protected by a Conservation Area notice, please go to the Winchester City Council website - www.winchester.gov.uk/planning/trees and follow the links.



© Harvey Mills

13.3

Applying to undertake works to trees protected by a Conservation Area

All works to trees protected by a Conservation Area must have the approval of Winchester City Council. To apply for approval applicants can:-

1. Download an application form at <https://www.winchester.gov.uk/planning/planning-applications/winchester-1app-forms>. Please use Form No 26.
2. Submitting an application through the planning portal at <https://www.winchester.gov.uk/planning/trees>
3. Request a hard copy of the application form by contacting the tree team at Winchester City Council on 01962 848301 or naturalenvironment@winchester.gov.uk. Tree works application forms can be downloaded at <https://www.winchester.gov.uk/planning/planning-applications/winchester-1app-forms>
4. Email Winchester City Council providing the following information
 - a. A sketch plan showing the precise location of the tree(s);
 - b. A full and clear specification of the works to be carried out.
 - c. A statement of reasons for the proposed work

If you are unsure as to what work you would like to carry out and would like to seek help, we recommend you contact a Tree Consultant before applying to the council. A list of consultants approved by the Arboricultural Association can be found at www.trees.org.uk/find-a-professional

Applications or notifications that are complete will be validated within five days of receipt. The applicant or agent will be notified that the council has received the notification. As there is no requirement for the council to consult on works to be undertaken to trees in the Conservation Area, the council will not notify neighbours and the Local Parish Council of the proposed works. In addition, there is no requirement to display an orange notice.

However, the council will publish a weekly list of all planning applications received and this will include proposed tree works in Conservation Areas. This can be located at <https://www.winchester.gov.uk/planning/planning-applications/weekly-lists/weekly-lists-2021>

The Local Planning Authority keeps a register of all applications for consent under each Conservation Area Notification. This register is publicly available and a copy of the register may be viewed at <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>

If your tree is dead or you consider it dangerous, consent is not required but the council should be given five days' notice before any works are carried out, unless it is an emergency. In these situations we still advise that you notify the council as soon

as possible to minimise any negative repercussions. However, we strongly recommend that photographs of the dead or dangerous tree are taken prior to its removal and forwarded to the council as soon as possible.

It should be noted that whilst the five notice is an exemption to trees protected within a Conservation Area, it is only permitted under this notice to carry out tree works on a protected tree where it is urgently needed, to remove an immediate risk of serious harm, as soon as practicable after works become necessary.

If you have dead branches in your protected tree, local Planning Authority consent is not required to remove these. However, where safe to do so, it is advisable to retain dead wood, as it provides a valuable biodiversity habitat. Landowners, their agents and other authorities are advised to photograph dead branches or whole trees which are dead or dangerous, before they are removed, to record they have not breached tree protection within the Conservation area.

Landowners, their agents and other authorities are encouraged to contact the tree team at Winchester City Council to prior to removing the deadwood on 01962 848301 or by email: naturalenvironment@winchester.gov.uk.

The council has the power to take legal action against anyone contravening Tree protection within a Conservation Area under Section 211 of the Town and Country Planning Act 1990, which provides that anyone found guilty of these offences may be liable to an unlimited fine and/or a custodial sentence.

13. STATUTORY TREE PROTECTION – TREES LOCATED IN CONSERVATION AREAS

13.4

Determination of Conservation Area notifications.

Winchester City Council as the Local Planning Authority will determine Conservation Area notifications within six weeks of receipt, using one of three options:

- Raise no objection and allow the proposed tree works to go ahead.
- Raise an objection and make a Tree Preservation Order to stop the proposed works from going ahead. Where the Local planning Authority decides to raise an objection and is considering serving a TPO the councils Tree Officer will liaise with the tree owner or agent before proceeding.
- Not respond. Once the six week period following receipt has elapsed, the applicant is able to undertake the works.

The Secretary of State has produced Planning Practice Guidance which explains the legislation governing Tree Preservation Orders and tree protection in Conservation Areas, and this can be viewed at:

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

POLICY 26

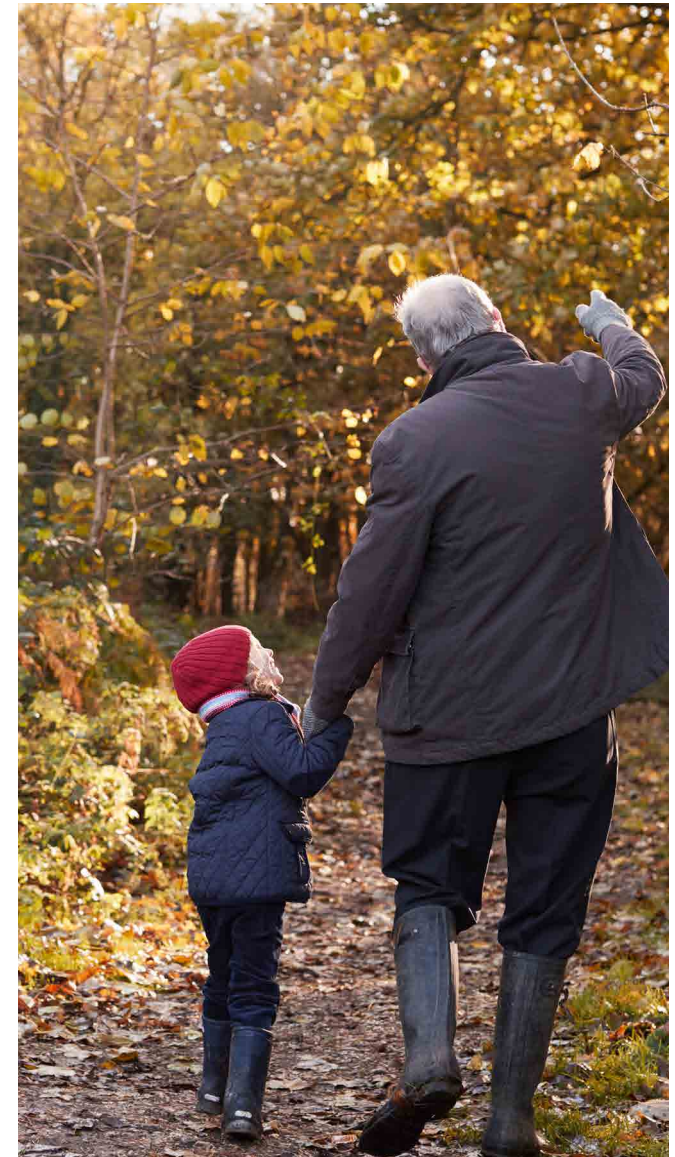
TREES IN CONSERVATION AREAS.

