

# **Council Owned Trees and Woodlands**

**Policy  
Risk Framework  
Management Standards  
Service Standards**



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## 1.0 Introduction

Trees are a hugely important component of the landscape in both the urban and rural parts of the Kirklees district. Trees, whether appearing as individuals, groups or as woodlands, have a very significant effect on our quality of life by providing a range of ecological, aesthetic, social and health benefits. As such the Council is committed to maintaining – and where possible increasing – the level of tree cover across its land portfolio.

Kirklees Council is responsible for the management of all trees growing on its land including street trees, trees on public open spaces and in woodlands. The Council has duty of care with respect to tree related risk. In order to discharge this duty, a programme of inspection and maintenance works is in place aimed at keeping staff and the public safe from harm and preserving the health and future wellbeing of the Council's tree stock.

### District Statistics:

- In population terms Kirklees is one of the larger local authority districts, covering 150 square miles, with a population in excess of 440,000 <sup>(1)</sup>.
- The Council is responsible for the maintenance of all the trees that are located on land that it owns, which includes areas such as parks, open spaces, cemeteries woodlands and highway verges.
- Information from the Blue-sky data set suggests that there are approximately 190,000 trees on council-owned land. The Kirklees District has an approximate canopy cover of 15%
- Using the Capital Asset Valuation of Amenity Trees (CAVAT) methodology, suggest that as an asset, the council's urban highways trees have a monetary value in excess of £50,000,000.

## 2. Statutory Obligations-Legislation

The Health and Safety at Work Act 1974, and the Occupiers Liability Act 1957 & 1984 place a duty on the Council to manage its trees to reduce any risk they may pose to an acceptable level.

The Highways Act 1980 also places a duty on Kirklees, as the Highways Authority, to ensure, so far as is reasonably practicable, the safety of road users and to clear obstructions to the highway network.

Under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) Local Authorities have a statutory obligation to have regard to the



conservation of biodiversity, including restoring habitats and species populations, while exercising their functions.

Further statutory protection to species associated with trees and woodlands are conferred by the Wildlife and Countryside Act 1981 and Protected Species legislation. Of particular note is National legislation relating to bats and their roosts, badgers, and nesting birds.

### 3. Benefits of trees

The benefits of trees have been widely researched and documented, and include:

- Landscape character: contributing to the physical attractiveness of the district and providing screening for less attractive development, thereby also attracting local investment
- Local environment: mitigating air and noise pollution, providing shelter, stabilising soils thereby reducing erosion, and mitigating flood risk by absorbing water and slowing the flow of water into watercourses
- Climate change: carbon capture and sequestration
- Biodiversity: supporting a multitude of other species of flora and fauna and provide habitat connectivity.
- Physical health: significantly improving air quality through trapping of particulate matter, offering shade, offering opportunities for physical activity
- Mental health and well-being: contributing to attractive green spaces which are well documented to have a positive effect on mental health and well-being
- Education and culture: providing an educational resource e.g. for Forest Schools; many specific trees and woodlands have important historic and cultural significance

#### Examples:

##### 3.1 (a) Economy:

- I.* A study by Garrod and Willis suggested that 20% tree cover can increase property values by 20%,<sup>(3)</sup>
- II.* Well-planned public spaces can boost commercial trading by up to 40% and small business' choosing a new business location, rank open space, parks and recreation as a number one priority<sup>(4)</sup>.



### 3.1 (b) Climate Change:

- I. Adding 10% green cover is projected to keep maximum surface temperatures in high-density residential areas and town centres at or below the 1961-1990, levels up until the 2080s (5)
- II. A single young small tree planted in a small pit over an impermeable asphalt surface can reduce runoff by around 60% (6)
- III. In a year, 100 mature trees can remove 53 tons of carbon dioxide and 430 pounds of pollutants from the air and catch 538,000 gallons of rainwater. (7)

### 3.1 (c) Health:

- I. Physical signs of stress such as muscle tension and pulse rate are measurably reduced within as little as 3 to 4 minutes of a stressed person moving into leafy green surroundings. (8)
- II. Sitting in a room with tree views promotes a rapid decline in diastolic blood pressure over sitting in a viewless room (9)
- III. It has been estimated that a single tree can reduce particulate matter air pollutant concentrations by 15-20% (10).
- IV. A Forestry Commission study estimated that net pollution absorption by woodland resulted in the saving of 65 to 89 lives per year (11)



#### 4. Aims

The aim of the Council's tree Policies, Risk Framework, Management Standards and Service Standards are to set out how the Council will effectively manage and enhance trees and woodlands under Council ownership, ensuring that they:

- positively contribute to the area, the achievement of the Council's corporate priorities including the Council's [Climate Emergency](#)
- maximise benefits for citizens and the wider environment
- meet legal obligations; and
- minimise conflict with the public and other landowners

The Policies, Risk Framework, Management Standards and Service Standards are intended to provide a structure for decision-makers across the Council and for the general public, in terms of the management of the council-owned trees stock and how requests/complaints will be dealt with.



# **Council Owned Tree and Woodland**

## **Policy Statements**



## **5. Policy statements for the management of trees and woodland under the council's ownership**

### **5.1 Tree Risk Management:** Kirklees Council will:

- a) Manage tree-related risk in a proportionate, consistent, and effective manner through the implementation of the Kirklees Council Tree Risk Management Framework.

### **5.2 Tree Management:** Kirklees Council will:

- a) Manage its tree stock and prioritise works, in accordance with the Kirklees Tree Risk Management Framework and the Council's Tree Management Standards.
- b) Prioritise the maintenance of Council owned trees to reduce the actual risk of harm to people and property to an acceptable level and to discharge the Council's statutory duties.
- c) Work to industry best practise, and the current British Standard, BS 3998- Tree Work Recommendations (and any amendments to, or replacement for, this document) when undertaking any tree works.
- d) Not agree to the removal of healthy Council owned trees unless the removal is deemed necessary under the Kirklees Council Tree Risk Management Framework, the Kirklees Tree Management Standards, required via the grant of full planning permission or is otherwise required under other legislation.
- e) Manage its trees in accordance with the Council's adopted Local Plan
- f) Continue to ensure that its staff are appropriately trained to the current nationally recommended levels.

