POLICY DOCUMENT

Tree Risk Management Policy 2025

1. Introduction

1.1 This tree risk management policy aims to present a risk-based approach to the planting and management of trees so that they improve our environment and the quality of life for residents.

1.2 There is unquestioned support for urban greening and the environmental benefits trees can bring.

1.3 This policy presents Lewisham's statutory responsibilities and aspirations for trees under our ownership.

1.4 It sets out Lewisham's legal obligations, and our risk-based approach to the management of trees. Our inspections and maintenance regimes, what we will and what we won't do. How we want to work to protect our tree assets and how we go about choosing suitable trees for the future. It also details how we work with our partners to fulfil our collective aspirations to increase canopy cover for all our benefit.

2. Benefits

Trees provide a multitude of benefits within our urban environment including:

2.1 Urban Greening: The presence of street trees enhances our urban environment. They improve the visual appeal of streets, making them more attractive for residents and visitors.

2.2 Environmental Benefits: Street trees can provide shade and reduce the urban heat island effect. Trees improve air quality, by trapping dust, particulates, and other pollutants. They help regulate surface water by providing storm water attenuation. They absorb carbon dioxide and produce oxygen, enhance biodiversity, and can also be used in urban design to influence traffic speeds if planted as part of a control measure.

2.3 Climate Resilience and Sustainability: Planting the right tree, in the right space, for the right reason can help mitigate the climate emergency by ensuring that they are resilient to the changing climate and its associated challenges, such as the spread of pests and diseases.

2.4 Health and Well-being: Trees are an integral feature of green spaces that promote physical and mental health by encouraging people to walk, exercise, and relax.

2.5 Community Engagement: Promoting the benefits and appreciation of trees can drive community cohesion and engagement. Local communities can come together to support tree planting, learn about their benefits, and become involved in their care and maintenance.

3. Duty of Care and Legal Responsibilities of Landowners with Trees

3.1 Landowners have responsibilities under both civil and criminal law for the safety of people on or near their property. If a tree or branch falls and causes damage or injury, the landowner could be held liable.

3.2 Civil law requires landowners to compensate for damages if they fail to meet their responsibilities.

3.3 Criminal law could lead to prosecution if the landowner breaks the law.

3.4 Health and Safety at Work Act 1974 requires employers to make sure, as much as possible, that their work does not put employees or the public at risk. This includes managing the safety of trees on their property.

3.5 Other Relevant Legislation includes the Occupiers Liability Act 1957 and 1984. The Management of Health and Safety at Work Regulations 1999. The Highways Act 1980 (especially section 130) and the Environment Act 2021.

3.6 Landowners have a duty of care and those managing trees must ensure the safety of people near their trees.

3.7 The courts define this duty as acting like a "reasonable and prudent landowner," meaning taking sensible steps to prevent foreseeable risks of injury from trees.

3.8 Taking "reasonable care, not guaranteed safety.” Landowners are not expected to guarantee tree safety, but must take reasonable precautions, like regular inspections.

3.9 Local Authorities, as landowners, must also assess the risks posed by their trees.

3.10 Proper knowledge and standards for inspecting trees are crucial. Balancing tree risks, their value, and the cost of inspections and maintenance is important.

3.11 The Council has powers over dangerous trees. If a privately-owned tree is dangerous to a highway, the Council can order its removal under section 154(2) of the Highways Act 1980.

3.12 If the owner doesn't comply, the Council can remove the tree and charge the owner for the costs.

4. Understanding the Risk from Trees

4.1 Research by the National Tree Safety Group shows that the overall risk to the public of being killed by a falling tree or branch is extremely low, about a one in 10 million chance per year.

4.2 An analysis of accident statistics shows that in a typical year about 55 people visit accident and emergency (A&E) due to being struck by trees. This is very small compared to the 2.9 million leisure-related A&E cases annually. For

example, football causes 262,000 cases, children's swings cause 10,900, and wheelie bins cause 2,200 incidents.

4.3 Understanding risk involves considering potential events and their consequences. For trees, the consequences could be property damage, serious injury, or death. Risk levels are assessed against the current maintenance regime. Tree owners and managers need to ensure their management meets society's reasonable expectations.

4.4 Understanding what is reasonable requires knowledge of the tree's context and local management. The Health and Safety Executive (HSE) considers a one in one million per year risk of death as very low. The risk of death from trees is ten times lower than this threshold, making it extremely small.

4.5 Proper tree management should prevent significant property damage, serious injury, or death. While accidents can happen, no tree can be guaranteed safe, and zero risk is unattainable if we keep trees.

4.6 Overreacting to tree risks can lead to unnecessary actions, especially near roads and in public places. This can diminish the landscape and deprive communities of the benefits of trees.

4.7 Ensuring a reasonable duty of care involves taking actions proportional to the risk, both reactively and proactively, to keep tree-related risks at an acceptable level.

4.8 A proactive approach to tree management involves having a tree management strategy with a defensible inspection regime to maintain tree-related risks at an acceptable level.

5. Defect, Hazard, and Risk

5.1 The term 'defect' can be misleading. A tree might show structural deformities due to health or environmental conditions, which could make it prone to failure.

5.2 These deformities are only risks if they are likely to cause harm. For example, a large tree breaking up over a busy road is an obvious risk.

5.3 Inspectors look for serious and immediate risks posed by obvious defects.

5.4 A hazard is a condition with the potential to cause harm. Any part of a tree that might fail and fall, causing injury or damage, is a hazard. All trees have this potential, so they are inherently hazardous.

5.5 Properly understanding the risk of harm from a hazard is crucial for effective management as misunderstanding defects and hazards can lead to unnecessary and costly interventions.

5.6 Risk is properly defined as the probability of harm and the severity of consequences from a particular hazard. While all trees are potentially hazardous, the risk level depends on the number of people and valuable property that could be harmed if the tree fails. The risk is higher where more

people or valuable property are within the tree's falling distance. In areas with few people, the risk is minimal.

