

TREE MANAGEMENT GUIDELINES

1.0 INTRODUCTION

- 1.1 These guidelines are intended as a supplementary note to accompany the Tree Strategy. We outline the Council's approach to tree management work and describe in broad terms, situations where we are likely to consider pruning, felling or other forms of tree management work for our own trees. We also describe the types of tree work that are normally accepted as good practice within the authority. Work to trees is sometimes necessary to ensure they are maintained in a safe and attractive a condition as possible. The guidance identifies typical situations where the different types of tree work are applicable, though each tree will always be assessed on its merits. All work to our trees will normally be carried out by a specialist arboricultural contractor from our 'Tree Contractor List' or by an Arboricultural Association Approved Contractor (http://www.rbwm.gov.uk/web/trees_contractors_list.htm; <http://www.trees.org.uk/contractors.php>) and will be in accordance with current UK and EEC legislation, British Standards and Codes of Practice, and further guidance documents where they apply.
- 1.2 The Heads of Service will retain responsibility for monitoring performance in tree management to ensure that the Council acts in accordance with its own policies and guidance and makes progress with the implementation of tree management programmes. We will ensure that the Council acts in an even-handed manner in our dealings with private trees, (including woodlands and hedgerows) protected by legislation and in caring for our own trees. We will also ensure that the requirements of nature conservation policies and other legislation are met. Trees will be assessed before pruning or felling to ensure that there are no breeding birds, bats or other wildlife likely to be harmed. Where necessary the advice of an ecologist, Natural England or other specialist will be sought. We will retain records and monitor the nature and extent of tree work, producing an annual report. By monitoring the numbers of trees felled, replaced, pruned and included within management programmes, we will be able to demonstrate that the Council's tree and wildlife targets are being met and ensure that the Borough's sustainability commitments are fulfilled.

2.0 MANAGEMENT PROGRAMMES FOR COUNCIL TREES

- 2.1 Trees are living organisms and are constantly growing and changing. Trees in urban areas require careful management. Tree management should include regular inspections and programmed maintenance work. This maintenance may include the removal of some trees, pruning of others and replacement planting of trees, with the aim of maintaining the overall tree cover in a safe and healthy condition. Young trees and woodland plantations require a high degree of care and nurture to ensure proper establishment, particularly in the first 5 years. Young trees require careful watering during dry conditions from April through to September, especially in the first couple of years after planting. They also require weed control, mulching/nutrient application and replacement of those that die or become vandalised.

- 2.2 The Council has a Tree Team and this team is responsible for a regular inspection and management programme for most of the Council's trees. Some other units are responsible for certain trees, such as on Public Rights of Way, but who will gain a second opinion from the Tree Team when necessary.
- 2.3 Where Council owned trees are subject to statutory protection, such as by TPO's or Conservation Area legislation, and the works aren't deemed exempt, then a site notice will be displayed on or a point near to the tree to advise residents of intended works and in the case of trees subject to TPO's prior consent will also need to be obtained from the Local Planning Authority. Where a mature prominent tree is to be felled, we will advise Ward Councillors, the Parish Council and any resident who directly overlooks the tree and could be affected by its loss.

3.0 WHEN CAN TREES BE FELLED?

3.1 The Council will avoid felling trees unless it is absolutely necessary. Each case will be carefully judged on its merits. Tree felling will not be permitted for individual trees of amenity value unless there is very clear justification for the work. Replacement trees should usually be planted though this need not necessarily be in the exact same place as a felled tree. The following are situations where felling is essential or advisable.

- A tree that is a danger to public safety eg. dead, dying, extensively decayed, damaged or structurally impaired.

Note: If a tree requires urgent attention following storm damage for example, there is an emergency call out service, out of hours (after 5.15pm through to 8.45am on Mondays through to Thursdays and from 4.45pm on Fridays through to 8.45am on Mondays, by contacting the Control Room on tel: 01753 853517). During normal working hours, emergencies should be directed to the CSC tel: 01628 683 800 or straight through to the Tree Team on Tel: 01628 796094.