### **5.3 Highway Trees/ Street Trees-** Kirklees Council will:

- g) Meet its statutory duties under the Highways Act 1980 with regards to trees
- h) Require that any utilities works within the highway is carried out in accordance with National Joint Utilities Group, Volume 4 (and any amendments to, or replacement for, this document).





#### **5.4 Requests and Complaints-** Kirklees Council will:

- i) Deal with requests and complaints from third parties in relation to Council trees in accordance with the Council's Complaints Procedures where relevant.
- j) Seek compensation in the form of remedial work to rectify damage and/or full replacement cost values from any organisation or individual(s) responsible for significant damage to, or removal of, any Council owned tree(s). According to the value as calculated by the Capital Asset Valuation of Amenity Trees (CAVAT) methodology.
- k) Where essential tree works are undertaken to address public safety issues or to rectify damage to Council property, resulting from third-party trees, the costs will be recharged in full to the owner of the tree(s) in question. Any other tree work on private land will not be carried out at the expense of the Council on behalf of private tree owners.

#### **5.5 Woodland Management-** Kirklees Council will:

- l) Where practicable, seek to bring its woodlands back into active management in line with best practice as set out in The UK Forestry Standard (and any amendments to, or replacement for, this document).
- m) Work to increase woodland cover on its land, wherever practicable and sympathetic to local topography, ecology, and landscape character. Taking into account the avoidance of future conflict with other landowners and users. While considering the enhancement of connectivity within the Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network, as shown on the council's [Local Plan](#).

#### **5.6 Tree Planting-** Kirklees Council will:

- a) Seek to proactively increase tree cover on its land, to meet the White Rose Forest tree canopy targets. Maximising opportunities to plant trees wherever practicable. Enhancing connectivity within the Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network (as shown on the council's Local Plan).
- b) Ensure that its tree planting is in accordance with Bs 8545: 2014, Trees from nursery stock to independence in the landscape-Recommendations and the UK Forest Standard (and any amendments to, or replacement for, this document).
- c) Continue to look for opportunities and funding, where available, to facilitate new tree planting across the district.



# Council Owned Tree and Woodland

## Tree Risk Management Framework



## 6. Tree risk framework

The risk management framework sets out a system of inspection for trees. This will enable the Council to have a system that considers the risks to which people and property may be exposed and to guide decisions regarding what level of inspection or assessment is reasonable.

The framework aims to assist Kirklees Council in exercising its duty of care to both its employees and the public with regards to the safety of trees, and proactively manage risk to land and property.

In line with HSE Document- 'Management of the risk from falling trees or branches and the National Tree Safety Group guidance 'Common sense risk management of trees'. Kirklees Council trees will be categorised for the purposes of prioritising inspections according to the following parameters of tree-related risk:

- the likelihood of failure of the tree or part of the tree (e.g. presence of known structural faults);
- the value of the targets (persons, property etc.) present and frequency of presence within falling distance; and
- the severity of impact should failure occur (e.g. size of tree or part that fails).

### Minimum inspection frequency

Based on these parameters the Council has devised the following minimum inspection frequency's: 18 months, 3 years, 5 years and no routine inspection.

*(Carriageway categories are based on Kirklees Highway's Safety Instructions Manual 2018- section 4 network Hierarchy see appendix 2)*

### Zone 1 – Minimum inspection frequency 18 Months

- All trees within falling distance of category 3 or 4 carriage ways (unless other factors such as tree size mean the trees should be in zone 2, 3 or 4).
- All trees in places where there is significant frequent public access e.g. in and around picnic areas, children's playgrounds, main pedestrian access points (unless other factors such as tree size mean the trees should be in zone 2, 3 or 4, or inspected on a bespoke frequency).
- Trees in places where failure would cause damage to high-value property (unless other factors such as tree size mean the trees should be in zone 2, 3 or 4).



- Trees with known structural faults where a decision has been made to retain the tree in question due to its importance for habitat, landscape, cultural or amenity reasons.
- Tree species or groups of trees affected by known pests or diseases which would otherwise fall into zone 2.

### **Zone 2 – Minimum inspection frequency 3 years**

- All trees within falling distance of category 5, 6, 7, or 8 carriageways. (Unless other factors such as tree size mean the trees should be in zone 3 or 4).
- Areas with public access but less frequent than category one, open spaces, paths, trees beside private gardens (unless other factors such as tree size mean the trees should be in zone 3 or 4).

### **Zone 3 – Minimum inspection frequency 5 years**

- Trees within low usage public areas (unless other factors such as tree size mean the trees should be in a higher or lower zone).

### **Zone 3 – Minimum inspection frequency No routine inspection**

- Private trees as per section 7.4
- Trees in sites with very limited access.
- All young trees, generally below 5 m high and planted in the last 10 years.

In some circumstances inspectors may recommend inspections on a more frequent basis, in particular in the case of trees with known defects where a decision has been made to retain them due to their importance for habitat, landscape, cultural or amenity reasons.

For urgent and emergency situations an inspection will take place as soon as is reasonably practicable and, if the required work cannot be completed immediately areas at risk such as roads, footpaths, or public spaces will be cordoned off until resources are available. Where emergency situations are reported, inspections and works relating to these situations will take priority over scheduled inspections and tree works.

All inspections will be undertaken by trained and experienced staff who hold a recognised award/certificate such as the Professional Tree Inspection Award. Best practice will be maintained through training and other ongoing continual professional development.