5.7 The area where trees grow can be categorized based on the level of use. Understanding zoning is important for assessing risk. Recognizing the specific qualities of trees in relation to property and how frequently people use the area influences responsible tree management.

6. Zoning

6.1 Zoning is a practice where the Local Authority categorizes areas of land based on how much they are used. This helps prioritize areas that need more attention and resources. Typically, there are two zones: high-use and low-use, but sometimes no areas may require inspection, if for example there is no public access, in areas such as dense woodland.

6.2 It is sensible to inspect trees near well-used areas, such as main roads. Zoning based on public use helps identify which areas pose higher risks and allocate inspection resources effectively.

6.3 Most accidents from falling trees occur near areas where people travel quickly, such as main roads. Due to the high usage and speed of traffic, trees along major highways in Lewisham are the highest priority for inspection.

6.4 Trees in parks, cemeteries, and churchyards are considered lower risk and fall into the low-use zone.

6.5 Trees in back gardens and woodlands represent the lowest public use and may only need occasional inspection. However, Lewisham Tree Service will still address any reported issues.

7. Tree Inspections

7.1 There are 3 types of tree inspection, informal, formal, and detailed. Informal Inspections can be conducted by people with good local knowledge and familiarity with the area’s trees. Anyone who understands how the area around a tree is used and can spot potential dangers (like a tree falling apart) can make informal observations. Issues should be reported to the Local Authority Tree Service, which will then conduct a formal inspection within 28 days.

7.2 Formal Inspections are carried out by qualified and experienced Arboriculture Officers. These officers typically have a City and Guilds Level 3 in Arboriculture or a Professional Tree Inspector qualification (e.g., from LANTRA) and at least five years of industry experience. They look for external signs of structural defects that pose significant public safety risks, focusing on immediate or foreseeable risks.

7.3 Detailed Inspections are required when formal inspections find issues that need closer examination, especially in the higher stem or crown of trees. These may involve climbing inspections for a thorough assessment.

7.4 Formal inspections can be done any time of the year. Inspecting trees in different seasons can reveal various defects more clearly, so planned

inspections should ideally occur in opposing seasons for a comprehensive health and risk assessment.

7.5 These inspections include a full ground inspection around each tree, checking the root area, trunk, branches, and leaves for signs of concerns like root plate issues, diseases, decay, fungi, splitting, dieback, damage, or poor growth. Binoculars are used if needed.

7.6 Immediate risks identified during formal inspections are addressed immediately, often by issuing a tree works order for actions such as felling or other management.

7.7 If a formal inspection finds that the risk of harm is non-immediate and manageable through planned maintenance, no immediate additional management is needed. Ongoing informal and/or formal inspections should be sufficient.

7.8 By following these inspection types and protocols, the Local Authority ensures that tree-related risks are effectively managed, keeping public areas safe.

8. Record Keeping

8.1 Records, including maps, form the foundation of Lewisham's Tree Risk Management Policy. Each tree that undergoes a formal inspection and any subsequent recommendations for work is meticulously recorded. This process enables the Local Authority to develop a comprehensive understanding of its tree assets, and to demonstrate and provide evidence of its commitment to effective tree management.

8.2 The Tree Service utilizes a specialized tree database system called 'Arbortrack' to maintain records of trees under the Council's responsibility. This database includes the following details:

8.2.1 Identification of each site by street name

8.2.2 Individual numbering for each tree

8.2.3 Plotting of each tree onto the data map system

8.2.4 Proper specification of each tree (Latin or English)

8.2.5 Classification of each tree into an age category

8.2.6 Notation of the condition of each tree

8.2.7 Recording of any maintenance requirements, with prioritization

8.2.8 Assignment of each tree to the appropriate Council department ownership category

8.2.9 Inclusion of date for every entry

8.3 Presently, Lewisham manages approximately 10,697 street trees, 10,120 housing estate trees, 8,488 park trees, and 2,525 cemetery & crematorium trees. It is noteworthy that 205 of the park tree records are classified as woodland tree groupings, indicating that the total number of trees likely exceeds 37,000.

9. Inspection Frequency

9.1 Guidance relating to inspection frequency varies greatly as there is no uniformly accepted frequency appropriate to all situations.

9.2 Any tree on Council land that is reported on the Lewisham Council 'report a problem with a tree' web page or via the Lewisham call centre, will have a formal inspection carried out by an Arboriculture Officer within 28-days. Lewisham Council - Report a problem with a tree. Following the inspection if immediate Priority 1 works are required these will be programmed straight away. For non-immediate risks a priority rating will be issued, and the team will aim to carry out Priority 2 remedial works within a 12-month period depending on available resources.

9.3 The Councils Tree Service conducted 5,518 formal inspections in the financial year 2023-24.

9.4 The Council also commissions a suitably qualified and experienced independent surveyor to carry out a formal inspection on all its high priority risk highway trees every 3 years on a rolling program.

9.5 Lower risk priority areas such as parks, cemeteries, and housing land are formally inspected on a cyclical basis every four calendar years, with inspections allowed to occur within a timeframe of up to four years and eleven months to allow for trees to be assessed in different seasons as this can reveal various defects more clearly.

9.6 Tenanted gardens and woodlands are assessed as the lowest risk. These are not formally inspected but rely on the managers and occupiers to carry out informal observations of the tree stock. If they witness issues or have concerns, then they should request that the Tree Service provide a formal assessment.

9.7 The automated Lewisham Council web-based reporting system has been designed to be self-service. Lodging a request will generate a reference number and the notifier will be invited to enter the system after the 28-day period to obtain the prioritisation outcome of the inspection.

10. Tree Maintenance Program

10.1 In the event of emergencies, the Tree Service may require an immediate response. Contractors are contacted without delay and are not allowed to prioritize scheduled work.