- A tree causing an unacceptable obstruction to an adopted highway, private street, public right of way, access to property or footpath, where the obstruction cannot be overcome by pruning the tree or other reasonable measures. This includes where footways are disturbed by excessive tree root action and is the only option to prevent personal injury through trips and falls.
- Compliance with other statutory requirements such as the Wildlife and Countryside Act 1981.
- A tree causing a legal nuisance to an adjoining property, where pruning would not address the problem. A 'legal nuisance' is one that is actionable in law and a tree cannot be a 'legal nuisance' to its owner. Examples might include building subsidence as a result of abstraction of moisture by tree roots, other physical damage to another owner's property or a severe and unreasonable degree of noise, disturbance or loss of enjoyment of the adjoining dwelling or garden. These cases may arise when a tree is physically very close to or in contact with a building on an adjoining property. Felling is acceptable only when the nuisance is severe and where pruning would not remedy the problem.

- A tree which is shown to be a major contributor to soil shrinkage and serious structural damage to buildings, where pruning alone would not provide a solution. Damage to walls or pavings is generally relatively minor and removal of the tree would not necessarily be acceptable. Structural problems must always be carefully investigated particularly where there is the possibility of a potential claim against the Council. Private owners will be expected to provide proof that a particular tree is causing damage to the property.
- Trees which are clearly of a size and species inappropriate to their situation. Examples of inappropriate trees would be large poplars, willows or Leyland cypress which have grown up since a property was built, close to gable walls or which completely overshadow a small garden or which extend considerably over the house. Trees which may have self-seeded in unsustainable locations. Trees which may have been planted illegally on the adopted highway.
 - Situations where pruning has been tried to rectify a severe problem and has not been successful. Examples might include situations where a resident has particular problems due to harassment or a physical disability. A tree may be preventing essential repairs to property. Trees can sometimes be used to gain criminal access or may be obstructing essential police or council-monitored CCTV surveillance. Felling in these cases should only be seen as a last resort.
 - Thinning out young and developing trees in accordance with a Management Plan. This work is usually essential during the establishment period to reduce the number of young trees in a plantation or group. This is done gradually as the trees grow bigger, allowing the best trees to flourish and encouraging healthy growth and development. Sometimes tree removal from mature stands may be necessary for the same reasons, or to provide sufficient space for new planting to broaden the age range and introduce more beneficial species and enhance bio-diversity.
 - Removal for wildlife habitat improvement. Occasionally it may be necessary to fell trees to promote particular habitat, for example to prevent loss of meadowland or to encourage native tree species or ground flora.
 - Removal to allow authorised development or redevelopment. It may sometimes be necessary to fell trees to permit development to take place in cases where full planning permission has been granted. Every effort will be made to retain trees on development sites in accordance with the statutory duty, planning policies and current planning guidance.

4.0 WHEN CAN TREES BE PRUNED?

- 4.1 Pruning trees should not be carried out if it is not necessary since any cutting can weaken the tree, by removing stored carbohydrates and reducing the ability of the tree to photosynthesise. It can allow decay organisms to enter exposed and vulnerable tissue and create conditions in the tree more suitable to establishment of decay organisms and their spread. It can also adversely affect the uniform stress of the tree possibly making parts of the tree more susceptible to failure.

Pruning of a healthy young tree will usually cause it to respond by producing vigorous new growth. In certain species the harder the pruning the more vigorous will be the regrowth. Older trees do not tolerate pruning as well as younger ones and substantial pruning can be very damaging particularly in species which are not naturally tolerant of cutting. Tree pruning will not be permitted where the tree is of high amenity value and there is insufficient justification for the work. Work will also be resisted if the tree has been pruned during the previous 2 years, unless there are special circumstances agreed by an Arboricultural Officer. As with felling, each case will be carefully judged in its merits.

4.2 The following are situations where pruning works are likely to be essential or advisable:

- A tree with branches or twigs causing an obstruction to or growing low over a public highway, public right of way, footpath or access to property, over gardens or open space where the public have access. Generally a minimum clearance of 2.5m should be maintained over pavements and footpaths and 5.3m above the adopted road; 6m in the case of trunk roads. Byways require 5m clearance and bridleways 3.5m.
- A tree causing a 'legal' nuisance to an adjoining property.
- A tree that may be contributing to soil shrinkage and structural damage to adjacent buildings or other built features, where it is felt that it is appropriate to restrict the size and moisture demand of the trees.
- Trees restricting repairs and maintenance of property, or authorised construction work.
- Trees blocking daylight from habitable rooms to a severe and unreasonable degree, such as branches obscuring main windows.
- Trees giving rise to justifiable fear about the risk of crime or trees which have provided access and/or cover from criminal acts, vandalism and harassment for local residents.
- Trees physically in contact with buildings and roofs.
- Trees close to and growing over walls and fences, in order to give immediate clearance.
- Tree roots which are significantly disturbing footways, to prevent trips and falls.
- Trees growing close to and likely to obstruct or interfere with street lighting and other services equipment.
- Trees obstructing highway and other signage or likely to do so.
- Trees obstructing sight lines at road junctions and access points.