Tree work applications for trees protected by a Conservation Area which contain all necessary information will be validated within five days of receipt by the City Council.

The Local Planning Authority will not accept incomplete, vague or ambiguous tree works applications for trees protected by a Conservation Area Notification. (For clarification complete application or notification means all of the requirements detailed in section 17.1).

The Local Planning Authority will carefully assess the submitted proposals for each tree works application, focusing on the potential impact on the local landscape, the setting and character of the Conservation Area, the public visual amenity value and health of the trees. These will be assessed against local planning policy and consideration will be given to whether the proposed tree works are justified.

Where the Local Planning Authority raises an objection to the proposed works, the Local Planning Authority will inform the applicant and give the applicant the chance to withdraw the application before serving a Tree Preservation Order to stop the proposed tree works from going ahead.



14. STATUTORY TREE PROTECTION - ENFORCEMENT

14.1

Introduction

Under the planning legislation, the council has powers to take action against people who carry out unauthorised works to protected trees without consent from the Local Planning Authority under Section 210(2) of the Town and Country Planning Act 1990 (see section 10 and 11 above).

With regard to enforcement in relation to development management, the council may respond to any complaint or an alleged breach to protection or a potential non-compliance of tree protection conditions.



14.2

Enforcement Tree Planting Notices

Winchester City Council shall place conditions on each development management application and/or TPO application requiring the planting of a suitable replacement tree, if a tree has been felled legitimately as part of the application. If this condition is breached, the council can enforce the replanting of a tree through a Tree Replacement Notice, as advised by the Secretary of State in accordance with section 207 of the Town & Country Planning Act 1990.

The landowner has the right of appeal to the Secretary of State via the Planning inspectorate to the Tree replacement notice as per the procedure laid out in the Planning Practice Guidance publication which can be found at:

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

If the landowner fails to plant the replacement trees as instructed by Winchester City Council, the council shall plant the replacement tree(s) and recover the cost of the planting from the landowner.

POLICY 27

ENFORCEMENT WHERE THERE HAS BEEN A BREACH TO TREE PROTECTION

The council will consider any complaint or alleged breach to the protection of a tree or a potential non-compliance of tree protection conditions.

Where there is sufficient evidence of a breach, provided that it is in the public interest to do so, the council may initiate criminal prosecution proceedings.

Where replacement trees have not been planted, the Local Planning Authority will issue Tree Replacement Notices to enforce replacement tree planting.

As well as the enforcement powers under the planning legislation, Winchester City Council as a landowner is able to take action under the Criminal Damage Act 1971 Chapter 48 against third parties that fell or cause wilful damage or destruction to a council tree.

15. AREAS OF DISPUTE

15.1

Neighbour disputes relating to tree works applications and Conservation Area notifications.

The council has no authority or delegated powers to intervene in a dispute between neighbours over trees.

It is possible to apply for works to trees not under your ownership. However, if consent is given by the Planning Authority for the works, the applicant must still gain permission from the landowner/owner of the tree in order to enter the neighbouring property and undertake the consented works.

15.2

High hedges

The Local Planning Authority has powers under the Anti-Social Behaviour Act 2003 to consider unresolved complaints relating to third party evergreen high hedges. The Local Planning Authority Enforcement team at Winchester City Council undertake this service. The powers only apply:

- To evergreen or semi-evergreen hedges more than two metres high.
- Where the height has an adverse effect on the reasonable enjoyment of your domestic property.
- Where the complainant has taken reasonable steps to settle the dispute themselves. Making a formal complaint should be a last resort.
- Where the complainant has paid a fee to the council to have a formal complaint considered. The fee is non-refundable even if the complaint is upheld.

For more information please contact the Planning Enforcement team on 01962 848 480 or email enf@winchester.gov.uk.

To submit formal complaints in regard to a high hedge go to <https://www.winchester.gov.uk/planning/planning-enforcement/high-hedges>

15.3

Mediation

Before contacting the Local Planning Authorities Enforcement team, neighbours are encouraged to amicably resolve the problem between themselves. However if an amicable solution cannot be achieved mediation may be an option. A mediation service may be found at <http://www.winchestermediation.org/>

POLICY 28

DISPUTES

Winchester City Council will not intervene if there is a dispute between neighbours over high hedges or trees unless they submit an appropriate application to the Planning Enforcement team. Prior to this the council encourages neighbours to seek mediation to resolve issues directly.

15.4

Dangerous trees in private ownership.

The council has discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976 to undertake works to trees in private ownership if they are imminently dangerous i.e. pose an imminent threat to life or property such as

- A tree developing a pronounced lean and there is imminent risk of whole tree failure.
- A tree which has snapped and is leaning on another tree or structure.
- A tree rocking under wind loading from the effects of root severance or decay.
- A large hanging branch which is liable to fall and cause harm to life and property.
- A large split which is likely to lead to a risk of failure.
- A tree which has failed and requires removal.
- A tree with extensive decay within its main stem.

Where the tree owner can be identified, under the provisions set out in Sections 23(2) and 23(3) of the Local Government (Miscellaneous provisions) Act 1976, the council can serve notice on the tree owner to carry out specified safety works within a period of not less than 21 days. If the specified safety works are not carried out, the council has the power to enter the land, carry out the works and reclaim

any reasonable costs incurred from the landowner. Where the owner cannot be identified or is unwilling to carry out the specified tree works, the council has the power to enter the land and carry out works to alleviate the risk and to then place a charge against the property for the costs of the tree works.

The Local Government (Miscellaneous Provisions) Act 1976 does not provide for the council to become involved with private trees causing a nuisance to a neighbouring property by causing shade, blocking views or dropping leaves, flowers or fruit etc. unless the trees are imminently dangerous.

Please note: The council will undertake work to alleviate the hazard arising from privately owned trees only as a last resort as set out in the Miscellaneous Provisions Act 1976.



POLICY 29

DANGEROUS TREES IN PRIVATE OWNERSHIP

Winchester City Council may use its discretionary powers in relation to dangerous trees in private ownership if the tree poses an imminent threat to life or property and will look to claim any costs incurred.

TREES INCREASE
THE VALUE OF
PROPERTY BY 5-18
PER CENT

See page 50 for more interesting facts



16. FORESTRY COMMISSION FELLING LICENCES

16.1

Introduction

Felling licences are required for large scale tree felling and replanting and are issued by the Forestry Commission. The need for a felling license is separate to the need to apply for works protected by a TPO or Conservation Area Notification.