10.2 Priority 1 trees present an imminent Health and Safety risk or are likely causing property damage. These trees are dealt with urgently through the issuance of tree works orders, which may involve felling or other necessary management actions.

10.3 Priority 2 trees are those causing issues or nuisance, such as those near dwellings. While they don't directly endanger public safety, they may require remedial work. The team aims to address Priority 2 issues within a year, depending on available resources. Any significant changes indicating foreseeable risks should prompt a follow-up inspection.

10.4 Priority 3 trees may benefit from pruning or thinning but don't require immediate attention as they pose low risk and are sufficiently distanced from properties. Due to the volume of trees managed by the Council and resource constraints, Priority 3 works are unlikely unless part of existing maintenance programs or tree planting initiatives.

10.5 Planned maintenance focuses on high-priority highway trees and proactive measures to prevent property damage. This may include removing basal growth in summer to maintain pavement width or pollarding to manage tree growth in areas with tall vehicles or clay soil prone to subsidence.

10.6 Pruning operations on high-risk trees, regardless of inspection assessment, include annual basal growth removal, crown lifting, thinning, epicormic growth removal, crown reduction (including pollarding), and formative pruning for young or newly planted trees.

10.7 Highway trees may undergo reduction, thinning, or shaping every three to five years to maintain an appropriate crown size for the street environment. Pruning frequency may vary based on site and tree specifics, considering actual or potential problems in each case.

11. Care for Veteran Trees in Lewisham

11.1 The continued care of veteran trees in Lewisham aims to preserve these ecologically and culturally significant assets for as long as feasible while ensuring public safety. Veteran trees contribute to biodiversity, historical landscape value, and community wellbeing. This section outlines measures to manage veteran trees effectively under a risk-based approach that prioritizes both retention and safety.

11.2 Veteran trees will be identified and recorded in the Lewisham Tree Inventory using standardized criteria, including age, size, and ecological features. Formal assessments will be conducted by qualified Arboriculture Officers, with additional considerations for veteran tree health, stability, and habitat value. Inspection frequencies will follow existing high-priority assessment schedules with added focus on early detection of potential decay, root stability issues, and canopy health.

11.3 The following management principles will apply to veteran trees. Management actions will prioritize retention of veteran trees wherever feasible, focusing on minimal intervention techniques as recommended in Veteran Trees: A Guide to Good Management. Pruning strategies will emphasize phased reduction and crown thinning only when necessary to reduce structural risk while preserving habitat value. Land around veteran trees will be managed to avoid compaction, nutrient imbalance, or mechanical damage. Mulching with organic material may be used to support soil health where appropriate. Standing and fallen deadwood

will be retained wherever safe to support biodiversity, with selective removal or repositioning only when public safety is directly threatened.

11.4 Public Safety Measures will include, zoning around veteran trees will be established, considering public footfall and proximity to high-use areas. High-risk trees identified during formal inspections will undergo mitigation, including localised fencing or restricted access rather than removal where feasible. Where full removal is the only safe option, a biodiversity compensation plan will be developed, including planting new trees with long-term veteran tree potential.

11.5 All management actions, assessments, and justifications will be recorded in the Arbortrack system. This policy will be reviewed every five years alongside broader risk management practices to ensure alignment with evolving best practices in veteran tree care and public safety.

Control of Pests and Diseases

12.1 Pests and disease are a constant threat to trees and can have serious implications for the impact on tree cover and ecosystem services provided by trees. Nothing illustrates the point better than the loss of 20 million mature elms to the Dutch Elm Disease epidemic of the 1970s and 1980s.

12.2 There are an increasing number of tree diseases prevalent in the United Kingdom.

12.2.1 *Hymenoscyphus fraxineus* (Ash Dieback) is a relatively new threat and has potential to cause significant damage among the UK's ash population. It has caused widespread damage to ash populations in continental Europe, including estimated losses of between 60 and 90 per cent of Denmark's ash trees. Experience in other parts of Europe indicates that it can kill young ash trees very quickly (within one growing season of symptoms becoming visible) while older trees tend to resist it for some time until prolonged exposure, or another pest or pathogen attacking them such as, *Armillaria* (honey fungus) in their weakened state, eventually causes them to succumb.

12.2.2 *Thaumetopoea processionea* (Oak processionary moth) known to be established in a relatively small geographical area of the country across London and surrounding areas. The caterpillars (larvae) of oak processionary moth (OPM) are pests of oak trees (trees in the *Quercus* genus), and a hazard to human and animal health. OPM is a tree pest because its caterpillars feed on the leaves of several species of oak trees. Large populations can strip whole oak trees bare, leaving them more vulnerable to other pests and diseases, and to other stresses, such as drought. Older caterpillars develop tiny hairs that can cause itching skin rashes, eye irritations, sore throats and breathing difficulties in people and animals. OPM was first accidentally introduced to England in 2005 and is subject to a government-led programme of survey and control to minimise its population, spread and impacts.

12.2.3 *Splanchnonema platani* (Massaria disease) is a disease of London plane trees (*Platanus x hispanica*, also known as *Platanus x acerifolia*)

which causes large lesions on the upper surfaces of major branches and branch dieback and can cause branches to break off the tree and fall. Dead branches and other dead wood must be removed before they become an unacceptable hazard.

12.2.4 The brown-tail moth *(Euproctis chrysorrhoea)* is found mostly in southern England and Wales where it can defoliate a variety of trees and shrubs. Although not as severe as OPM, brown-tail hairs can provoke an allergic reaction, in the form of a very itchy skin rash. As such, contact with the larvae or their nests should be avoided.

12.3 Although there are cost implications for the Local Authority in terms of inspection, containment, control and eradication procedures for these pests, the following operations may be carried out as necessary to contain or control outbreaks of disease or pest infestation.