In the context of inspections, a defect is defined as a structural, health or environmental condition that could predispose a tree to failure. Such inspections will comprise a general assessment of the tree cover within the area from ground level, generally by passing along existing footpaths or access routes, or along the perimeter of the site where it is accessible. Any trees requiring works will be recorded and any trees exhibiting signs of decline, disease or structural instability will be subject to a closer visual assessment.

Minimum inspection for trees that are under the control of the highway's authority will be via vehicle-based inspection from a slow-moving vehicle with a driver and inspector. Followed by manual inspection where potential risk has been identified.

Trees that appear to present no unreasonable hazard, as defined in the Council's risk framework, during the inspection will not be documented in detail. However, a record that they have been subject to an inspection will be made. Any omission from the detailed record therefore implies that their hazard level is considered negligible. Trees that are considered to pose an unreasonable hazard and therefore requiring remedial works, or those requiring further investigation, will be documented. All remedial works recorded will be actioned accordingly.

In cases where potential defects are suspected but the inspector feels that further investigation is required before making a decision on the required action, details of the tree will be recorded and recommended for further assessment or monitoring which could include:

- re-inspecting the tree at a later date, such as during a different season.
- carrying out a climbing inspection.
- asking for a second opinion from another member of the team.

Any further investigations undertaken will be recorded and any required works scheduled.

For emergency enquires please see section 8.1 below.



# **Council Owned Tree and Woodland**

## **Management Standards**

**Management, Maintenance  
and  
Discharge of Legal Duties**



## **7. Tree and woodland management standards- maintenance and discharge of legal duties**

### **7.1 Maintenance of Council Trees**

Kirklees Council-owned trees will be maintained in order to reduce the risk of harm to people and property to an acceptable level and to discharge the Council's duties under law. In exceptional cases tree maintenance may on occasion be undertaken for other reasons, but this will be a balanced decision at the discretion of the Council. The Council is committed to increasing tree cover across the district and as such the retention of trees will always be the preferred course of action unless there is a clear justification otherwise.

Some works are required for the council to comply with its legal and statutory duties. For other works the Council will adopt a common sense approach with regards to requests received for tree works; all requests will be considered individually, and the circumstances of the request will be balanced against any environmental impacts and the council's policies before a decision is made.

### **7.2 Tree Felling**

Tree removal is regrettable but necessary under a number of circumstances. The decision to remove a tree is not taken lightly. Tree removal will be supported when it is required:

- To reduce the risk of harm to an acceptable level (e.g. dead or dying trees).
- To facilitate the implementation of a development that benefits from a grant of full planning permission
- Under other legislation

Such decisions will always be made with reference to the Kirklees Council Tree Policy, Risk Management Framework and Management Standards.

Other circumstances where trees may be felled extend to situations where it can be evidenced that the tree's removal is required due to:

- A tree has been proven to be causing subsidence
- The tree removal would benefit surrounding trees
- It is the requirement of a management plan to enhance the development of neighbouring trees.



The decision to fell on the above grounds will be at the discretion of the Council based on the council's management standards, level of evidence and justification available; balanced against the value of the tree and potential impact resulting from its loss.

### 7.3 Tree Pruning

Substantial pruning of a tree can allow decay pathogens to enter exposed and vulnerable tissues and can also often weaken the structure of the tree.

Pruning of a healthy tree may cause it to respond by producing vigorous new growth. Older trees do not tolerate pruning as well as younger ones and any substantial pruning can pose significant risk to the survival of a tree particularly in species which are not naturally tolerant of cutting. Pruning should therefore be avoided for reasons other than for undertaking statutory functions or for reducing risk of harm to people and property. Pruning for any other reasons would be exceptional and at the discretion of the Council in line with the management standards.

### 7.4 Hazardous Trees

#### **Council Trees:**

If a Council owned tree is in such a condition that it (or part of it) is at risk of imminent failure in the vicinity of people or property, the Council will attend the site as an emergency as soon as is reasonably practicable in line with its Tree Risk Management Framework. If work cannot be completed, areas at risk will be cordoned off until resources are available.

#### **Private trees – not threatening the public:**

Hazardous trees in private ownership, but that are not within falling distance of a public highway or public space, are principally a matter for the private parties to resolve. Private parties should take care of their own responsibilities and hence, as a civil matter, the Council is not to be considered as the first point of contact in attempting to resolve concerns about the danger posed by trees in private ownership. Kirklees Council does, however, have the power to require a private individual to make safe a tree which poses an imminent danger via the Local Government (Miscellaneous Provisions) Act 1976. The Council may, therefore, intervene according to the powers given in the Act if evidence is presented that show an owner of such trees has failed to act in a reasonable timescale (timescales depend upon the degree of risk presented), and the Council may recover from the tree owner the expenses reasonably incurred by it in so doing.





### **Private trees – threatening the public:**

If a private tree WITHIN falling distance of a public highway or public space is reported to the Council and assessed as posing a danger to the public, the landowner will in the first instance be contacted and instructed to make the tree safe. The Council may intervene according to the powers given in the relevant Acts if an owner of such trees fails to act in a reasonable timescale (timescales depend upon the degree of risk presented) and may recover from the tree owner the expenses reasonably incurred by it in so doing.

## **7.5 Adopted Highways- Street Trees**

Street trees are trees which are under the control of the Highways Authority, growing in pavements and road verges along the district's highway network. Such trees are a valuable part of our urban landscape, and the Council will maintain and enhance this urban forest for the benefit of present and future generations.

The Council will endeavour to protect street trees from threats such as loss of and damage to verges, the activities of statutory undertakers and other excavations. Where utility works are being undertaken within close proximity to highway trees, contractors will be obliged to undertake works in accordance with National Joint Utilities Group, Volume 4 (and any amendments to, or replacement for, this document) or any amendments to that document, as per the Council's tree policy.