When applying for a felling licence, the guidance states:

"In any calendar quarter you may fell up to 5 cubic metres (m³) of growing trees on your property without a felling licence (providing that the trees are not protected), as long as no more than 2m³ are sold".

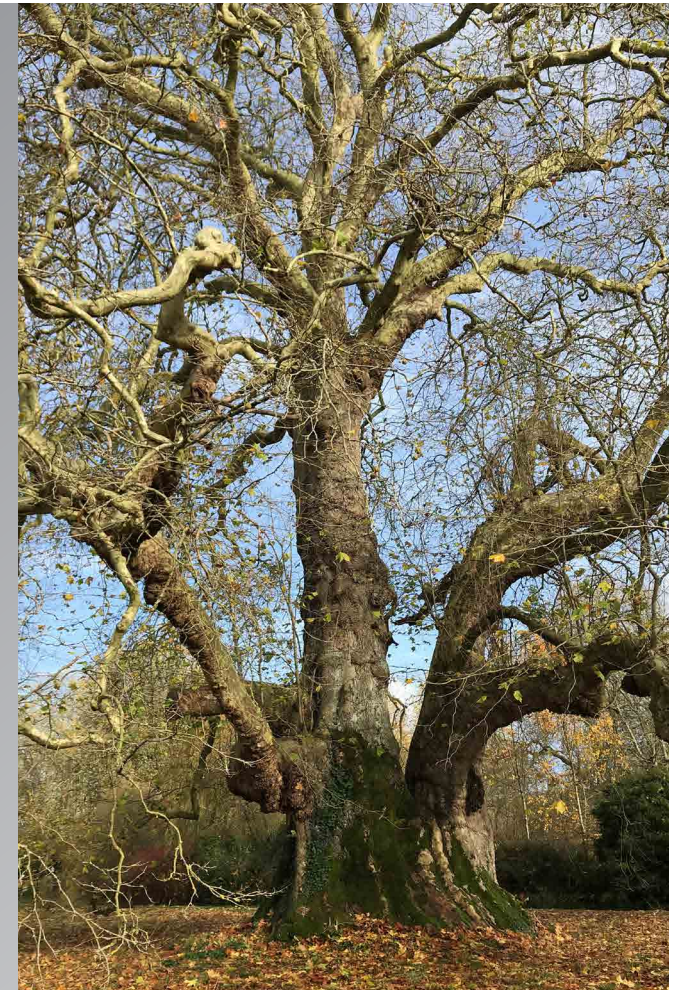
If you wish to fell more than the above allowance you will need to apply to the Forestry Commission for a felling licence. The Forestry Commission can be contacted at:

<https://www.gov.uk/government/publications/tree-felling-getting-permission>

To fell trees without the Forestry Commissions permission is a criminal offence, and offenders may be prosecuted for breaches of a felling licence.

ANCIENT AND VETERAN TREES

WHEN LEFT TO AGE, TREES REACH THEIR FULL CANOPY EXTENT AND THEN NATURALLY DIE BACK TO SMALLER TREES. AS THEY DO SO THEY DROP BRANCHES, WHICH BREAK DOWN AND ARE REABSORBED BACK INTO THE SOIL, ALLOWING THE TREE TO TAKE UP THE NUTRIENTS AGAIN. IT IS THIS PROCESS WHICH ALLOWS A TREE TO LIVE FOR MANY YEARS.



IT IS SAID THAT AN **OAK SPENDS 300 years growing, 300 years living and 300 years dying**

17. ANCIENT AND VETERAN TREES

17.1

Introduction

Ancient trees are exceptionally valuable from a biodiversity, cultural and historical point of view and are almost irreplaceable habitats. Very few trees of any species become ancient.

Veteran trees may not be particularly old but have decay pockets, deadwood, bark and splits that are habitats for a wide range of wildlife and fungi. Veteran trees vary in size - a tree does not have to be large to be classed as a veteran.

All ancient trees are veteran trees, but not all veteran trees are ancient. The age at which a tree becomes ancient or veteran will vary by species because each species ages at a different rate.

Both ancient and veteran trees are particularly important from a biodiversity cultural and historical interest due to their age, size and condition. Typically they are trees which have been coppiced or pollarded over the years and are usually found in woodland, parkland (particularly Historic Parks and Gardens), cemeteries, hedgerows and along riverbanks. Therefore their correct management is essential.

17.2

Management of Ancient and Veteran Trees

Veteran trees require specialist management to ensure that they are correctly maintained for their ecological and environmental benefits. It is important the management on any ancient or veteran tree should only be carried out if it is absolutely necessary.

Not only should the tree itself be carefully managed, but also the surrounding environment where the ancient or veteran tree is located.

It may be necessary to carry out the following:

- Restrict access beneath the crown spread of the tree by the use of fencing
- Remove competing vegetation such as grass.
- Remove hard surfacing
- De-compact the rooting area of the tree using air injection
- Apply appropriate nutrient to promote healthy tree growth
- Irrigate on a regular basis especially during prolonged dry spells.
- Mulch with a well-rotted woodchip mulch under the tree to beyond its canopy spread to a minimum area equal to its root protection area
- Dead wood management for ecological/ biodiversity reasons

- Create decaying wood habitats;
- Propping of low long branches to stop branch failure.
- Carry out appropriate tree surgery in accordance with good arboricultural practices for the management of ancient or veteran trees
- Write a management plan

Veteran trees should be checked at regular intervals and works carried out to trees only if deemed necessary and following consultation with the Natural Environment Team/council Arboriculture Officers. Further information for the management of ancient or veteran trees can be found at <http://publications.naturalengland.org.uk/publication/75035>

POLICY 30

VETERAN AND ANCIENT TREES.

Although Winchester City Council does not own or manage many veteran and/or ancient trees, where they exist, the council will undertake their management in line with best practice and national guidance.

APPENDIX



APPENDIX I – THE BENEFIT OF TREES

The benefits provided by trees are significant, not only as a valuable timber resource but also due to the social, environmental and economic benefits they provide including:-

- Mitigating climate change by acting as carbon storage and sequestration.
- Cooling the urban heat-island effect.
- Improving air quality by reducing airborne and particulate pollution.
- Mitigating flood alleviation, storm water management and wind turbulence.
- Masking noise pollution and improving water quality.
- Aiding the restoration of contaminated land and soil protection.
- Enhancing landscape character and providing cultural and historical interest.
- Providing health and wellbeing benefits.
- Providing amenity, shelter and aesthetic value.
- Providing ecological and biodiversity benefits.