12.3.1 Pruning out of infected wood

12.3.2 Spraying of pesticides in extreme cases

12.3.3 Injection of tree (if applicable)

12.3.4 Cordoning off to prevent human contact

13. Damage to Footways

13.1 There are several ways the Council can repair a pavement damaged by tree roots. In most cases we will remove any paving slabs and overlay the affected area in tarmac which provides a more flexible surface that will be less prone to cause trip hazards in the future.

13.2 If we can do so without affecting the stability of the tree, we will prune roots near the surface; and for high value trees we will consider installing a root barrier.

13.3 We will only remove a tree that is damaging the footway if it is considered a risk, in poor condition, of low value and can easily be replaced with a species less prone to causing trip hazards.

13.4 All reports of damage to footways should be made via the following link:

https://lewisham.gov.uk/myservices/roads-and-transport/roads-and-pavements/report-a-pavement-problem

14. Damage to Property

14.1 From semi-maturity onwards, trees may present a number of problems, varying in severity from nuisance (such as unwanted shading and blocking views), branches contacting with buildings (damaging walls, soffits, guttering and roofing), to being the principal cause of subsidence.

14.2 To reduce or avoid likelihood of alleged damage the Council will adopt appropriate pruning regimes in the first instance.

14.3 One of the key problems from urban trees in the coming decades is likely to come in the form of building subsidence as a result of water abstraction by tree roots. Subsidence is the downward movement of ground and an affected foundation influenced by soil properties, water, foundation depth and nearby vegetation. It has numerous possible causes, for example, damaged drainage systems, erosion, consolidation settlement, clay softening and clay shrinkage. Trees are heavy water users and soil moisture content is reduced as tree roots take up water, which can result in destabilization and ground movement in certain circumstances. Much of Lewisham lies upon predominantly shrinkable, clay soils which are more likely to be prone to subsidence, especially as rising summer and autumn temperatures are likely to contribute to a deficit in soil moisture content in the coming years under future climate scenarios.

14.4 While modern buildings with sound foundations are expected to be less vulnerable to subsidence, structures constructed prior to 1970 are likely to be increasingly at risk, particularly where soils are prone to frequent occurrences of shrinking and swelling.

14.5 To reduce or avoid likelihood of alleged damage through root activity to adjacent structures and properties, the Council will take suitable action in cases of proven damage by adopting appropriate pruning regimes in areas known to be problematic due to the underlying nature of the soil structure. A crown reduction shall normally be carried out to reduce root activity and moisture uptake.

14.6 If sufficient distance is available to trench near the trunk of a tree the Council will consider the installation of a PVC root barriers in the footway to discourage root trespass following professional consideration of the impact on large mature trees.

14.7 Public consultation about the removal of a tree shall be carried out if 12.5 & 12.6 appear to be, or are proved to be, ineffective in curtailing damage or reducing likelihood of future damage as per the new duty as contained in the Environment Act 2021.

15. Liability Claims

15.1 A tree-related insurance liability claim involves seeking compensation for damages caused by a tree, typically due to its fall or branches breaking off. These damages can include property damage, personal injury, or even death. Such claims arise when a tree, causes harm to neighbouring properties, vehicles, or individuals. The property owner may be held liable if negligence in tree maintenance is proven. Insurance policies, like homeowner’s or liability insurance, may cover the costs of repairs, medical expenses, and legal fees associated with the claim.

15.2 Each claim lodged against the Council is thoroughly examined to detect any potentially false or fraudulent ones.

15.3 If there's genuine concern that a property is being damaged by Council-owned trees, the property insurer should be the first point of contact.

15.4 Claims regarding damage to boundary walls, garden footpaths, driveways, and similar structures can be directly submitted to the Council. However, the Council doesn't automatically accept liability but advises processing such claims through the Council's Insurance and Risk Group. Please see: Appendix 1 for the Tree Root Claims Process Map.

15.5 The assessment of liability involves the Council's insurers, third-party insurers, and loss adjusters.

15.6 The burden of proof for demonstrating damage lies with the claimant.

15.7 If damage is confirmed, potential actions may include:

15.7.1 Crown reduction or pollarding of the tree (requiring regular maintenance throughout the tree's life for effectiveness).

15.7.2 Installation of PVC root barriers to restrict or prevent root growth towards adjacent properties, if feasible after professional evaluation of impacts on large mature trees.

15.7.3 Tree removal, often followed by replanting with smaller species less prone to causing subsidence claims.

15.8 Please note, conversely, removing trees in areas with heavy clay soil can lead to "heave damage," where excess moisture causes soil expansion, affecting poorly constructed building foundations.

16. Blocked Drains

16.1 We will not prune, fell, or cut the roots of a Council-owned tree to prevent roots entering a drain that is already broken or damaged.

16.2 Tree roots typically invade drains that are already broken or damaged. Trees themselves very rarely break or damage the drain in the first place. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe.

16.3 Residents who are concerned about the condition of their drains are advised to contact your water and sewerage company. Householders are usually responsible for the maintenance of drains within their property boundary. Often, once any root blockage is cleared, the installation of a plastic sleeve within the existing clay pipe will usually prevent a re-occurrence of the problem.

17. Light and Shade

17.1 We will not prune or fell a Council-owned tree to improve natural light to a property.

17.2 In law there is no general right to light. Any right to light would need to be established via a specific grant (rare) or by prescription, which can only occur where the right has been enjoyed uninterrupted for a minimum of 20 years.

17.3 There is no right to light in connection with open land, such as a garden. There is the common law right to prune a neighbouring tree that overhangs the owner's property back to the boundary line.

18. Blocking Views

18.1 We will not prune or fell a Council-owned tree to improve the view from a private property as in law there is no right to a 'view'.

19. Leaves

19.1 We will not prune or fell a Council-owned tree to remove or reduce leaf-fall or remove fallen leaves from private property.

19.2 The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning.

19.3 The maintenance of gutters is the responsibility of the landowner, and the council is not obliged to remove leaves that may have fallen from Council-owned trees.

19.4 Where gutters are regularly blocked by fallen leaves, gutter guards or hedgehog brushes may be fitted by the property owner to provide a low maintenance solution.

