CAMBRIDGE CITY COUNCIL

REPORT OF: Principal Arboricultural Officer
TO: Planning Committee 1 April 2009
WARDS: Market

Objection and Representation to Felling of Trees on Midsummer Common

1.0 INTRODUCTION – DECISION MAKING

1.1 Members are invited to comment on the felling of a London plane tree on Midsummer Common, which is land managed by Active Communities. An objection has been received to the proposed felling and concerns expressed to the removal of five other trees.

1.2 Trees on Active Communities' land are managed by the arboricultural service based in the Department of Environment and Planning. The Director of Environment and Planning has delegated powers to undertake arboricultural work.

1.3 In the view of the objection to the proposed felling the matter is referred to Planning Committee for its views, before the Executive Councillor for Arts and Recreation makes a decision.

1.4 The trees are in a conservation area. However, as the trees on Midsummer Common grow on land managed by the City Council, the Council is exempt from the statutory notification procedure.

1.5 One tree, a willow (T133) grows on Highway land and is therefore within the remit of the County Council as the Highway Authority. The tree will be felled under the terms and conditions of the Highway Agreement between the City Council and the County. An explanation of the reasons for doing so is included in the report as it has, erroneously, been referred to as being within the Common and has been included in the public consultations.

2.0 RECOMMENDATIONS

1 To advise the Executive Councillor for Arts and Recreation that the Committee supports the proposal to fell the specified London plane on Midsummer Common.

2 To advise the Executive Councillor for Arts and Recreation that the Committee supports the proposal to fell another five specified trees on the Common.

3.0 BACKGROUND

3.1 A routine cyclical tree management survey was undertaken of the trees on Midsummer Common in October 2008 for Active Communities.

3.2 A schedule of works was prepared and put out to internal and external consultation.

4.0 CONSULTATIONS

4.1 The following were consulted:
Ward Councillors for West Chesterton and Market
Friends of Midsummer Common
BruNK
Jesus Green Association
Save our Spaces
A resident of Boathouse Court

4.2 The arboricultural officer conducted a tour to explain the works to the Friends of Midsummer Common on 7 January 2009.

4.3 No objections were received; work commenced on site.

4.4 The Council received an objection, dated 26 February 2009, following a meeting of the Friends of Midsummer Common on 24 February 2009, when the arboricultural officer gave a presentation to the group.

4.5 Work has been suspended until this representation has been considered.

5.0 CONSIDERATION

5.1 Details of the objection and points of concern:

The objector states
"*I am, even in light of the presentation, still not convinced of the need to fell all seven trees. In particular I would like to object to the felling of the plane tree on the riverside."*
The reasons given are:

5.1.1 The objector quotes paragraph 4.2 of the Local Plan which states:
The setting of Cambridge and its open spaces are an essential part of the character and quality of Cambridge. The protection of these and the features within them is essential if Cambridge is to maintain that quality.
The objector writes, *"The trees on the green spaces clearly are critical features within them, and ought according to this policy be protected. I do not believe this felling is in line with that policy. I would prefer to see other*

options, such as removal of the problematic primary branch, (and perhaps other branches), rather than moving straight to felling."

The objector has additional concerns in relation to the felling of other trees on Midsummer Common. These are set out in the points below:

5.1.2 With the exception of a horse chestnut tree near Brunswick Terrace, the objector is questioning *"the balance of judgement made between safety and protection and preservation of the trees. I feel the safety culture is going too far. For example I would prefer to see a "wait and see" approach to Horse Chestnut on Victoria Avenue with the damaged root, and the tree by the roundabout the council believes was damaged by the electricity cabling works. If these trees move, slip, or start dying then of course they'll need to be felled, but the current proposals to fell appear to be based on damage, the effects of which are unknown."*

5.1.3 The objector quotes paragraph 4.19 of the Local Plan which states:
There are occasions where felling, or significant surgery to trees, is acceptable. In such cases the amenity value of the tree, its condition and potential life will be weighted against the safety from its removal, the protection of other important site features or any more general benefits of a new development.