Interesting facts about the benefit of trees

- Flowering bulbs such as bluebells have evolved their growth cycle to be in sync with the Oak tree's growth cycle to ensure they get enough light to flower.
- A diverse woodland structure from mature, veteran trees through to the microorganisms in the soil are all essential. Although trees within a woodland sequester carbon dioxide from the atmosphere, the ground flora including wild flowers and bulbs also play an enormous part in sequestering carbon dioxide from the atmosphere.
- Our most important woodlands are ancient woodlands which means they have been continually wooded since at least 1600AD. Some ancient woods link back to the original wildwood that covered the UK around 10,000 years ago, after the last Ice Age.
- Research has shown that if you can see a tree from your sick bed you are likely to need less drugs and have shorter hospital stays than those who see only a brick building wall. Ulrich (1984) <https://pubmed.ncbi.nlm.nih.gov/6143402/>
- Trees release scents and aromas that elicit a positive emotional response contributing to wellbeing.
- Aspirin comes from Willow bark.
- Taxol which is used in the treatment of some cancers comes from yew trees.
- Quinine is the basic ingredient for many anti-malarial drugs and is obtained from pine tree bark.
- Trees Increase value of property by 5-18 per cent (Forestry Commission – the Case for Trees [2008]) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718033/eng-casefortrees.pdf.
- Woodchip and bio-fuel are a by-product of tree works.
- Trees and woodlands carry out a natural process of photosynthesis that sequesters (absorbs) carbon dioxide from the earth's atmosphere and converts the gas into carbon which is stored within the trees structure until they die or are burnt. Trees and woodlands release oxygen back into the earth's atmosphere as a by-product of carbon dioxide absorption and photosynthesis.
- As trees grow larger, higher amounts of carbon dioxide are absorbed from the atmosphere and converted to stored carbon. Trees and woodlands are long term store houses of carbon and are known as carbon sinks that will continue to store carbon when the trees are converted into long lasting wood products.
- Tree foliage slows the volume and speed with which rainfall enters drainage systems – reducing flash flooding.
- The urban built environment within town centres is much warmer than rural areas. Brick, concrete and tarmac absorb and store heat from the sun known as the island effect. Trees can provide a cooling affect in the order of 1-10 degrees Centigrade within urban settings and can reduce localised extremes in temperatures – by cooling in the summer and warming in the winter (Forestry Commission – the Case for Trees [2008]) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718033/eng-casefortrees.pdf
- Even when a tree dies, if it is left in situ it has its ecological uses by providing habitat for boring insects, support fungi and slowly releasing its nutrients back into the soil as it decomposes.

APPENDIX II – DETAILED LIST OF RELEVANT LEGISLATION AND GUIDANCE TAKEN INTO ACCOUNT BY WINCHESTER CITY COUNCIL WHEN UNDERTAKING ITS TREE DUTIES.

Relevant legislation relating to the council's management of its own trees and duty as a planning authority:

- Climate Change Act 2008
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- Countryside and Rights of Way Act 2000
- Data Protection Act 2018
- Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides
- Environment Act 2021
- Environmental Protection Act 1990
- Food and Environment Protection Act 1985 (FEPA)
- Forestry Act 1967
- Hedgerows Regulations 1997
- Highways Act 1980
- Natural Environment and Rural Communities Act 2006
- Occupiers' Liability Acts 1957 and 1984
- Conservation of Habitats and Species Regulations 2017 (as amended)
- Health and Safety at Work etc. Act 1974
- Lifting Operations and Lifting Equipment Regulations 1998
- Provision and Use of Work Equipment Regulations 1998
- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- Wildlife and Countryside Act 1981 (as amended)
- Work at Height Regulations 2005
- Climate Change Act 2008
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- Countryside and Rights of Way Act 2000
- Data Protection Act 2018
- Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides
- Environment Act 2021
- Environmental Protection Act 1990
- Food and Environment Protection Act 1985 (FEPA)
- Forestry Act 1967
- Hedgerows Regulations 1997
- Highways Act 1980
- Natural Environment and Rural Communities Act 2006
- Occupiers' Liability Acts 1957 and 1984
- Conservation of Habitats and Species Regulations 2017 (as amended)
- Health and Safety at Work etc. Act 1974
- Lifting Operations and Lifting Equipment Regulations 1998
- Provision and Use of Work Equipment Regulations 1998
- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- Wildlife and Countryside Act 1981 (as amended)
- Work at Height Regulations 2005

APPENDIX II – DETAILED LIST OF RELEVANT LEGISLATION AND GUIDANCE TAKEN INTO ACCOUNT BY WINCHESTER CITY COUNCIL WHEN UNDERTAKING ITS TREE DUTIES.

Relevant guidance documents:

- Chapter 8 code of practice for signage lighting and guarding of street works and road works on all highways
- HSE Sector information minute. Management of the risk from falling trees 2011.

International Policies

1. United Nations Conference on Environment and Development (UNCED), Earth Summit. Rio de Janeiro, 1992
2. Agenda 20/30 -Sustainable Development Summit 2015
3. The Kyoto Protocol – Green Bonds

National policies

1. The UK Strategy for Sustainable Development 2005. (<http://sd.defra.gov.uk/what/principles/>).
2. Strategy for England's Trees Woods and Forests. DEFRA, 2007
3. The Natural Choice: Securing the Value of Nature 2011
4. UK Natural Ecosystem Assessment 2011
5. Woodland Carbon Code. More details can be found at: <https://www.forestresearch.gov.uk/tools-and-resources/statistics/forestry-statistics/forestry-statistics-2018/uk-forests-and-climate-change/carbon-sequestration/>
6. The Government urban tree planting challenge. A copy of the urban tree planting may be found at: <https://www.gov.uk/government/organisations/forestry-commission>
7. Woodland Carbon Guarantee
8. National Planning Policy Framework 2021
9. Planting of new woodlands. Details can be found at: <https://www.gov.uk/guidance/create-woodland-overview>
10. How to avoid the impact of development activities on ancient woodlands and veteran trees (including semi ancient woodlands and wood pastures of new woodlands. <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>



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Local Policies

11. Winchester City Council Local Plan.

Part 1 can be found at:

<https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-1-joint-core-strategy-adopted-march-2013-local-plan-review-2006/local-plan-part-1-joint-core-strategy-adopted-2013>.