19.5 For roads and pavements additional resources are brought in by the Council each autumn to clear fallen leaves on those roads with the highest densities of street trees.

19.6 In parks and green spaces, paths or areas of hard standing are regularly cleared of fallen leaves but leaves on grass and shrub beds are generally left until the majority of leaves have fallen.

20. Sticky Sap -Blossom -Pollen -Falling Fruit/Berries/Nuts -Bird Droppings

20.1 We will not prune or fell a Council-owned tree to remove or reduce:

20.1.1 Honeydew or another sticky residue arising from trees.

20.1.2 Fallen blossom

20.1.3 Pollen

20.1.4 Falling fruit/berries/nuts

20.1.5 Bird droppings

20.2 Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould which causes it to go black. Unfortunately, there is little that can be done to remove the aphids which cause the problem; and pruning the tree will generally only offer temporary relief. Any re-growth is often more likely to be colonised by greenfly, thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by

greenfly and in some years, greenfly is more common, especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted, we try to choose species that are less likely to cause this problem. For honeydew residue left on cars, it can usually be removed with warm soapy water.

20.3 Bird droppings can be a nuisance. However, they are naturally occurring in urban environments, and it would not therefore be considered a realistic option to prune or remove a tree for this reason. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife laws). Warm soapy water will usually be sufficient to remove bird droppings.

21. TV Telephone & Satellite Reception

21.1 We will not prune or fell a Council-owned tree to prevent interference with TV, telephone, or satellite reception or to assist with the installation of aerials, satellite dishes or related equipment.

21.2 The satellite, telephone or TV provider should be able to suggest an alternative solution to the problem, for example: relocating the telephone wire, aerial/dish, boosting the signal, or installing the aerial on a longer pole.

22. Solar Panels

22.1 We will not prune or fell a Council-owned tree to prevent the shading of solar panels or to facilitate their installation.

22.2 The solar panel provider may be able to suggest an alternative solution to the problem, for example relocating the panels to a more suitable location.

23. Removal of Trees

23.1 The Council will exhaust all reasonable efforts to preserve existing trees before deciding on their removal.

23.2 The following policies dictate situations where tree removal may be necessary:

23.2.1 Dead, diseased, or structurally unsound trees, as well as those violating the Highways Act or involved in vehicle collisions, will be removed in the interest of public safety.

23.2.2 Whenever feasible, removed highway trees will have their stumps ground down to prepare the tree pit for potential future planting.

23.2.3 Trees causing significant lifting of footway surfaces will be considered for removal if root pruning and other interventions aren't feasible without jeopardizing tree stability. This decision will follow public consultation in accordance with the new duty outlined in the Environment Act 2021.

23.2.4 Trees deemed unsuitable due to excessive size relative to the street's scale may be removed, following public consultation as per the

Environment Act 2021, if pruning isn't a viable solution or if excessive maintenance is required (e.g., poplars).

23.2.5 Individual trees may be removed from roads, following public consultation per the Environment Act 2021, if they are proven to cause significant damage that cannot be managed by other means. In such cases, replacing them with smaller species is typically recommended.

23.2.6 Trees may be removed if ordered by a Court.

23.3 Reports will be submitted to the appropriate Committee for trees of significance requiring removal (e.g., trees of historical importance listed on the 'Great Trees of London').

24. Replacement of Trees

24.1 It is assumed that wherever possible one or more replacement(s) will be planted if an existing tree must be removed or has died.

24.2 Generally, replacements would be selected to harmonise existing plantings in the highway in question, unless removal is necessary owing to unsuitability of the species present.

24.3 A ‘like for like,’ replacement policy is not practically or operationally possible in many circumstances. This is because there are many factors that need to be taken into consideration which may not have been present when the deceased/removed tree was planted.

24.4 Therefore, we must adopt a ‘right tree,’ ‘right space,’ ‘right place,’ ‘right reason’ strategy. Most importantly residents need to want the trees.

24.4.1 Right Tree: Choose a tree that is suitable for your specific environment, including the local climate, soil type, and available water.

24.4.2 Right Space: Make sure the tree has enough room to grow both above and below ground without interfering with buildings, power lines, underground services, or other structures.

24.4.3 Right Place: Plant the tree in a location where it can thrive and provide the most benefit, such as shade, beauty, or habitat for wildlife.

24.4.4 Right Reason: Plant the tree with a clear purpose in mind, whether it’s to enhance the landscape, improve air quality, provide food, or support biodiversity.

24.5 This strategy ensures that trees are planted in a way that benefits both the tree and its surroundings, leading to healthier trees and a more balanced environment.

25. Public Consultation

25.1 Where a highways tree is proposed to be removed for reasons not relating to public safety, the Council shall follow a public consultation process as outlined in the Environment Act 2021. This process ensures that the public is informed and can provide feedback.

25.2 The steps that are required are as follows:

25.2.1 Public notice placement

25.2.1.1 Place a notice directly on the tree(s) in question.

25.2.1.2 Put a notice on the Council's website and/or make it available at their offices.

25.2.2 Consultation Period:

25.2.2.1 The public consultation will last for at least 28 days.

25.2.2.2 This period starts from the date when the notice is last placed (either on the tree or online/in an office).

25.2.3 Publishing Responses:

25.2.3.1 After the consultation ends, the Council will publish a response, including its decision, as soon as possible.

25.2.3.2 This response will be no later than 28 days before the tree felling is scheduled to happen.

25.2.4 Consultation on Multiple Trees:

25.2.4.1 If multiple trees are to be felled for the same reason on the same street, the consultation will be done for the group.