- Trees obstructing essential police or Council-monitored CCTV surveillance cameras or likely to do so. Trees adjacent to CCTV cameras or within the field of view being covered must be controlled to ensure that public security is not compromised. (Placement of cctv cameras should take into account existing trees and ensure as far as reasonably practical that a conflict will not arise between the two. Where the amenity value of a tree outweighs any marginal obstruction, works will not be carried out – similarly if works are severe and would result in a high amenity trees being harmed and or disfigured, works may not proceed).
- Trees which need formative pruning to shape or train them during the early years.
- Removal of dangerous or diseased branches, to remedy storm damage or mutilation, to make the tree safe. We will take particular care with veteran or ancient trees that may become unsafe due to their age. Pruning will often enable us to retain a veteran tree, rather than fell it. Consideration will be given to moving the target instead, especially in the case of veteran and ancient trees.
- Brashing, coppicing or similar silvicultural operations to maintain or develop woodland in accordance with an agreed management plan.

4.3 Pruning and Felling Requests

4.4 We receive many tree-pruning and sometimes felling requests each week, for a variety of reasons. The following “problems”, which are often the subject of such requests, are not considered a legal nuisance and we therefore do not prune or fell trees (beyond those described above) for any of these reasons:

- 1) General loss of light/reduced light to properties
- 2) Effects on TV reception (either satellite or terrestrial television)
- 3) Obstruction of views
- 4) Interference with private vegetation
- 5) Obstruction to private surveillance cameras
- 6) Minor or seasonal nuisances such as:
 - a. Honeydew (sap – normally excreted by insects feed on the leaves of trees)
 - b. Bird droppings
 - c. Squirrels gaining access to buildings from trees
 - d. Leaf, fruit or flower fall
- 7) Trees considered too large.

4.5 Whilst we appreciate these problems, they are judged a relatively minor inconvenience when considering the many benefits of having trees within an urban environment.

4.6 We will also not remove trees for any of the above reasons listed above, 1-7. In addition, we will not remove trees to allow the implementation of new vehicular crossovers, unless a highways licence for the crossover has been granted and, when needed, full planning permission has also been granted. Please refer to our

5.0 ACCEPTABLE TYPES OF PRUNING FOR TREES

5.1 Formative pruning

- 5.2 The main aim of formative pruning is to produce a tree which in maturity will be free from any undesired major physical weaknesses and which will complement the management objectives for the site. Ideally should be started in the nursery, but not be delayed more than 3 to 5 years after planting. If branches need to be removed or shortened so as to deal with undesired patterns of growth, this should be done in stages so as not to remove too much leaf cover at any one time. Ideally the selected branches to be removed should not exceed 20 mm in diameter at the point of attachment to the stem. Also, at least two-thirds of the height of the tree should preferably consist of live crown at all times. Within areas of high usage or formal plantings, co-dominant stems or branches arising from potentially weak unions in young trees should be removed so that only one of them remains. Where this would create a large wound, an unwanted stem should be shortened rather than removed, thus causing it to lose dominance.

5.3 Crown thinning

- 5.4 Crown thinning should only be used to achieve specific objectives. In crown thinning, an even density of foliage should be retained around a well-spaced and balanced branch structure which could, if appropriate, provide an adequate framework for a possible future crown reduction (e.g. in old pollards). If the objective is to reduce the overall mechanical loading on a defective branch or stem, crown reduction and reshaping should be chosen in preference. The percentage of the leaf-bearing area to be removed in crown thinning should be stated in any specification and should preferably not exceed 30%. The work should be done throughout the crown and should not be limited to the inner crown. In particular, the cutting of branches back to the main stem should be avoided if practicable. Structurally weak or hazardous branches should be removed in the course of thinning. In most circumstances, crown thinning should preferably be avoided on species which tend to produce abundant epicormic shoots as the crown frequently becomes dense again.