Part 2 can be found at:

<https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-1-joint-core-strategy-adopted-march-2013-local-plan-review-2006/local-plan-part-1-joint-core-strategy-adopted-2013>

12. South Downs National Park Local Plan 2019. A copy of this plan may be found at: https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD_LocalPlan_2019_17Wb.pdf

Supplementary Planning documents and Statements

13. Winchester Districts Landscape Character Assessment 2004. A copy of the Landscape Character Assessment may be found at this address: <https://www.winchester.gov.uk/planning/landscape-countryside/landscape-character-assessment>

14. High Quality Places Supplementary Planning Document 2015. Further reading of this document can be viewed at: <https://www.winchester.gov.uk/planning-policy/supplementary-planning-documents-spds/high-quality-places-spd-adopted>

15. Neighbourhood Design Statements. Copies of the Winchester Local Area Design Statements may be found at these addresses: <https://www.winchester.gov.uk/planning-policy/village-design-statements> <https://www.winchester.gov.uk/planning-policy/neighbourhood-plans>

16. Winchester City Council Carbon Neutrality Action Plan 2019. A copy of the plan may be found at: <https://www.winchester.gov.uk/climate-change-and-energy/carbon-neutrality-action-plan>

17. Winchester City Council Nutrient Neutrality Position Statement 2020. Details of this statement may be found at: <https://www.winchester.gov.uk/planning/wcc-position-statement-on-nitrate-neutral-development>

18. Winchester City Council Biodiversity Action Plan 2021. A copy of this plan may be found at: <https://www.winchester.gov.uk/planning/landscape-countryside/biodiversity>

APPENDIX III – A LIST OF USEFUL CONTACTS (AS OF JANUARY 2022).

Winchester City Council tree team:

Telephone on 01962 848301

E mail naturalenvironment@winchester.gov.uk

On line reporting service that is available 24 hours a day 7 days a week <https://iweb.itouchvision.com/portal/f?p=1030:login:::NO:RP:UID:BCCCL9AHR2LD8259KCC868YE04000B7F01006BA4>

You may also write to the tree team at Winchester City Council at:

City Offices
Natural Environment and Recreation Team
Colebrook Street
Winchester
Hants
SO23 9LJ.

In case of a tree emergency the out of hours number is 01962 865407.

Other contacts: (Please note these numbers and links were up to date as of early 2022)