The Council will not support the removal of trees for vehicle drop crossings unless the tree is of limited life expectancy, or a suitable mitigation scheme is agreed. All trees removed will be replaced with suitable specimens and all costs for removal and replacement will be borne by the person applying for the drop crossing, calculated using the Capital Asset Valuation of Amenity Trees (CAVAT) methodology.

Where practicable the Council will always seek to replant new trees to reverse the decline of our urban tree population – more often in grassed verges which are more suited to tree growth. Careful consideration will be given to the species selected and to the placement of trees so as to minimise conflict with other uses of the highway.

### **Tree obstructing the highway or pavement**

Kirklees Council will undertake work to trees owned or managed by the Council to maintain a minimum clearance over the highway or pavement, as follows:



- 5.2 metres height over the carriageway (associated with a street, road or highway) or at a height deemed suitable by the Highway Authority for the road conditions.
- 2.5 metres height clearance over a pavement associated with a street, road or highway
- 3 metres where there are cycling rights, as per statutory requirements
- 4m as required, where there is a bridleway.

If a privately owned tree is causing an obstruction to a Highway, road or pavement, powers exist under the Highways Act to make the owner of the tree remove the obstruction. If they do not, the Council may enforce this work and recharge the owner.

Any works necessary to prevent an obstruction to the width of a pavement associated with the highway due to the presence of a Council owned tree will be considered on a case-by-case basis. Where a pavement is deformed or damaged owing to a tree or trees the preferred course of action will be remedial works to the pavement to enable the tree(s) to be retained, unless the tree needs to be removed owing to age or condition.

### **Sight lines, signals, signage, and street lighting obscured by trees**

Where trees are associated with an adopted street, road or highway, Kirklees Council will undertake work to trees owned or managed by the Council to maintain:

- sight lines for traffic and pedestrians at junctions.
- clear lines of sight for traffic signals and street signage
- to ensure that streetlight glow is not substantially blocked by the presence of trees.

Standards for visibility vary according to the class of the road and the speed limit in force. If a privately owned tree is causing an obstruction to visibility at a road junction (sight line), is causing an obstruction to streetlight or is causing an obstruction to a traffic signal or street sign, powers exist under the Highways Act to make the owner of the tree remove the obstruction. If they do not, the Council may undertake this work and will subsequently recharge the owner of the tree.



## **7.6 Parks and Public Open Spaces**

Trees in parks and public open spaces are managed to reflect the context of the site and their type, age and condition. Trees in parks generally have more room to grow compared to street trees and usually grow to their full height and spread.

Ongoing maintenance includes removing significant deadwood where it may pose a risk, formative pruning (to remove problems in tree form when the tree is young, thus avoiding expensive problems later), removing low branches from pathways and removing trees when they come to the end of their safe and useful life.

Available resources will be used to plant new trees where a need has been identified. Where management plans do not exist, trees will be selected and sited to complement and enhance the park or green space and to maintain tree cover in these areas.

## **7.7 Vandalism to trees**

Kirklees Council will investigate any reports of vandalism to any tree owned or managed by the Council and use enforcement and legal action to bring about the prosecution of offenders.

Vandalism includes wanton damage of newly planted trees and any unauthorised pruning, felling or similar work to mature trees.

Third parties are not allowed to remove living material from Council land without consent and unauthorised persons are not allowed to use tools of any type in parks, public open spaces or on other Council land.

## **7.8 Anti-social behaviour and trees**

Where any tree owned or managed by the Council is associated with criminal activity or anti-social behaviour, measures to reduce the problem will be considered on a site by site basis.

Where a tree is associated with criminal activity and/or anti-social behaviour, steps to reduce the problem will typically require the coordination of a number of agencies including the police. Pruning or felling a tree is not always the answer to the problem. Neglected spaces with overgrown trees and untidy areas can, on occasion, encourage criminal activity and/or anti-social behaviour and the Council's tree and grounds maintenance programme tries to improve these areas by making the local environment cleaner, greener and safer.



## 7.9 Claims of property damage or subsidence caused by trees

The Council recognises that tree roots can, in some circumstances, cause property damage. However, just because property close to a council-owned tree has suffered damage, that does not automatically make the Council owned tree the primary cause of the damage. Furthermore, the Council cannot be liable for damage it is not aware of. Property owners/occupiers have a responsibility to mitigate any losses.

If it is believed that a tree owned by Kirklees Council has damaged property, the party who alleges that the Council's tree had caused the damage is obliged to provide evidence to support the contention that the tree is the primary cause of the damage. This evidence will be assessed to determine if the tree is the primary cause. If so, reasonable action will be taken to mitigate further damage. Kirklees Council will only perform work on land for which the council is responsible for and will not carry out remedial work on private property.

### **Subsidence – evidence requirements**

The Council requires that the following evidence is provided to support all allegations that a Council-owned tree is the primary cause of subsidence: In line with industry best practise, reports must be supported by technical analysis from appropriately qualified experts. These reports must include the following information:

- A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map
- Details of all relevant vegetation in the vicinity and its management since discovery of the damage together with a plan showing the vegetation and affected building
- Measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, crack-monitoring data should be provided. Data provided must be sufficient to show a pattern of movement consistent with the presence of the implicated tree(s). Monitoring is usually required for at least 12 months to allow for seasonal variations.
- A profile of a trial/bore hole dug to identify foundation type, depth, and soil characteristics.
- The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit, and plasticity index



- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out
- Proposals and estimated costs of options to repair the damage.
- For non-Council Tenants, a report from an arboriculturist to support the tree work proposals must be provided which includes arboricultural options for avoidance or remediation of indirect tree-related damage.

If the evidence shows that a property is suffering subsidence damage due to the action of trees owned or managed by the Council (or there is concern about potential damage) the parties involved are advised to contact their property insurer (private ownership) or Homes and Neighbourhoods (Council Tenants) in the first instance to discuss the concerns and agree an appropriate course of action. Should those parties, or those acting on their behalf, wish to make a claim for damages against the Council, alleging that a Council-owned/managed tree is causing subsidence damage, then they will be required to submit the information set out above to the Council's Insurance Department.