5.5 Crown lifting

- 5.6 Crown lifting involves pruning to achieve a desired vertical clearance above ground level or other surface. This is sometimes necessary to allow site usage. Crown lifting should if possible be phased over a number of years, with a view to providing some opportunity for physiological and mechanical adaptation to the resulting wounding and branch removal. Crown lifting should be avoided or minimized in mature or old trees if possible, since it can increase the probability of stem failure. If it cannot be avoided, it should preferably involve the removal of secondary branches or branch shortening rather than branch removal, provided

that the desired clearance can thereby be achieved. The choice of these options should take account of factors including the size, growth potential, branching habit and shade tolerance of the tree. Crown lifting that involves the cutting back of branches to the main stem should preferably not result in the removal of more than 15% of the live crown height and, unless the objectives change, should not be followed by further crown lifting (except in the case of a young tree undergoing formative pruning), which would increase the effect of wounding on the main stem and the impairment of mechanical properties.

5.7 Crown reduction and re-shaping

Crown reduction usually involves a reduction of the spread of the crown, as well as its height. It alleviates mechanical stress by reducing both the lever-arm and the sail area of the tree. Unlike topping, it retains the main framework of the crown and therefore a high proportion of the foliage bearing structure, which is important for the maintenance of vitality. Crown reduction should be considered in order to achieve an overall reduction in the height of a tree. Specification for such work should involve a general but not necessarily uniform shortening of twigs and/or branches. The suitability of a tree for crown reduction should be assessed according to the prospects of preserving a satisfactory shape, its age and condition (vitality), the soil type and local climatic factors (rain, wind, etc.). The extent of crown reduction should be determined on the basis of the objective and on an assessment of the ability of the tree to withstand the treatment.

The general principle is that, following reduction, there should still be a strong framework of healthy small-diameter branches and twigs, capable of producing dense leaf cover during the following growing season. In order to apply this principle, each tree should first be assessed so as to decide how much and where to cut. Due to its potentially negative effects, crown reduction should not usually be done in combination with other crown pruning operations, which would add to the amount of wounding and leaf loss.

➤ Hazard management

In the context of hazard management, crown reduction should be considered as the principal means of reducing the wind loading on weak or defective parts of the tree (e.g. an extensively decayed stem or damaged roots).

➤ Directional pruning

A crown should normally be reduced in proportion to its original shape but its shape may be altered if there is a specific objective to do this. If such work results in a substantial removal of weight or “sail area” from one side of a tree, the probable need for pruning on the other side of the tree for mechanical balance should be considered. Directional pruning should be considered as an option, as it reduces or removes branches growing towards fixed apparatus or structures, but will retain other branches and help to direct new growth in a desired direction. If specific branches need to be shortened or removed so as to increase horizontal or vertical clearance from other features e.g. streetlight, cable, or building façade, the specification should state the feature and the clearance to be achieved.

➤ **Specifications for crown reduction**

The specification for crown reduction should be accurate and clear, so that the desired result is achieved. To avoid ambiguity, the specified end-result should be stated either as the tree-height and branch-spread which are to remain, or the average equivalent in branch length (in metres). End-results should be specified for individual branches if the growth habit of the tree creates a need for this.

Tree work will normally be carried out in accordance with British Standards 3998 and any relevant best practice guides.