25.2.4.2 Each tree in the group must have a notice, but only one online/paper notice listing all trees is needed.

25.2.5 Notice Contents:

25.2.5.1 The location and number of trees.

25.2.5.2 A brief reason for the proposed felling.

25.2.5.3 Alternative solutions considered.

25.2.5.4 How the public can respond and the consultation dates.

25.2.5.5 Any replanting proposal, if available.

25.2.6 Response Options:

25.2.6.1 Both digital (email) and non-digital (mail) options for responding will be provided.

25.2.6.2 Clear instructions for responding should be included, with contact details for a responsible person at the Council.

26. Responding to Public Consultation

26.1 To ensures transparency and allow the public to understand the decisions made regarding street trees the Council will publish its decisions as follows:

26.1.1 Publishing the Response:

26.1.1.1 The response to the consultation will be posted on the same website where the original consultation was published and/or made available at the Council offices.

26.1.1.2 A copy of the response will be placed on the street tree(s) involved.

26.1.2 Timing:

26.1.2.1 The response will be published as soon as possible after the consultation period ends.

26.1.2.1 It will be published no later than 28 days before any tree felling occurs if felling is the decision.

26.1.3 Availability of Response:

26.1.3.1 If the decision is to fell the tree(s), the response will remain on the tree(s) and available online/in an office until the tree(s) are felled.

26.1.4 Communication and Complaints:

26.1.4.1 The Council will make reasonable efforts to inform respondents of the decision and the reasons behind it before any felling takes place.

26.1.4.2 Respondents will be given the opportunity to complain about the decision if necessary but note that there is no obligation on the Council to retain the street tree until such time as the complaint is determined.

26.1.5 Contents of the Response:

26.1.5.1 The response will include details of the consultation process (a link to the consultation will be provided).

26.1.5.2 It will summarize the consultation results such as:

26.1.5.2.1 The number of responses

26.1.5.2.2 Response proximity (e.g., Immediate <50m; Nearby 51-200m, Wider community >200m)

26.1.5.2.3 Levels of impact: - Direct Impact, these are from individuals directly impacted (e.g., those facing property damage, safety hazards, or significant health issues) will have their responses given additional weight regardless of proximity. Indirect Impact: These are responses indicating less direct but still relevant impacts (e.g., reduced aesthetic value, changes in local microclimate).

26.1.5.3 It will state the authority's decision and the reasons for it, including consideration of the consultation responses and why alternatives to felling were not feasible.

26.1.5.4 If applicable, it will include details of any replanting proposals.

27. Advice to the Public and Council Departments

27.1 The Tree Service shall continue to give free advice on general tree matters, without prejudice to the Council's legal position.

28. Review

28.1 The tree risk management system will be reviewed every 5 years by the tree service. The zoning system will be refined as sites are assessed and can be updated on an ad hoc basis to reflect changes in land use.

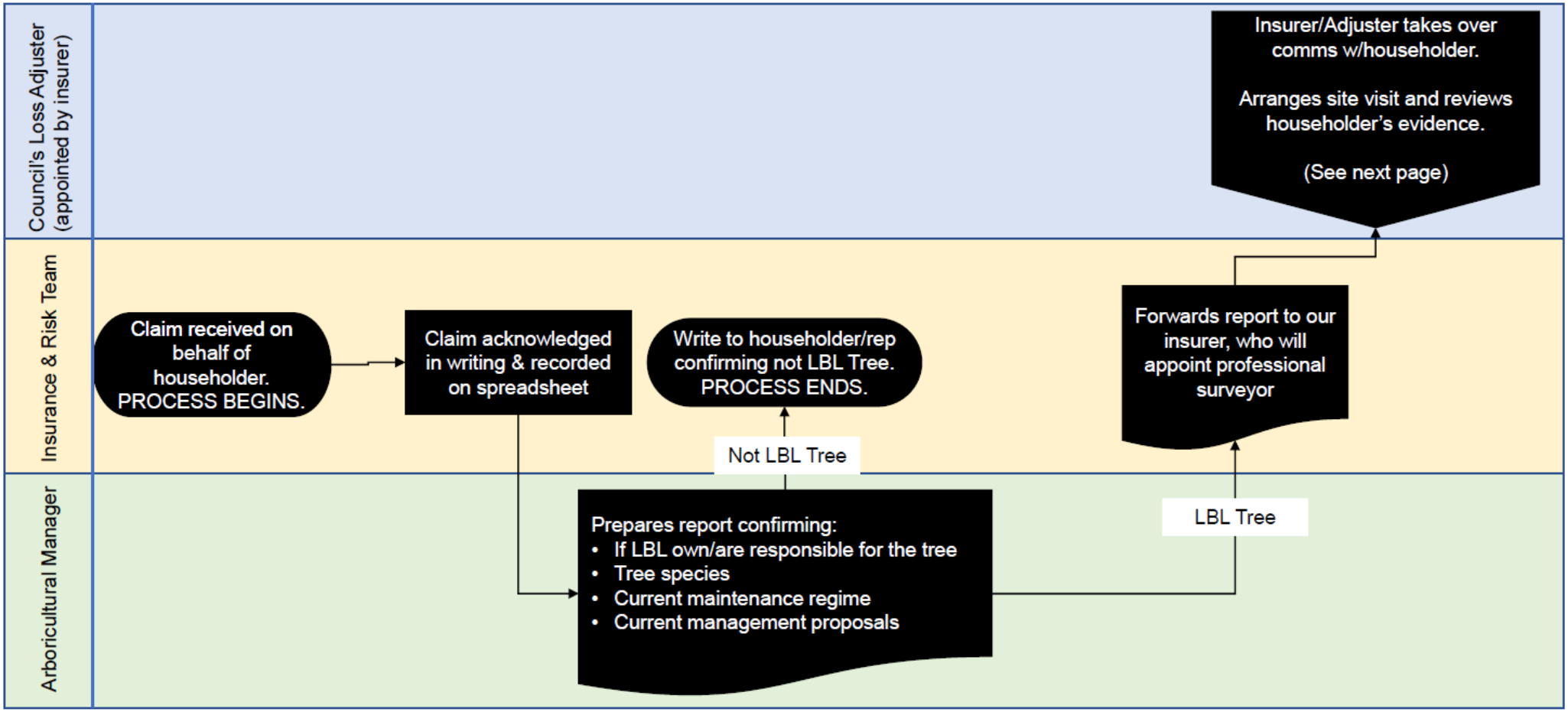
28.2 Prior to implementation this risk management policy will be compared with other local authority risk management policies and will also be passed for consultation with experienced tree managers and other company representatives for their comment.