#### **Other structural damage including drains – evidence requirements**

Technical evidence in respect of other property damage (e.g. garden walls, drains, paving, surfaces) should be provided by a relevant engineer, building/drainage surveyor or other appropriate expert. This should include remedial actions and construction solutions, which may allow trees and structures to co-exist. This evidence will be assessed to determine if the tree is the primary cause. If so, reasonable action will be taken to mitigate further damage. Kirklees Council will only perform work on land for which the council is responsible for and will not carry out remedial work on private property.

The Council is committed to increasing tree cover across the district and as such the retention of trees will always be the preferred course of action unless there is a clear justification otherwise.

#### **7.10 Private work on Council trees:**

In some situations, the Council may agree to third parties/volunteer groups undertaking works to trees on its land in order for them to help resolve their own specific issue or as part of a management plan, provided that those works do not compromise the structural integrity of the tree in question. In such situations all works would need to have prior agreement in writing from the Council and all such works would need to be funded by the third party in question.



Details of the contractor undertaking the work would also need to be provided, including:

- An up to date copy of their public liability insurance with £10,000,000 cover.
- A copy of qualifications relevant to the work proposed - if climbing two operatives trained for rescue and LOLER; if the proposal is a reduction we would need a pruning qualification and if lowering is involved we would need lowering qualification; and
- Risk assessments and method statements for the work.

Work should not take place until written consent is granted in response to the request. Any works completed without prior written consent may result in the Council seeking compensation from those responsible in the form of remedial work to rectify the damage and/or full replacement cost values as calculated by the Capital Asset Valuation of Amenity Trees (CAVAT) methodology.

### **7.11 Tree planting**

Kirklees council will ensure that any tree planting on its land, or associated with its operation, will be carried out in line with BS 8545: 2014, Trees from Nursery Stock to Independence in the Landscape-Recommendations and the UK Forest Standard (and any amendments to, or replacement for, these document).

**Standards** (individual large trees ranging from 1m- 4m in height at planting)

- Preference will be given to planting root balled or container grown tree stock, dependant on availability and site constraints.
- Suitable above ground or underground support will be provided for young trees, dependent on site factors and design. Ordinarily this will consist of double stakes with ties or underground guying.
- Trees pits should be mulched, or a suitable permeable surface provided over the tree pit area, appropriate to the site's intended usage.
- Installation of irrigation systems will be considered on a case by case basis, taking account of site conditions, ground make up and site usage.
- Where tree planting is planned close to infrastructure or within the built environment, all tree pit designs will include appropriate underground infrastructure for each situation, to ensure the tree's survival and avoid



long term conflict with surrounding built structures. This may include a combination of root barriers, root deflectors, integrated SUDs, soil cells or structural soils. Tree pit designs will be based on the intended type of tree planting, the nature of the planting site, its usage and surrounding environment.

- Where tree planting is planned within hard surfaces or within the built highway network, including constrained grass verges, the following minimum soil volume must be accounted for within the tree pit design.
  - Soil volume calculation: 6 cubic metres of soil/ 1 square metre of projected mature crown area <sup>(12)</sup>
- The trees will be from UK seed source, following Forestry Commission Advice on provenance. Produced using suitable biosecurity measures, as set by Plant Health Management Standards.
- Aftercare maintenance will be provided for 2-3 years after planting. This will consist of regular visits to:
  - water
  - check tree condition, stakes, ties, mulch
  - weed and litter pick
  - formative prune as necessary

Level of visit frequency will be based on weather conditions and site factors. Watering quantities and frequency will be sufficient to meet the needs of the tree and site specific ground conditions and carried out throughout periods of dry and or hot weather.

#### **Whips** (young saplings normally 18 months old)

- Preference will be given to the use of cell-grown whips dependant on availability and site conditions.
- The trees will be from UK seed source, following Forestry Commission Advice on provenance. Produced using suitable biosecurity measures, as set by Plant Health Management Standards.
- Protection: shelters, guards, fencing etc will be specified on a case by case basis taking account of site conditions and the proposed project. Dependent on availability and site factors, preference will be given to the use of plastic free shelters or guard products. Followed by biodegradable plastic products or other environmentally friendly products such as recyclable or reusable.



- Dependant on site factors and design, mulch mats will be considered for use with whips. Where mulch mats are being utilised, these should be plastic free and biodegradable, dependent on availability.
- Aftercare of whip planting on Kirklees land will be tailored to each site's specific planting designs. However, after care will follow these general management principles, as applicable:
  - Condition checks
  - Beating up
  - Guard removal
  - Longer term thinning.

### **7.12 Woodland Creation and Management**

It is important to note that woodlands are a diverse ecosystem, not just a group of trees, they include open spaces, a range of habitat types and different layers of vegetation growth. All of which are important, right down to the makeup of the soil. This will be a key consideration when designing new woodlands for Kirklees owned land or management plans for existing council woodlands. The aims and objectives of Kirklees council woodland creation designs and woodland management plans will be:

- Contribute to long-term carbon storage and mitigating the effects of climate change
- Contribute to reversing biodiversity decline
- Provide communities with opportunities to access quality green spaces.
- Contribute to flood alleviation where possible

Woodland creation Schemes and woodland management plans will be designed in accordance with The UK Forestry Standard. Designs and management plans will consider the following principles:

- Climate change and adaptation
- Biodiversity
- Local and wider landscape
- Historic landscape
- Local and wider communities
- Soils, water and utilities





### **7.13 Tree Swings and Tree Houses**

Kirklees Council recognises the value of all green spaces, including woodland, for adventurous play and the vital contribution this makes to children's physical, mental and emotional well-being, and development. However, as the council is unable to guarantee the safety of tree swings and tree houses, if during an inspection an inspector finds a tree swing or tree house, arrangements will be made to have them removed. If a tree swing or tree house is brought to the attention of the council, the Council will attend site to record the location and make arrangements for its removal. Any users of tree houses and tree swings within council owned open spaces or woodlands do so at their own risk.