6.0 PRUNING OPERATIONS FOR EXCEPTIONAL CIRCUMSTANCES

- **Root Pruning** – Cutting tree roots is highly undesirable and can affect the health and safety of a tree. Root pruning is a very specialised operation that should only be undertaken with the support and supervision of the Arboricultural Officer. Pruning of buttress or other major roots can make the tree unstable. There are strict guidelines relating to severance of tree roots when excavating near trees. Severance of more than 30% of a tree's root system is quite likely to cause slow dieback and eventual death of a mature tree. NJUG10 'Installation of Utilities in Proximity to Trees' is the national standard and it is incumbent upon utility companies to follow. The Council adopts same practices, and where excavations are proposed in precautionary zone (root protection area) prior consultation with Arboricultural Officer will be carried out.
- **Lopping** – This is a crude operation and is not favoured. Occasionally it is necessary to shorten certain limbs 'lop' them. It is the internodal and fairly indiscriminate severing of branches that may leave stubs. This work may only be appropriate where wildlife issues are the main consideration.
- **Topping** – Like 'lopping', this is not favoured. Topping has many meanings but is generally defined as the removal of most or all of the crown of a mature maiden tree or the pruning of a pollarded tree below the "knuckles" effectively cutting through the main stem. This work may only be appropriate where wildlife issues are the main consideration.
- **Pollarding** – this involves pruning all the branches from a tree at a certain height, usually between 2m and 5m above ground level. Since ancient times pollarding has been a traditional method for cutting timber and then allowing regrowth. It should normally be commenced when the tree is still young and then repeated at regular intervals through the life of a tree. It is now essentially a method of controlling the growth of the tree and to restrict the size of its crown. Pollarding is traditional in some localities and for certain species but it can be detrimental to the appearance of individual trees. There is a case for pollarding veteran trees to allow them to be retained without compromising public safety. Many ancient trees are in fact pollards, though locally these are fairly rare, with most situated in Windsor Great Park.
- **Coppicing** – this is a similar practice to pollarding, but in this method the young tree is cutback close to ground level to promote multiple stem re-growth. Whilst this is

generally used to promote stem growth for commercial harvesting it can be a useful practice for amenity and for conservation; for example coppicing willows along river banks to help bank stabilisation and for wildlife habitat.

7.0 WORKS OTHER THAN TO THE TREE, TO BENEFIT THE TREE

- 7.1 In some situations a trees ability to grow and function properly can be compromised by the environment around them. This may include the ground within their rooting zones being covered with hard impermeable surfacing that does not allow the roots to breath and absorb rainwater and which can also limit the availability of nutrients. In cases where the trees are of high amenity value, for example an important focal point in an area, consideration will be given to improving the surfacing by substituting it with a porous surface such as paving slabs, or converting to grass or a shrub border. This will only be an option where this would not create an unacceptable conflict with other uses.

8.0 ARISINGS

- 8.1 The pruning of trees and shrubs generates substantial tree waste. The Council encourages tree contractors to dispose of chipped and small diameter waste by taking it to the Council's recycling centre off Stafferton Way where it can be recycled for compost. Fallen dead trees and leaf litter in woodland and in low key areas both in parks and on other Council land are best left to decompose naturally. Dead trees should be left standing where they would not be a danger to the public. Many fungi and a number of rare insects are only found in such habitats

9.0 TREE PLANTING

- 9.1 The Council is committed to planting new trees, and strives to ensure that the visual amenity of the street scene in the borough is assured for future generations. However, the budget is limited and so tree planting must be prioritised. If an existing tree is removed and it is both desirable and practicable to replace it, a new tree will be put on the waiting list. If a new tree cannot be planted that winter due to lack of finance, then it will be carried over to the following winter.
- 9.2 Residents may make requests for new tree planting and the closing date for all these requests is 31st July each year. We will inspect all sites to check suitability for planting taking into account such constraints as underground and overhead utilities, sight lines, space for future growth, ground conditions. Between 1st August and 31st October each year, all of the potential sites for that year will be inspected and those sites deemed suitable will be prioritised with any remaining locations carried over into future planting seasons.
- 9.3 Tree planting may be sponsored by residents and local businesses, which would guarantee a tree being planted during the next planting season. Many trees have been planted in the past as a result of sponsorship and the Council continues to

welcome offers of similar support. Details of how to get involved are posted on the Council's website www.rbwm.gov.uk/web/trees_planting_sponsorship