The objector writes, *"I interpret this as saying there is a judgement to be made balancing safety with the value of a tree. I accept this, but question who ought be making the judgement. I think that the judgements are erring too often towards felling, and I think residents' views ought be taken account of and alternatives to felling considered."*

5.1.4 The objector writes *"One of my reasons for objecting is that I would like to see councillors, not officers, making informed decisions on whether or not to fell trees, particularly established and contentious ones, in the city."*

5.1.5 The objector writes, *"I am also objecting on the grounds of insufficient consultation. There has been very little information on these proposals on the city council's website, and the reasoning given on the notices on the trees was very brief. I think consultations and public awareness surrounding the future of the city's trees could be improved my making the council's tree database publicly available."*

5.2 Comments on the objections and points of concern are answered according to the numeration above.

5.2.1 The objector is referring to the policy that safeguards trees in relation to development in the Local Plan. The Local Plan is a document that sets out the Council's policies about the development of the city. This policy is not relevant to the management of trees on open spaces.

5.2.2 When surveying trees the Council arboricultural officers have to decide the appropriate solution to the problem that is presented. Details of the assessment of the trees and the management options considered, in respect to the trees on Midsummer Common that are recommended for felling, is given in an appendix.

While trees have many values - social, environmental and economic - they may, if suffering from certain structural or mechanical defects, represent a hazard in areas where people and property are present. Whether trees are managed for landscape, habitat, commercial or multi-purpose objectives, there is a legal obligation to ensure the reasonable safety of others. The law recognises that there is a balance to be struck between the risks and benefits of trees. Cambridge City Council, as the owner and occupier of land, is required to consider the level of risk associated with a tree, and whether it is reasonable to protect against that risk. The duty is to identify apparent sources of danger and to make the land safe, so far as is reasonably practicable. Liability is determined on the basis of whether a danger posed by a tree could have been foreseen, and whether reasonable remedies could have been undertaken which would have reduced the risks to an acceptable level. No tree is entirely safe, given the possibility that an exceptionally strong wind could damage, or uproot, even a mechanically 'perfect' specimen. It is, therefore, usually accepted that hazards are only recognisable from distinct defects, or from other failure-prone characteristics of the tree, or of the site. The assessment of risk is based on:

- the value of whatever is judged to be at risk, and the likelihood of its being harmed in the event of mechanical failure in the tree, as estimated by:
  - what is at risk – people, buildings, vehicles etc. (i.e. Target);
  - the probability of impact, based on duration of occupation – for example, in relation to a permanent structure or a given number of people using a path during a given period of time;
- these considerations are clearly linked to the location of the tree, which is a key factor in deciding whether inspection is required in the first place;
- target characteristics: e.g. stationary or high speed traffic, elderly or very young people frequently present etc;

- the magnitude of the hazard, as estimated from the size (diameter) and height of the part of the tree most likely to fail;
- the probability of failure, based on the type, position and severity of the defect concerned, the species or cultivar of tree and the nature of the site.

5.2.3 The objector is referring to supporting information to the policy that safeguards trees in relation to development in the Local Plan. The Local Plan is a document that sets out the Council's policies about the development of the city. This policy is not relevant to the management of trees on open spaces.

5.2.4 A protocol has been written on consultation procedures in relation to the management of trees on Council land. It is under discussion and should be formally adopted in the June/July cycle.

5.2.5 The following were consulted prior to work commencing:
Ward Councillors for West Chesterton and Market
Friends of Midsummer Common
BruNK
Jesus Green Association
Save our Spaces
A resident of Boathouse Court

In addition, the arboricultural officer undertook a walk around the open space on 7 January 2009 to explain to the Friends of Midsummer Common the work to be carried out.

Proposals are not currently posted on the web, but will be in future.

The tree management database is a management tool and cannot be made available on the web. Schedules of work can be posted on the web site.

7.0 OPTIONS TO FELLING

T 37	Silver lime	Crown reduce the canopy: This would need to be undertaken on a regular basis.
T 42	Purple leaf maple	Monitor. If the tree fails causing damage to persons or property the Council will have no defence as it has identified the tree as high risk in a high risk location.
T 104	Horse chestnut	None.