### **7.14 Ivy and climbing plants in trees:**

Kirklees Council recognise the biodiversity value of climbing plants in trees. On that basis the Council will not routinely remove Ivy, and other climbing plants, from a tree. Unless the volume of the plant material is judged to have increased to such an extent that it is impacting on the stability of the tree, or where the removal is necessary to facilitate a more detailed inspection of a tree, when an initial inspection suspects that defects or disease may potentially exist. Decisions to remove climbing plants will be made on a case by case basis, balanced against the level of risk, biodiversity value and the reason for the works.



# **Council Owned Tree and Woodland**

**Management  
Standards**

**Other Issues**



## 8. Other issues

### 8.1 Trees touching a building

If a tree that is owned or managed by the Council is touching private property (dwelling, house, garage etc.) the Council will take appropriate remedial action. In many cases the solution will be for the Council to prune the tree, but in some circumstances, it may be more appropriate to fell the tree. If pruning is appropriate, we will endeavour to undertake works to stop the problem recurring within three years.

### 8.2 Tree overhanging property

If a tree that is owned or managed by the Council is overhanging private property, the Council will not take action. In exceptional circumstances, pruning options may be considered, in line with section 7.3. However, this is discretionary and subject to the availability of funding.

Common law permits landowners/occupiers to trim tree roots or branches that are within the curtilage of their property back to their boundary. However, if their actions render a tree to be unsafe, they may be liable for any subsequent damage that results from the tree's failure. Any party exercising this right must not cross the boundary or access third party land without prior consent from the landowner, including where the Council is the landowner. In addition, the Council is not obliged to accept the return of any pruned materials from its trees and this material should only be left on Council land if prior written consent has been given.

### 8.3 Trees blocking natural light or views

Kirklees Council will not fell a tree owned or managed by the Council to improve natural light to private property. In exceptional circumstances, pruning options may be considered, in line with section 7.3. Subject to funding be available. Where trees growing naturally within the environment are blocking light into a property, due to the incremental nature of their growth there is no legal "right to light". If natural light is being blocked by the growth of a predominantly evergreen hedge, then there may be a case under the High Hedges legislation, Part 8 of the Antisocial Behaviour Act, 2003. Further information can be found on the Planning [Trees web page](#)



#### **8.4 Debris drop related to trees- leaf fall, sap (honeydew), blossoms, bird droppings, nuts, fruits, seeds**

Kirklees Council will not prune or fell a tree owned or managed by the Council in relation to complaints regarding natural debris drop.

Leaf fall, blossoms, fruits, nuts, and seeds are natural seasonal events and as such should be considered as part of routine property maintenance.

The sticky residue falling from trees that is commonly referred to as 'Sap' is Honey Dew and is caused by Greenfly (Aphids) feeding on the tree's sap. Honeydew is a natural and seasonal problem. Where new trees are planted, Kirklees will explore the use of trees that are less likely to have this problem. Where honeydew affects cars or surfaces, warm soapy water will remove the substance, particularly if the car or surface is washed as soon as possible.

Bird droppings may be a seasonal nuisance, but the problem is not considered to be a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law). Warm soapy water will usually be sufficient to remove the bird droppings.

#### **8.5 Satellite, television, and other communications reception blocked by trees**

Kirklees Council will not prune or fell any tree owned or managed by the Council to enable or ease installation or improve reception of satellite or television receivers. It may be that the satellite or TV provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or means to boost the signal. Kirklees Council will not reimburse costs associated with relocating a TV aerial or satellite dish.

#### **8.6 Security cameras/sensors blocked by trees**

Kirklees Council will not prune or fell any tree owned or managed by the Council to improve the range or vision of security cameras or similar sensor equipment unless requested to do so by an appropriate statutory authority, e.g. the Police, on the grounds of public safety. Security of premises is the responsibility of the owner, and any system should be installed in such a way as to avoid interference from or with adjoining trees.



### **8.7 Solar collectors and panels obscured by trees**

Kirklees Council will not prune or fell any tree owned or managed by the Council to improve the performance of solar water heating collectors or solar panels such as photovoltaic cells.

Whilst the Council appreciates that there is a need to provide renewable energy resources, trees have an important role in maintaining and improving local amenity, in addition to contributing to local and national targets in tackling climate change. The presence of trees must be fully considered when selecting a suitable location for the placement of solar collectors and panels.

### **8.8 Telephone wires and trees**

Kirklees Council will not fell any tree owned or managed by the Council to remove or reduce interference with telephone wires. However, there may be instances where the Council will undertake works to prune trees and reduce interference where pruning would be an effective measure.

The telephone service provider may be able to suggest an alternative solution to the problem. However, wires do and can run through trees with little or no effect. Service providers will often install the wires after the tree has been planted. Service providers will be able to offer further advice.

### **8.9 Trees considered too large**

Kirklees Council will not prune or fell any tree owned or managed by the Council because it is considered to be 'too big' or 'too tall'.

A tree is not dangerous simply because it may be considered too big for its surroundings. Other problems would need to be present, such as those described in earlier sections, in order for the Council to consider it to be dangerous. Kirklees Council does not recognise, "lopping", "topping" or "pollarding" as a general form of management of its trees. Such work can be detrimental to the health and future safety of trees and will only be undertaken in exceptional cases.