- 9.4 Occasionally trees are removed in order to carry out highway alterations. In these circumstances, a replacement tree of a similar species and size will be planted in the immediate vicinity, wherever practicable.
- 9.5 Opportunities for new planting in streets are limited due to the proximity of underground services and buildings. Some streets do not have any trees as a result, and elsewhere very few new opportunities are likely to arise, except where alterations to highways are carried out. Limited opportunities may occur through traffic management schemes eg. the major maintenance and enhancement scheme for Windsor & Eton Relief Road.
- 9.6 The maintenance and planting of trees in the Borough's Historic Parks and other parks and open spaces is increasingly governed by landscape management plans. These have been prepared for Home Park (a grade II* Historic Park), Kidwells Park, Braywick Park, Grenfell Park, and Boyn Hill Park. In Home Park, the emphasis is on the restoration and repair of the landscape whilst providing a quality sporting environment. The trees provide a valuable setting to formal and informal recreational activities, and some of the Council's best amenity trees are to be found here.
- 9.7 The Council undertakes all tree planting work in accordance with the relevant section of its own work specifications. These specifications accord with the following standards;
- BS 3936:1992 Nursery Stock
BS 4043:1989 Transplanting Root-balled Trees
National Plant Specification (Horticultural Trades Association)
- 9.8 Individual standard trees normally have a 2 or 3 year maintenance period attached. This means any trees which fail, as a result of a contractor defaulting on the contract terms, will be replaced by the contractor at their own expense.
- 9.9 When designing new hedgerow or copse planting, the Borough Council will normally specify stock produced from seed collected from the appropriate Forestry Commission seed zones. Where the primary aim of a new tree planting scheme is to conserve or enhance nature conservation, nursery stock should be produced from seed collected from local sources, if such seed is available. For trees to be planted for instant effect, such as standards, then the priority is to buy in the best quality stock.

10.0 TREE INSPECTION

- 10.1 Trees are dynamic living organisms capable of achieving considerable size and structural complexity. The laws and forces of nature dictate a natural failure rate

even among intact trees; by their very nature trees cannot be considered entirely free of risk, though this is generally present at very low and acceptable levels.

- 10.2 Trees are exposed to and can become damaged by the elements, and have co-evolved with pathogens that can degrade and sometimes destroy their structural integrity. Due to genetic characteristics and local micro-environmental factors, this integrity may be innately uncertain.
- 10.3 Where trees grow in areas of public access or within falling distance of man-made structures (collectively termed 'targets'), branch shedding or whole tree failure can potentially cause severe harm, including loss of life.
- 10.4 Owners or occupiers of land have a duty of care that could have implications for tree management, including proactive inspection and maintenance.
- 10.5 It is important that people having or taking ownership of or responsibility for trees are aware of their condition. Tree inspection provides relevant information to inform management decisions and demonstrates that care has been taken. This will be enhanced by carrying out any recommended actions.
- 10.6 The inherent risks associated with trees mean that it is a mistake to manage them in an overly risk-averse manner. In addition to considerations of tree safety, it is important that management decisions are taken in light of their wider benefits (aesthetic, ecological, environmental and sociological).
- 10.7 The guidelines addresses considerations arising from the need to inspect trees in order to assess, and if necessary reduce their potential for structural failure.
- 10.8 Given the large number of trees in public spaces across the Borough, control measures that involve inspecting and recording every tree would appear to be grossly disproportionate to the risk. A simple tree management standard is employed that will ensure the maintenance of a healthy tree stock, the sound management of the environment and will at the same time satisfy health and safety requirements.
- 10.9 Trees less than 75mm stem diameter, when measured at 1.5m above ground level will not normally be recorded unless they have been formally planted. Likewise large shrubs will not be recorded.
- 10.10 One approach to help manage the risks from trees involve 'zoning' trees according to the risk of them falling and causing serious injury or death. An overall assessment of risks from trees, particularly identifying groups of trees by their position and degree of public access. As a minimum trees are divided into two zones: one where there is frequent public access to trees (eg. in and around picnic areas, schools, children's playgrounds, popular footpaths, car parks, or at the side of busy roads); and a second zone where trees are not subjected to frequent public access. Maps are useful here as individual records for individual trees are unlikely to be necessary where zones and the trees in the zones are clearly defined.

- 10.11 Trees in frequently visited zones - a need for a system for periodic, proactive checks to be undertaken by someone who is competent – staff in parks and highways would normally suffice. Need to properly apply and monitor it.
- 10.12 A system for obtaining specialist assistance/remedial action when a check reveals defects outwith the experience and knowledge of the person carrying out the check.
- 10.13 Once a tree has been identified by a check to have a structural fault that present an elevated risk, action should be planning and taken to manage the risk.
- 10.14 Inspection of individual trees will only be necessary where a tree is in, or adjacent to, an area of high public use, has structural faults that are likely to make it unstable and a decision has been made to retain the tree with these faults.