Winchester City Council Tree Team

Telephone 01962 848301

E mail naturalenvironment@winchester.gov.uk

Winchester City Council Customer Services

Telephone 01962 840222

E mail www.winchester.gov.uk

Winchester City Council Housing Services

Telephone 01962 848400

E mail HHub@winchester.gov.uk

Winchester City Council Planning

Telephone 01962 484 549

E mail planning@winchester.gov.uk

WCC – Planning Application Forms and Guidance

www.winchester.gov.uk/planning/planning-applications/winchester-1app-forms/

South Downs National Park Authority

Telephone 01962 848 185

Email sdplanning@winchester.gov.uk

SDNP – Planning Application Forms and Guidance

<https://www.southdowns.gov.uk/planning-applications/apply/>

WCC - Planning Applications

www.winchester.gov.uk/planning/planning-applications/winchester-1app-forms/

Hampshire County Council Highways

Telephone 0300 555 1388

E mail roads@hants.gov.uk

Police (Hampshire) Non Emergencies

Telephone 101

Arboricultural Association

Telephone 01242 522152

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

Forestry Commission

Telephone 0300 067 4000

E mail nationalenquiries@forestrycommission.gov.uk

Web address <https://www.gov.uk/government/organisations/forestry-commission>

Hampshire Bat Group

Telephone 0345 1300 228

Web address www.hampshirebatgroup.org.uk/contact

Ancient Tree Forum

www.woodland-trust.org.uk/ancient-tree-forum

The Woodland Trust

www.woodland-trust.org.uk

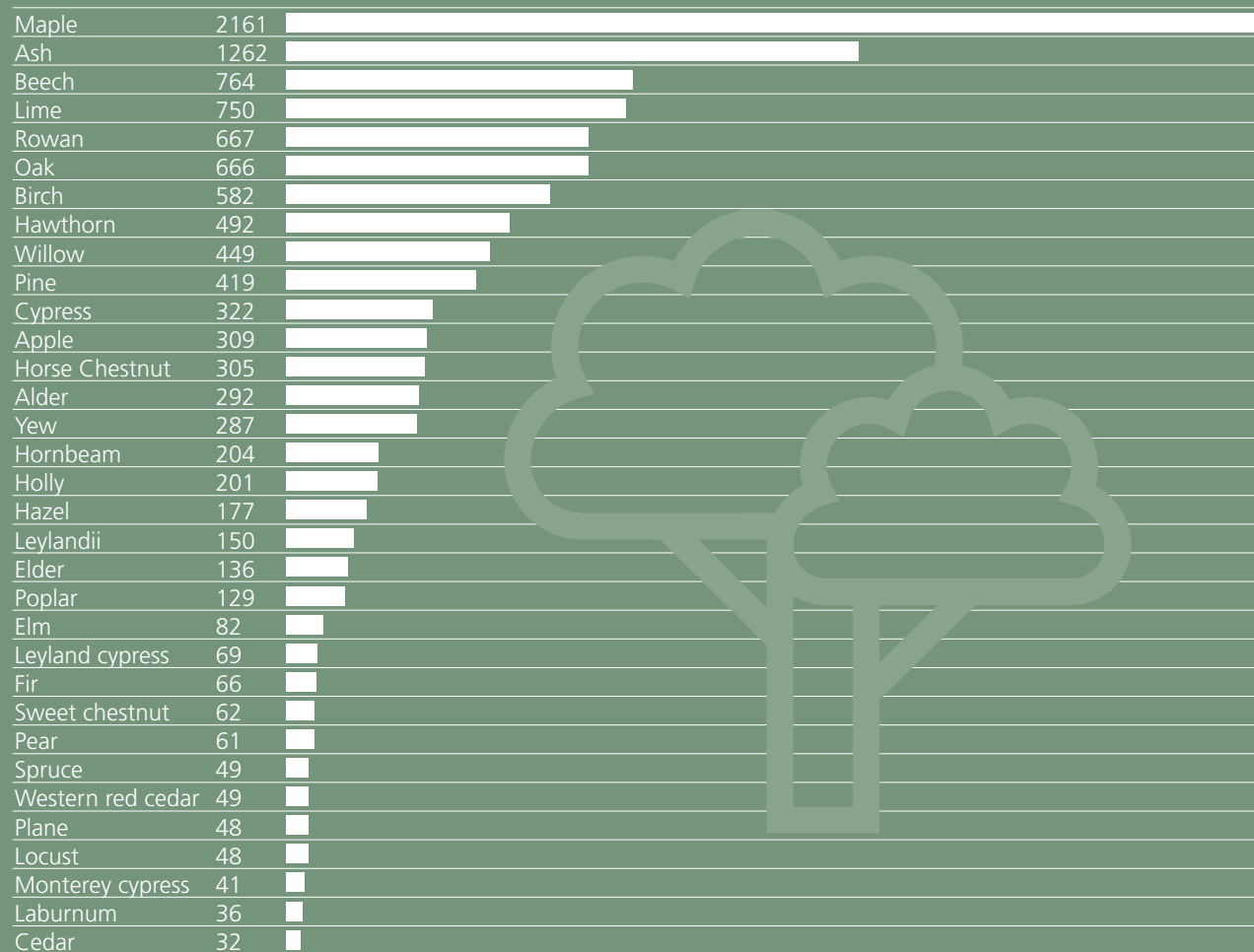
Environment agency

Telephone 03708 506 506

E mail enquiries@environment-agency.gov.uk

APPENDIX IV – CHART SHOWING MOST COMMON TREE SPECIES FOUND ON WCC HOLDINGS.

No. of trees across all WCC land holdings



APPENDIX V – FURTHER DETAILS EXPLAINING WHY NON-ESSENTIAL WORKS WILL NOT BE CARRIED OUT UNLESS UNDER EXCEPTIONAL CIRCUMSTANCES.

1. Council tree causing shading, blocking a view or impacting on satellite reception

Whilst the council recognises the importance of television and satellite reception, the concerns with shade and blocking a view, requests for pruning works to reduce the concerns are not advised. Regrowth from any pruning works carried out to trees with a view to improve light levels is a short term solution, as the tree often grows back with a more dense crown than before pruning. Pruning or crown reduction and topping of a tree creates new growth at the pruning points, creating weak branch attachments which render the tree branch or stem to future failure.

Leaves, twigs and buds are vital components for photosynthesis as well as absorbing carbon dioxide from the atmosphere and releasing oxygen in to the atmosphere, and offsetting the effects of global warming by providing shade. Topping or pruning of the tree has the potential to considerably reduce photosynthetic material from the tree's leaves within its canopy, thereby having a detrimental effect on the trees ability to carry out its natural biological functions. This

in turn leads to a weakness in the tree's ability to create energy to compartmentalise pruning wounds as the potential size of the resultant wounds could predispose the wounds to decay thereby harming the long term health and wellbeing of the tree, which will reduce the tree's safe useful life expectancy

Therefore crown reduction, crown lifting, crown thinning, tree felling or topping of a tree(s) are not deemed essential works and therefore will not be undertaken.

It is therefore advised that anyone who has reception issues should consult the service provider to discuss viable alternative solutions.

2. Tree leaves, blossom, nuts, fruits, berries and debris

Although they can be an inconvenience, falling leaves and debris are not regarded as a 'nuisance' in law and works to remove them are deemed non-essential.

The production of leaves and autumn leaf fall blossom, nuts and fruits are part of the natural biological process trees carry out every year and cannot be avoided by pruning. Leaves, twigs and buds are vital components for photosynthesis as well as absorbing carbon dioxide from the atmosphere and releasing oxygen into the atmosphere and offsetting the effects of global warming by providing shade.

It is also important to note that the council does not provide a service to clear leaves from private properties and it is the landowner's responsibility to manage any concerns they have with debris.

3. Honey Dew

Honey Dew is a natural seasonal problem that is caused by greenfly and other leaf feeding insects feeding on the sap from tree leaves. Certain species of lime and sycamore are prone to colonisation by the greenfly. As the greenfly feed of the sap they excrete a sweet sugary sticky waste that then becomes colonised by a black sooty mould. Any item or property placed under the tree or near the tree can become colonised with black sooty mould. Unfortunately it is not possible to remove or discourage the aphid or other leaf feeding insects. Pruning the tree is non-productive as pruning induces new leaf growth which is rich in sweet sap and therefore increase the amount of sap available to the aphids and potentially increases the problem.

Where property or parked cars have affected by black sooty mould, warm soapy water will remove the mould if undertaken as soon as possible.