		If the tree fails causing damage to persons or property the Council will have no defence as it has identified the tree as high risk in a high risk location.
T 129	London plane	None. If the tree fails causing damage to persons or property the Council will have no defence as it has identified the tree as high risk in a high risk location.
T 132	Lime	None. If the tree fails causing damage to persons or property the Council will have no defence as it has identified the tree as high risk in a high risk location.

8.0 CONCLUSIONS

8.1 1 To advise the Executive Councillor for Arts and Recreation that the Committee supports the proposal to fell the specified London plane on Midsummer Common.

2 To advise the Executive Councillor for Arts and Recreation that the Committee supports the proposal to fell another five specified trees on the Common.

9.0 IMPLICATIONS

(a) **Financial Implications**

(b) **Staffing Implications** None

(c) **Equal Opportunities Implications** None

(d) **Environmental Implications** The short term loss of a tree, but long term improvement in the environment.

(e) **Community Safety** None

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

To inspect these documents contact Diana Oviatt-Ham on extension 7145

Cambridge Local Plan July 2006

Arboricultural Strategy 1996-2007

Report to Risk Management Group November 2008

Parks for Cambridge People: A Strategy for Open Spaces 2004-2008

An Assessment of Open Space in Cambridge – Summary of findings June 1999

Best Value Review of Parks and Open Spaces Management – final outcome report.

The author and contact officer for queries on the report is Diana Oviatt-Ham on extension 7145

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APPENDIX 1

Trees to be felled on Midsummer Common

This report explains the issues and defects in respect of seven trees programmed for removal on Midsummer's Common.

Tree 37 Silver Lime (Tilia tormentosa)

This newly planted tree grows in Butt Green at the northern end of the Common.

This young tree has been vandalised by having the top snapped out. If the tree were to remain it would grow with a poor form as it tries to establish a new leader. The main stem has been damaged at the break point and is unlikely to support the abnormal loading that will occur as the tree grows. Decay at the wound is likely to result in failure in adverse conditions.

Silver lime trees are capable of heights in excess of 25m. The damaged tree will never reach the desired size and height because of this structural defect. It was planted as part of a group of trees to create a feature on the landscape that will last 200 years. This landscape effect cannot be achieved with a flawed or pollarded specimen.

If the tree is retained future management it will require crown reduction on a regular basis. On a cost effective basis it is impractical to accommodate a tree of poor form and inherent future issues when removal and replacement is possible. At present the tree is small and its removal and replacement will not affect the amenity or landscape of the open space. The tree can be replaced with one of a similar size and specie using containerised stock from a local nursery.

Tree 42 Purple leafed Norway Maple (Acer platanoides 'Crimson King')

This relatively young tree grows in Butt Green at the northern end of the Common.

All the primary roots were severed when public utility service contractors worked on the Common. Damage of this extent and severity normally results in root and stem decay. There is a high risk of failure onto the public footpath at a point where people are almost stationary as they negotiate the entrance/exit onto the Common.

The tree was already suffering from Verticillium wilt when the damage occurred. Verticillium wilt attacks the cambium, reducing the flow of water and nutrients within the tree; both the roots and the canopy are affected. Necrosis on the

lateral branches will result in whole limbs dying back, the roots will also die. The combination of the root damage and the presence of the pathogen are likely to result in this tree having a very short life expectancy. The issue of public safety increases the longer the tree remains in situ.

As a young Silver lime has been planted close to this tree and is establishing well a replacement for the maple should be planted at a place nearby that will allow the trees to grow to their full potential and not have competing crowns.

Tree 104 Horse Chestnut (Aesculus hippocastanum)

This mature tree grows on the Victoria Avenue frontage, one metre from the back of the footpath, near the Fort St George pelican crossing. It is part if the 19th century avenue.

This tree sustained a clean break to a major primary root at the base of the tree during storm force winds in January 2008. A nearby mature horse chestnut failed across Victoria Avenue in the same storm.

The fracture of a primary root of this size (250mm) is only likely to occur where damage already exists. Previous stresses may have wounded the root allowing decay to establish. The tree has a pronounced lean into Midsummer Common and if it were to fail would collapse into the space. This is a high risk tree in a high risk location. Though the pedestrian occupancy is generally low on the Midsummer Common side of the tree, account should be taken of the intensity of activity when the fairs and festivals take place when members of the public sit under the canopy.