28.3 The five yearly reviews will involve an assessment of whether the system complies with current industry best practice and consider areas for improvement and the potential re- allocation of resources.

APPENDIX 1

Tree Root Claims Process Map

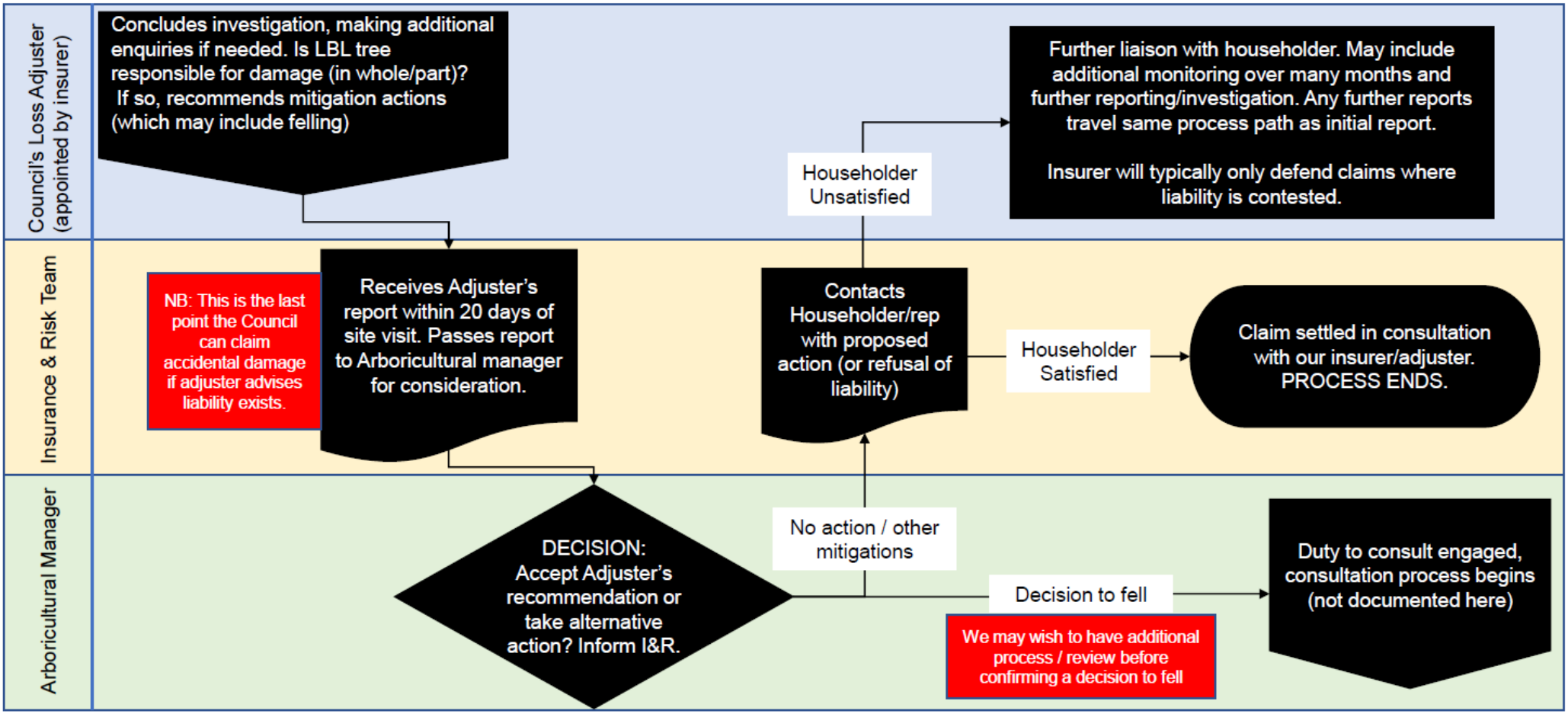
Part one – receipt and initial investigation



Produced by R Clarke 6/2/24 based on written process provided by K Eaton

Tree Root Claims Process Map

Part two – Investigation, decision and settlement



Produced by R Clarke 6/2/24 based on written process provided by K Eaton

APPENDIX 2.
HIGHWAY TREE PLANTING GUIDANCE

1. PREPARATION OF PLANTING SCHEMES

The Arboriculture Section in association with 'Street Trees for Living' will put forward annually, schemes for Highway Tree Planting. Due regard will be paid to satisfying requests for planting from the Public, Tenants & Residents Groups, and Members.

2. ANNUAL PLANTING PROGRAMME

The number of new trees planted annually may vary, however there will be continued emphasis on the maintenance, enhancement, and sustainability of the borough's tree population.

3. GENERAL AIMS AND OBJECTIVES

- The general objective of planting shall be to improve the street scene using species appropriate to the situation and to creating a satisfactory layout of trees in relation to nearby buildings, streetlights, signs, and furniture.

- Particular regard shall be paid to avoiding creation of potential hazards, i.e., obstruction of streetlights, sight lines to pedestrian crossings and road junctions.

4. LOCATION OF PLANTINGS

- Trees shall be planted in footways, paved areas and other areas that are within the London Borough of Lewisham's administrative boundary. Trees will normally be planted in prepared pits adjacent to the kerb, at the positions in front of the boundary between two properties on the frontage.

5. SELECTION OF TREE SPECIES AND VARIETIES

- Tree types will be selected with due regard to space available, i.e., proximity to buildings, streetlights, width of footway and other visible restrains, and also presence of underground cables and other restraints below ground level.