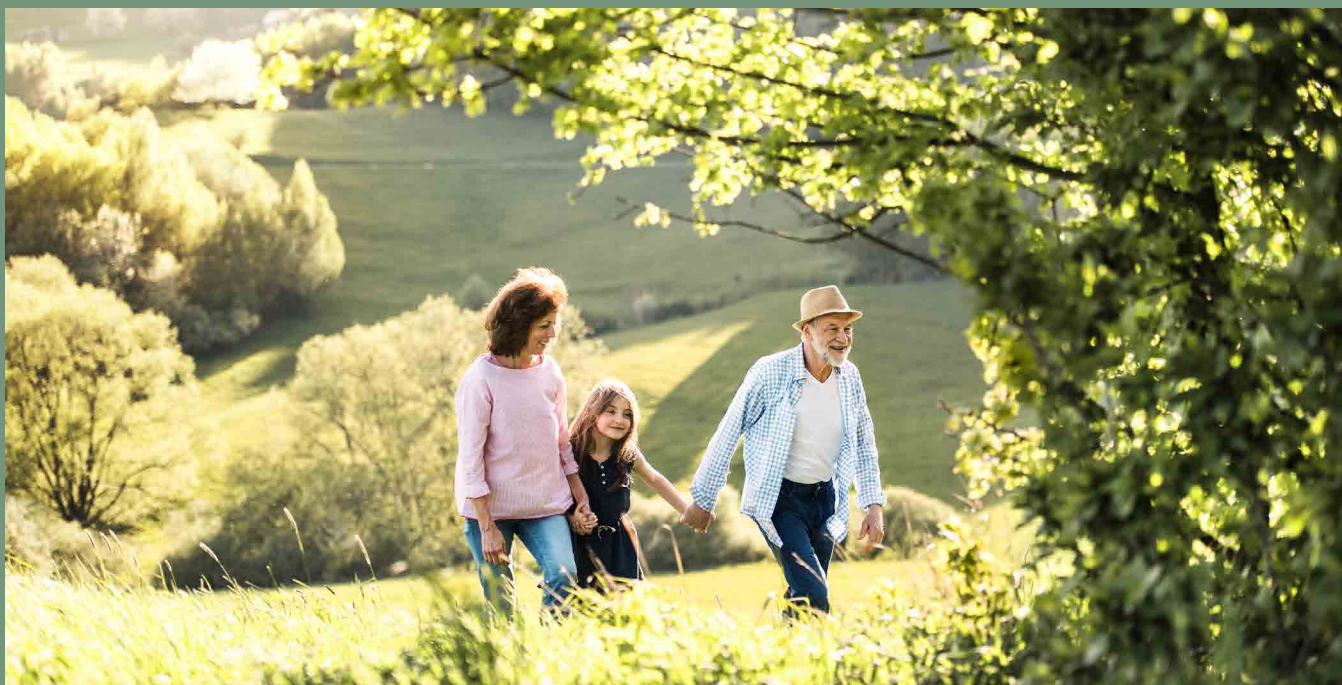
4. Bird Droppings

Whilst bird droppings from birds in trees may be a nuisance, the problem is not sufficient to justify the removal or pruning of trees. This will not mitigate the nuisance and only result in new leaf growth and the birds remaining in the tree.

The removal of bird droppings can be achieved using warm soapy water.

5. Council trees, pollen and medical complaints

Tree pollen can cause discomfort for some residents living or working near the trees. As flowering of the tree and the production of pollen is a natural reoccurring event there is no solution to remedy this. Pruning or felling of the tree will have a short term benefit and will have a detrimental ecological effect on the local insect pollinating insects. Therefore felling or pruning to ease medical complaints is not deemed as essential works.



APPENDIX VI – PROCEDURES THE COUNCIL WILL UNDERTAKE TO ENSURE BIODIVERSITY IS PROTECTED AND ENHANCED

Birds

The council and/or its contractors will check trees for nesting birds during the nesting season (c. March – September). This will include checking any visible nests to see if they are 'in use' and watching the trees (particularly any holes or crevices) for any signs of birds entering carrying food or nesting material. If evidence of active nests or breeding birds are found then the works will be postponed until the nests are no longer in use (i.e. any eggs have hatched and young fledged or there is sufficient evidence to suggest the nest has naturally failed/been abandoned). If, despite best efforts an active nest is found after work has started a 5m buffer around the nest will be created, and the works within the buffer area will be reconvened once the nest is no longer in use.

Bats

An initial ground level assessment will be done by the Council/or its contractors to identify any potential roost features (PRFs) such as woodpecker holes, rot holes, cracks in stems or branches, partially detached bark, hollows or cavities. Where a PRF is identified this will need to be inspected further (potentially above ground). Following inspection, if a PRF is still considered suitable for roosting bats then a suitability qualified ecologist must be contacted and further surveys and/or measures may be required. In the event of a bat roost being discovered during tree works, all works will stop immediately. The contractor will report the bat roost to the council who in turn will contact a licenced bat ecologist and Natural England. Their recommendations will then be followed accordingly.

Dormice

Hazel dormice are known to be present at two Council sites including Dean Copse, Knowle and Topfield, Kingsworthy. At these locations mitigation licences are held to allow works to proceed lawfully. If tree works are proposed at these sites, or sites within close proximity to areas where dormice are known to be present, then the council ecologist must be informed to ensure the works are in accordance with the licence, legislation and best practice guidelines. If a dormouse or a dormouse nest is discovered during tree works, all works will stop immediately. The contractor will report this to the council who will act accordingly.

Badgers

The council and/or its contractors will check for evidence of badger setts (holes) within 10m of any tree works or 30m of any work which requires digging with machinery. If a potential impact on a badger's sett is identified then the contractor will report this to the council and appropriate action will be taken. This may require further surveys and a licence from Natural England.

General

In addition to taking account of protected species, it is important that the biodiversity benefit of trees is enhanced where possible. Consequently possible habitat features such as cavities, dead wood, water pockets, log piles and standing dead trees will be retained where appropriate.



Local Plan

The Winchester Local Plan contains numerous policies some of which directly relate to the trees and their protection. It is therefore essential that anyone wishing to undertake development which may impact on trees and their location, woodlands and important hedgerows should consult this document as early as possible.

Part 1 can be found at <https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-1-joint-core-strategy-adopted-march-2013-local-plan-review-2006/local-plan-part-1-joint-core-strategy-adopted-2013>.

Part 2 can be found at <https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-1-joint-core-strategy-adopted-march-2013-local-plan-review-2006/local-plan-part-1-joint-core-strategy-adopted-2013>

The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)

The National Planning Policy Framework provides information for anyone wishing to undertake development which may impact on trees and their locality, woodlands and important hedgerows. Again it is essential that anyone wishing to undertake development which may impact on trees and their location, woodlands and/or important hedgerows should consult this document as early as possible. For a link to the NPPF please see Appendix vii This can be found at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>.

A copy of the NPPG can be found at: <https://www.gov.uk/government/collections/planning-practice-guidance>

APPENDIX VIII – GLOSSARY

Aesthetic appearance

The pleasant or positive appearance of a tree or group of trees.

Ancient and veteran trees

A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value. All ancient trees are veteran trees, but not all veteran trees are ancient. The age at which a tree becomes ancient or veteran will vary by species because each species ages at a different rate.

Arboricultural

The cultivation, management and study of individual trees.

Ash dieback

A serious fungal disease of the European ash, characterised by the progressive death of the tree's branches.

Bark union

Where two or more stems grow into one another.

Biodiversity

The variety of plant and animal life in the world or in a particular habitat.

Biosecurity

Procedures or measures designed to protect the population against harmful biological substances.

BS5837

The British Standard "Trees in Relation to Design, Demolition and Construction to Construction Recommendations" (2012), details the steps that should be taken to ensure that trees are appropriately and successfully retained when a development takes place.

Canopy cover

The area of leaves, branches and stems of trees covering the ground when viewed from above.

Carbon neutral

Making or resulting in no net release of carbon dioxide into the atmosphere.

Common Law right

A system of laws based on customs and court decisions rather than on written laws made by a parliament.

Compartmentalise

Divide into discrete sections or categories.

Crown lifting

Removal of the lowest branches.

Crown reduction

Crown is reduced in height and/or spread whilst maintaining the tree's natural shape as far as practical.

Crown thinning

Removing a small percentage of secondary and small branches to produce a uniform density of foliage around an evenly spaced branch structure.

Cyclical pollarding

After the initial heading cuts are made on certain species of tree, this particular pruning technique is normally carried out on a regular cycle of 4-5 years, leaving a clean framework for future growth until the process is again repeated.