# Council Owned Tree and Woodland

## Service Standards



## 9. Service standards

### 9.1 Enquiries- Emergency

All emergency enquiries relating to dangerous trees (see appendix 1 for definitions) must be logged to the Council's Arboricultural team via telephone on the numbers listed below. Please do not email emergency cases through. The team's email address may not be monitored on frequency sufficient to pick up and respond to an emergency enquiry:

- Telephone (normal working hours): 01484 414700
- Telephone (out of hours): 01484 414850

When contacting regarding an emergency please provide the following information:

- Detailed location information including nearby post code, where possible
- Size of tree and description of the situation being reported, hanging branch, fallen tree etc
- Your contact details and those for the party who reported the works, if different.
- Time when the enquiry was initially received or noted.
- Any other details that may be useful for the team, presence of any power lines, other service that may be involved, road closure in place etc

### 9.2 Enquiries- Homes & Neighbourhoods and Corporate Facilities Management

If the land is under the control of Homes and Neighbourhoods or Corporate Facilities Management, including tenanted land, the enquiry will be considered by a relevant Officer from that service who will decide if the Council's Arboricultural Team should be involved and make any necessary instructions using the Internal Request Submission Proforma, at section 9.7 below.

Contact Email, Homes and Neighbourhoods: [housing@kirklees.gov.uk](mailto:housing@kirklees.gov.uk)

Contact Email, Corporate Facilities Management: [corporate.fm@kirklees.gov.uk](mailto:corporate.fm@kirklees.gov.uk)



#### 9.4 Enquiries- Other

All other enquiries relating to council-owned trees must be submitted to the Council's Arboricultural Team using the relevant enquiries proformas at section 8.6 And 8.7 below:

#### 9.5 Kirklees Arboricultural Team, Service Standards

Kirklees Council's Arboricultural Team will work to the following target service delivery standards, ensuring that the Council's tree management resources are prioritised on safety critical works:

#### Arboricultural Team, Work Completion Timeframes

Priority Level	Definition	Completion time	Policy Areas
<b>Emergency</b>	Dangerous, Immediate	As soon as practicable	Risk Framework
<b>Urgent</b>	Important, critical	Within 7 days	Risk Framework
<b>High Priority</b>	Important task	Within 2 months	Maintenance, Legal Duties
<b>Medium Priority</b>	Core Task	Within 8 months	Maintenance, Legal Duties
<b>Low Priority</b>	Low level nuisance	No action	None-Safety, Not Required by Law

#### Arboricultural Team, Enquiry Response Timeframes

Enquiry Response	Response Time	Definition
<b>Emergency and Urgent</b>	As soon as practicable	Enquires of a dangerous, important, critical nature
<b>Confirmation of receipt</b>	Within 7 days	Response sent to confirm receipt of enquiry
<b>Acknowledgement</b>	With 28 days	To outline proposed response and process to expect
<b>General Enquiry</b>	Within 2 months	Case assessed and actions proposed

To ensure that enquiries to the Arboricultural Team can be dealt with in an efficient and timely manner, all reports or requests, from members of the public or internal parties, are required to be submitted on one of the following forms and emailed to: [Arb.Team@kirklees.gov.uk](mailto:Arb.Team@kirklees.gov.uk)





## 9.6 Arboricultural Team External request submission proforma

<b>Customer Enquiry Form- Council Owned Trees</b>			
<b>Customer Details</b>			
Title		Full Name	
<b>Contact details</b>			
Tel			
Email			
Address			
Post code			
<b>Tree Enquiry Type</b> (enter Y/N as appropriate)			
Dead, dying or dangerous tree		Interfering with a highway or public path	
Concern over the health of a tree		Property Damage (Evidence required in support of the enquiry, see Management Standards)	
Other		Tree causing issues; overhanging branches, blocking light, aphid sap, leaf fall	
<b>Before progressing, please read our policy document and management standards, detailing when and why Kirklees Council undertakes works to trees and note where the council can not take action.</b>			
<b>Tree Location Description</b> Please give a detailed description of the tree(s) location and where possible nearest post code or grid ref			
<b>Enquiry Description</b> Please give details of the situation you are reporting or the works that you are requesting			
<b>Supporting Documents</b> (enter Y/N as appropriate)			
I have attached supporting photos			
I have attached the required expert evidence <small>Required to support reports of property damage, see Management Standards section 7.9</small>			



Once complete please email to: [Arb.Team@kirklees.gov.uk](mailto:Arb.Team@kirklees.gov.uk)

## 9.7 Arboricultural Team Internal request submission proforma

### Internal Request Form- Council Owned Trees

#### Section 1- Enquiry Details

##### Customer Details

Reporting Officer Name		Service Area	
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Tel		Email	
-----	--	-------	--

##### Tree Enquiry Type (enter Y/N as appropriate)

Dead, or dangerous tree	Interfering with a highway or public path	
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Concern over the H&S	Property Damage (Evidence required, see Management Standards)	
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Other	Tree causing nuisance issues (Before progressing please read our policy doc detailing when and why Kirklees Council works on trees)	
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##### Tree Location Description Please give a detailed description of the tree(s) location and where possible a location plan

--

##### Request Description Please give details of the situation you are reporting or the works that you are requesting

--

<b>Supporting Documents</b> (enter Y/N as appropriate)	I have attached supporting photos	I have attached the required expert evidence (see Management Standards Section 7.9)	
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Once complete please email to: [Arb.Team@kirklees.gov.uk](mailto:Arb.Team@kirklees.gov.uk)

#### Section 2- Quotation Details-

(To be completed by the Arb Team and returned to customer for their attention and consideration)

##### Work Summary (For Arb Team use only):

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Quote	£	SLA	
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#### Section 3- Acceptance and Instruction

**I accept the quotation and instruct the Arb Team to undertake the specified work, as above.** (enter Y/N as appropriate)

Cost Code	
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Instructing Officer Name	Date
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Once complete please email to: [Arb.Team@kirklees.gov.uk](mailto:Arb.Team@kirklees.gov.uk)