- Particular attention shall be given to avoiding problems such as severe light restriction to domestic property, and the possible effect of root activity on foundations of adjacent structure, through careful selection of species of trees and their siting.

- The biodiversity of our current tree stock will be continually monitored, aiming to achieve the 30:20:10 principle devised by Frank Santamour of the US National Arboretum.

- A list of trees with their suggested uses is attached. This is not an exhaustive list nor does inclusion of a tree species mean that it will be suitable for any highway site. Selection will be based on professional judgement of the Aboricultural Officer.

- There are many publications and catalogues which offer advice and suggestions. The most recent at the time of writing, and certainly one of the most comprehensive, is the Trees and Design Action Group's *Tree Species Selection for Green Infrastructure: A Guide for Specifiers*, researched and authored by Dr Andrew Hirons and Dr Henrik Sjöman. This document, which is available as a free download from the TDAG website, provides profiles for over 280 species supported by explanatory guidance (**www.tdag.co.uk**).

- As a general principle, larger growing 'forest tree' varieties such as Plane and Lime will only be preferred in wide, spacious roads, subject to any constraints as above and the application of 'right tree –right space –right place' principals.

- In the majority of cases, small/medium 'ornamental' species will be appropriate in the more restricted roads, particularly residential road. 'Upright' growing species (fastigate or of narrow 'tailored profile') will be particularly utilised in cases where there are particular problems of proximity to dwellings or heavily trafficked roads.

- Preference shall be given where possible to tree types with light foliage (small leaves or open branch structure) in situations very close to windows.

- Trees which, in the experience of the Borough's Arboricultural Officer, over recent years have been proven to be unsuitable owing to liability to root problems, wind damage/brittle branches shall not be planted in footways.

These include:

- *Acer saccharinum**
- *Ailanthus altissima*
- *Poplar* spp.

* except in situations where there existing commitments to maintain this species in a given road.

6. PLANTING SPECIFICATION

- Size of Tree Pits - Pits shall normally be 700 x 700 x 600 mm and shall be filled with a topsoil/compost mix. This may vary when the species chosen requires a larger tree pit.

- Staking - trees shall be staked with one or two timber stakes. Generally, the stake will be extended up to approximately 2.5 metres to discourage vandalism.

- Size of trees - to discourage or minimise likelihood vandalism trees shall be of 'selected standard' or 'heavy standard' size (see below).

TREE CATEGORY	STEM GIRTH	HEIGHT
Heavy Standard	12-14 cms	3.5 metres - 5 metres
Selected Standard	10-12 cms	3 metres - 3.5 metres

All trees will be planted with clear stems of 1.8 metres (i.e., all branches lower than 1.8 metres will be removed when planted)

- Trees may be hard pruned at time of planting to assist establishment.

HIGHWAY TREE PLANTING SPECIES

Planting of highway trees involves a wide variety of sites and may include certain green areas that abut paved areas. Replacement trees are categorised as follows:

CATEGORY 1 – Large to extra large

Table 1: List of suitable species of large growing species (i.e. size ultimately greater than 10-15m crown diameter at maturity).

COMMON NAME		BOTANICAL NAME
Cider gum		*Eucalyptus gunnii*
LIME	Several species	*Tilia tomentosa* *Tilia platyphyllos (incl. cultivars)*
PLANE		*Platanus x hispanica* *Platanus orientalis*
Honey locust		*Gleditsia triacanthos*
OAK		*Quercus robur* *Quercus palustris*
Nettle Tree	Nettle Tree	*Celtis australis*
Golden rain tree		*Koelreuteria paniculata*
Hop Hornbeam		*Ostrya Carpinifolia*
False acacia		*Robinia pseudoacacia*
Japanese pagoda tree		*Styphnolobium japonicum*
Black pine		*Pinus nigra*
Norway Maple		*Acer platanoides*

NOTE: other species may be appropriate, although availability of certain species on the horticultural market may be restricted.

Beech and Horse Chestnut would not generally be considered as suitable for planting in residential roads

CATEGORY 2 - Medium to large

Table 2 - Medium sized trees; mature height between 12-18m. Some of these trees could also be appropriate for narrow footpaths.

COMMON NAME	BOTANICAL NAME
Trident Maple	*Acer buergerianum*
FIELD MAPLE	*Acer campestre*
CANCASIAN MAPLE	*Acer cappadocicum*
ITALIAN ALDER	*Alnus cordata* *Alnus glutinosa* *Alnus x spaethii*
BIRCH (several varieties)	*Betula pendula* *Betula pendula 'Tristis'* *Betula jaquemontii* *Betula delecarlica* *Betula utilis*
TURKISH HAZEL	*Corylus colurna*
HONEY LOCUST	*Gleditsia triacanthos 'Sunburst'*
Strawberry Tree	*Arbutus unedo*
Judas Tree	*Cercis siliquastrum*
Mediterranean Cypress	*Cupressus sempervirens*
Persian Ironwood	*Parrotia persica*

CATEGORY 3 - Small to medium

Table 3 - Small growing species: mature height 6-12m

COMMON NAME	BOTANICAL NAME
HAWTHORN - several varieties	*Crataegus lavallei* *Crataegus monogyna 'Stricata'* *Crataegus oxycantha (and varieties)* *Crataegus x prunifolia*
Common Juniper	*Juniperus communis*
Japanese Privet	*Ligustrum japonicum*

PLUM - ornamental	*Prunus cerasifera ‘Nigra’* *Prunus cerasifera ‘Athropurpurea’*
Mongolian Lime	*Tilia mongolica*
Italian Alder	*Alnus cordata*
Broad-leaved whitebeam	*Sorbus latifolia*
PEAR (ornamental)	*Pyrus calleryana 'Chanticleer'* *communis 'Beech Hill'*
Judas Tree	*Cercis siliquastrum*
Swedish whitebeam	*Sorbus intermedia*