DBH

Diameter at breast height, or DBH, is a standard method of expressing the diameter of the trunk or bole of a standing tree. DBH is one of the most common dendrometric measurements.

Decay pathogens

Decomposition or rotting, the breakdown of organic matter, usually by bacterial action, resulting in the formation of other substances

Dutch elm disease

Dutch elm disease is a highly destructive disease of several species of elm (trees in the *Ulmus* genus). It is caused by two related fungi, *Ophiostoma novo-ulmi* and *Ophiostoma ulmi*, although almost all cases are now caused by *O. novo-ulmi*. The fungus is spread from tree to tree by elm bark beetles.

Evergreen or semi-evergreen

The Act applies to trees or shrubs that keep their foliage all year (evergreen) and to those that keep at least some live foliage for the year (semi-evergreen).

Exceptional circumstances

Circumstances that could not be reasonably foreseen. Exceptional circumstances will be decided by the Tree Officer.

Extension growths

As the shoots extend from the buds in spring, we recognize in the process of extension growth a continued upward growth of the tree.

Felling

The process of cutting down trees (to fell is to remove the tree)

Flood alleviation

The technique or practice of preventing or controlling floods with dams

APPENDIX VIII – GLOSSARY

Fungal fruiting

Fruiting bodies are fungal structures that contain spores. They come in many sizes, shapes, and colours, all of which aid in identification of the specific fungus.

Latent buds

A bud often concealed that may remain dormant indefinitely but under certain conditions develops into a shoot.

Lateral branches

A branch descended from a brother or sister of a person in the direct line of descent.

Stem

The main body or stalk of a plant or shrub, typically rising above ground but occasionally subterranean.

Mitigating

Having the effect of making something bad less severe, serious, or painful.

Mitigation licences

You need a mitigation licence if your work will have impacts on European protected species (EPS) that would otherwise be illegal. This includes: capturing, killing, disturbing or injuring them - on purpose or by not taking enough care.

Mulching

A material (as straw or bark) spread over the ground especially to protect the roots of plants from heat or cold, to keep soil moist, and to control weeds. mulch. verb. mulched; mulching.

Native & non-native

Native: a species that originated and developed in its surrounding habitat and has adapted to living in that particular environment. ... Non-native: a species that originated somewhere other than its current location and has been introduced to the area where it now lives (also called exotic species).

Natural regeneration

Natural regeneration is the process by which woodlands are restocked by trees that develop from seeds that fall and germinate in situ. ... Seedling establishment of some species has been observed by following the growth and survival of tree species growing after silvicultural operations to promote natural regeneration.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.

NPPF

National Planning Policy Framework - The NPPF sets out the Government's intention to provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value.

Organisms

The definition of an organism is a creature such as a plant, animal or a single-celled life form, or something that has interdependent parts and that is being compared to a living creature.

Particulate

Relating to or in the form of minute separate particles.

Perennial plant

A perennial plant or simply perennial is a plant that lives more than two years. The term is often used to differentiate a plant from shorter-lived annuals and biennials.

Photosynthesis

Where the tree turns sun light in to sugars for energy to carry out its natural biological functions.

Photosynthetic material

Primary stems

Primary growth of stems is a result of rapidly-dividing cells in the apical meristems at the shoot tips. Apical dominance reduces the growth along the sides of branches and stems, giving the tree a conical shape.

Processionary

The species is notable for the behaviour of its caterpillars.

Pruning

Pruning is a horticultural, arboricultural and silvicultural practice involving the selective removal of certain parts of a plant, such as branches, buds, or roots.

Public visual amenity value

The appearance a tree has from the public domain (ie roads, footpaths, large blocks of flats etc) and the value this brings to the lives of those who see it.

Radial root growth

The ability to grow in girth by the formation of wood, bast and cork. The more technical term for radial growth is secondary growth, which distinguishes the process from primary growth taking place at the tips of stems and roots during plant elongation.

APPENDIX VIII – GLOSSARY

Epicormic growth

Epicormic growth is a plant response to damage or stress. It is the growth of new shoots from epicormic buds that lie dormant beneath the bark. Plants which respond in this way are often referred to as resprouters.

Root protection area

A root protection area is usually a calculated area of ground that lies immediately under a tree and just beyond the extent of its crown. It is intended to help avoid damage to the tree's rooting system.

Sail area

The area of a tree's aerial part that intercepts wind, broadly varying with wind direction, leafiness etc.

Sap

Filled with nutrients and minerals, sap is the blood of a tree. It carries energy out into the branches when new buds are forming.

Sequestration

Biological (or terrestrial) sequestration involves the net removal of CO₂ from the atmosphere by plants and micro-organisms and its storage in vegetative biomass and in soils. On this page, we deal with the main natural carbon dioxide sinks in Manitoba: Soils. Grasslands.

Soil compaction

Soil compaction occurs when soil particles are pressed together, reducing pore space between them.

Soil desiccation

The roots of all vegetation can take moisture from the soil. In a clay soil this may result in drying and shrinkage of the soil and subsidence in the ground which may cause damage to buildings.

Sparse crown

These crowns are below the general level of the canopy. They receive no direct light. Crowns are generally short, sparse, and narrow.

Structural condition

A structural condition assessment is the process of collecting observations and data and systematically using them to evaluate and assess the condition of an existing structure.

Structural integrity

Structural integrity is an engineering field that helps ensure that either a structure or structural component is fit for purpose under normal operational conditions and is safe even should conditions exceed that of the original design.

Topping

This pruning practice is the reduction of tree size by heading back many or most large, live branches without regard for tree health or structural integrity. Topping manages height and spread but leaves behind woody stubs that cause decay, weak branch attachments, and increased likelihood of failure.

Tree canopy

Refers to the part of a city that is shaded by trees. The tree leaves and branches covering the ground is our tree canopy.

Tree pit design

The hole in the ground in which a tree is planted. In the urban context the pit may represent the whole of the root volume available to the tree when mature.

Uprooting

To pull something, (especially a tree or plant) out of the ground.

Veteran and Ancient trees

A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value. All ancient trees are veteran trees, but not all veteran trees are ancient. The age at which a tree becomes ancient or veteran will vary by species because each species ages at a different rate.

Water pockets

Pocket (as in rock) where water may gather especially: a water hole in the bed of an intermittent stream occurring typically as a bowl at the foot of a cliff over which the stream leaps when in the flood stage.

Wilful damage/destruction

The intentional and malicious destruction of or damage to the property of another.