Crown reduction is not an option as it is impossible to remove sufficient weight and canopy area to counter the mechanical imbalance and lack of anchorage.

Tree 129 London Plane (Platanus x hispanica)

This young tree grows on the river bank opposite Clare College boathouse.

The tree is to be removed because of the included bark unions that compromise its form. Included bark forms where a union has a naturally occurring split, or a seam, runnning down into the trunk. At point of union where a branch meets the main stem, or a secondary branch grows from a primary, the wood tissues do not fuse together creating the likelihood of failure. As the tree grows incrementally, laying down an annual growth ring, the branches push against each other,

forcing them apart until one fails. In some cases, usually on older trees, it is possible to bolt through the wood or cable brace the upper parts of the crown. However, this wound runs in two places at the point of crown break. The seam, or crack, is long and when the canopy is placed in stress in adverse weather the fibres will not flex under loading and the tree will rip apart.

This is a structural defect which cannot be rectified. It is a result of propagation from a poor genetic base and is extremely common in plants produced from the 1960's. The City Council has worked with its tree nurseries to propagate new trees from a reliable tree stock.

A well used footpath/cycle way passes below the tree and residential narrow boats are moored beneath the tree. The tree would fail onto the boats and the path. It therefore poses an unacceptable risk.

Tree 132 Lime (Tilia spp)

This mature tree grows on the river bank opposite Pembroke College boathouse.

The lime has severe white rot decay at base, called Ganoderma adspersum, as evident from the fungal fruiting bodies visible on lower trunk and the butt. This is an extensive heart wood rot affecting the trunk and primary roots. The decay probably established following root damage when the path was constructed and/or upgraded.

The tree is likely to fail at the base without warning in any climatic conditions.

The tree has been tested and the extent of decay is considerable.

The weight of a fully functional, healthy crown makes this a very dangerous tree. The lime is situated in the middle of two footpaths used frequently by cyclists and pedestrians. Residential narrow boats are moored on the riverside directly under the tree. If the tree were to fail it could collapse onto the boats or the path. This is a high risk tree in a high risk area; the likelihood of injury to persons or property cannot be discounted, the Council would be negligent in its duty of care if it were not to fell the tree.

Tree 133 White Willow (Salix alba)

This mature tree grows on the western boundary of the Common, along Walnut Tree Avenue against Elizabeth Way bridge. It is not in the ownership of the City

Council as it grows on highway land. The tree will be felled under the terms and conditions of the Highway Agreement between the City Council and the County. An explanation of the reasons for doing so are offered here as it has been referred to in earlier consultations.

This tree has the same pathogen as the lime (Ganoderma adspersum). This is an extensive heart wood rot affecting the trunk and primary roots. The tree has advanced decay in the main trunk and the crown is in decline with low annual incremental growth and heavy dieback. Willow is prone to primary branch failure and basal failure. Several willow trees on Coe Fen and Sheep's Green illustrate this phenomena, in that location they have been allowed to collapse.

The target areas if this tree were to fail are Elizabeth Way and Walnut Tree Avenue. Elizabeth Way is a busy circulatory road and Walnut Tree Avenue is a well used commuter route and has on street parking.

The tree could be pollarded but the re-growth will develop directly into the footpath on Elizabeth Way Bridge. It has never been pollarded before. To pollard according to European and industry best practice guidelines, the tree should have been been topped when young and a programme of regular pollarding undertaken. The tree is too mature to receive such treatment. Any reduction would have to be phased to minimise any adverse reaction and the onset of premature death. Pollarding is likely to place the tree in such stress that the ganoderma would advance even more aggressively as the tree and the pathogen draw upon the reserves. Willow decays relatively quickly due to the open, porous cellular timber structure.

The trunk of the tree is less than one metre from wall of bridge, eventually the tree will come into conflict with the structure, which is likely to be unacceptable to the Highway Authority.

The only practical solution is to fell the tree and plant several suitable replacements along the grass verge next November.