## **9.8 User Instructions- Arboricultural Team Internal Request Submission Proforma**

**For emergency work (see appendix 1 for definitions) please refer to section 9.1 of the Service standards**

As an internal party, when contacting the Arboricultural Team regarding possible management works to trees, please follow the below process:

1. Complete section 1 of the Internal Request Submission Proforma-(section 9.7). Including your details, location information and as much details as possible about your request. Then email the partially filled form along with supporting photos and plan to: [Arb.Team@kirklees.gov.uk](mailto:Arb.Team@kirklees.gov.uk)
2. One of the team's tree inspectors will assess your request. They will then complete section 2 of the form. Including details of the work that they are specifying/recommending and a quotation for this works to be undertaken. The form will then be return it to you for your consideration.
3. If you are happy with the specification and quotation and want to instruct the works to be carried out, please then complete section 3 including your name and cost code to charge the works to. The job will then be scheduled in for completion based on the priority levels given in section 9.5 of the Service Standards.



## 10. APPENDIX 1 Priority Levels

**Emergency:** tree is snapped or blown over, tree uprooted but held up by another tree or building, a large branch has broken off or is hanging off the tree d) tree or branch has fallen or partially snapped is blocking the road or footpath or access to property, tree may, or has already, fallen onto house or car

**Urgent:** tree is dead, tree is dying - few leaves in summer or dieback in the crown, bark is loose and falling off, mushrooms or fungi growing on or near the tree, splits and cracks in the trunk or large branches, Tree swings and tree houses on Council owned land, tree has fallen down completely but not blocking access

**High and Medium:** tree has been damaged but stable, tree blocking streetlight. Tree obscuring sightline for traffic, Signal and signage obscured by trees - Tree touching a building, smaller branches or twigs falling from the tree, Vandalism to trees, evidence tree causing damage to property.

**Low:** Refer to NO priority (NO ACTION WILL BE TAKEN). Tree overhanging property, Tree roots and drains, Trees blocking natural light, Trees blocking view, Leaf fall from trees, Sap from trees, Blossom from trees, Bird droppings from trees, Fruit, berries & nuts from trees, Wildlife and insects in trees, Security cameras/sensors blocked by trees, Solar collectors and panels obscured by trees, Telephone wires and trees, Tree considered too large.



## 11. Appendix 2, extract- Kirklees safety inspection manual 2018

Category	Hierarchy Description	Defined by	Road Description
1	Motorway	DFT	Limited access motorway regulations apply
2	West Yorkshire Key Route Network (WYKRN)	Defined by West Yorkshire Transport Committee	Regional routes which have a strategic function such as connecting the key towns and cities in the country, linking to the motorway network or to Leeds Bradford Airport
3	Main Distributor	A Roads connecting larger towns	Heavily trafficked routes and busy freight routes including Resilient Network e.g. roads linking towns to the WYKRN. The resilient network is under review and any roads falling into this category will be introduced in the next hierarchy review/update.
4	High Traffic Local Network	B and C class roads and/or one or more high key feature	Heavily trafficked local roads which have one or more high traffic volume generators e.g. important links in the network connecting towns and larger villages.
5	Medium Traffic Local Network	Locally important routes and/or one or more medium key feature	Medium trafficked local roads which have one or more medium traffic volume generators or metalled through roads with no footways
6	Low Traffic Local Network	Roads with one or more low key feature	Low trafficked local roads which have one or more low volume traffic generators.
7	Local Road	Roads serving limited numbers of properties carrying access traffic and have no key features	Local roads with no traffic generators present e.g. serving residential properties. In rural areas serve small settlements and provide access to individual properties and land. In urban areas they are often residential loop roads or cul-de-sacs
8	Minor Access Road	Byways/Tracks Lanes Unmade and have no key features	Minor routes and low use unmetalled tracks some may already be unsuitable for motors and maintained in character only



## 12. Contacts:

- **Emergency contact** (normal working hours): 01484 414700
- **Emergency contact** (out of hours): 01484 414850
- **Arboricultural Team:** [Arb.Team@kirklees.gov.uk](mailto:Arb.Team@kirklees.gov.uk)
- **Homes and Neighbourhoods:** [housing@kirklees.gov.uk](mailto:housing@kirklees.gov.uk)
- **Corporate Facilities Management:** [corporate.fm@kirklees.gov.uk](mailto:corporate.fm@kirklees.gov.uk)
- **Web site:** [www.kirklees.gov.uk/beta/leisure-and-culture.aspx](http://www.kirklees.gov.uk/beta/leisure-and-culture.aspx)

## 13. Monitoring and review

This document will be subject to a biennial review and update. The review will include:

- Checks against industry best practise, industry standards, national legislation, and guidance
- Check against local adopted policies and guidance
- Resource & capacity
- Operational feed back

Date Adopted	14 <sup>th</sup> November 2023
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Reviewer Name and Job Title	Comments	Date Reviewed



#### 14. References:

- (1)- [Kirklees District Factsheet 2014:](#)
- (2) [Forest Research](#)
- (3) Natural Economy Northwest (2008) The Economic Benefits of green Infrastructure
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- (6) Bartens, J., S.d., Harris J.R., Dove J.E. & Wynn, T.M. (2008) Can Urban tree roots improve infiltration through compacted subsoils for storm water management? Journal of Environmental Quality 37, 2048-2057
- (7) Virginia Outdoors Plan, Chapter IV. Green Infrastructure, 2007.
- (8) Trees Matter, NUFU, 2005
- (9) Van Den Berg, A., hartig, T. & Staats, H. (2007) Preference for Nature in Urbanized Societies: Stress Restoration, and the Pursuit of Sustainability. Journal of Social Issues, 63, 79-96
- (10). Trust, (2015) Residential Developments and Trees
- (11) The Woodland Trust, 2004, Making Woodland Count – its contribution to our quality of life,
- (12) Lindsey and Bassuk, (1991)