10.15 Inspection Criteria

- 10.16 Acceptable and effective tree inspection procedures should ensure that changes in tree condition are noted and acted upon before the tree becomes hazardous and injury to person or damage to property occurs. The Borough Council's tree inspection procedures take into account the following criteria:-

10.17 Prioritising inspections

- 10.18 A prioritized inspection schedule should be undertaken based on levels of access (ie. exposure of people to hazard) and arboricultural advice, taking account of relevant factors (where known) that affect safety such as the age class, condition, size and species of the trees.

- Species – some species are more prone to develop physiological defects
- Age of Tree – a tree is more likely to develop structural defects during the latter stages of its life.
- Condition – Tree should be inspected more regularly if structural defects have been noted which increase the risk of failure in extreme weather
- Location – Surrounding features should be noted which would become a target if the tree collapsed or fell.
- Level of Use – High levels of public use in the immediate vicinity of a tree will increase the likelihood of injury if a tree were to fail.
- Tree Population – The size and distribution of the tree population and the staff resources available will dictate the nature and frequency of an authority's tree inspection procedures.

- 10.19 Timing – Trees are best inspected when in full leaf, from mid-summer through to autumn, before leaf fall. However, if the scale of the operation dictates, inspections should continue throughout the year. Successive expert inspections should, where practicable, also be undertaken at differing times of year as this facilitates inspection under a range of conditions

10.20 Frequency of inspections

10.21 Basic – the interval between inspections should be driven by site usage, through annual inspection is usually appropriate for targets such as well used highways. Expert inspection – the maximum interval between expert inspections where a target is or foreseeably may be present should be five years.
Note. Departure from this recommendation may be justified where there is identifiably infrequent access, recorded as such at a strategic level.
Within this maximum parameter, the interval between systematic expert inspections should be varied in order to take account of a tree’s condition and context, including site usage and changes in circumstances and growing conditions. The interval should also take account of the findings of each previous expert inspection, and those of any lesser inspections undertaken in the meantime.

10.21 The precise timing of inspections should reflect the nature of any defects known to be present (eg. seasonally occurring fungal structures) and should also address, where possible, any limitations that formerly reduced the effectiveness of a prior inspection (eg. ivy). The arboriculturist should identify the appropriate interval to and preferred time of year for, the next scheduled expert inspection.

10.23 Quantifying the risk from hazard trees –

10.24 Where consideration is being given to the retention of a hazard tree in identifiably poor structural condition, a detailed assessment will be undertaken to quantify the associated risk and a written record retained.

Where risk to be quantified, the following factors will be considered;

- a) Likelihood that an identified defect (including decay) will lead to structural failure;
- b) Nature of the target
- c) Consequences for the target concerned of an impact from the defective part

10.25 These 3 factors will be systematically assessed and considered in combination in order to determine the risk posed by the tree concerned, and to confirm its suitability for retention, including where this is only acceptable through implementation of risk control measures

10.26 Habitat Value – An assessment of the tree’s ecological value should be made and considered when prescribing tree management work. In particular, evidence of roosting bats or nesting birds should be noted and work planned to avoid any possible disturbance.

10.27 Other Factors – there are other factors which should be considered when formulating tree inspection procedures. For example, extremes of weather or construction work in a tree’s immediate vicinity may necessitate a responsive inspection to monitor the effects on the stability of the tree.

10.28 Climatic considerations

10.29 Consideration will be given to implementing at least basic inspections in the aftermath of storm event, especially for trees previously identified as being

particularly vulnerable, and/or for those standing adjacent to high-value targets (eg. trunk roads).

- 10.30 Trees known to have been struck by lightning will be inspected within 10 working days of the incident being reported unless reported as being dangerous where it will be inspected and dealt with within 24hrs.

10.31 Ivy and other climbing plants

- 10.32 Ivy and other climbing plants can obscure the structure of a tree preventing thorough inspection. The target and risk will determine the need for inspection via aerial access or the removal of the plants concerned prior to inspection. Ivy and other climbing plants can provide a valuable wildlife habitat and may harbour protected species. Such plants will be only removed where this is essential to allow thorough inspection. However, ivy may also be severed at the base of the tree and allowed to die back naturally, in cases where the ivy is suppressing the tree.

10.33 Inspection Procedures

- 10.34 The Borough Council has tree inspection procedures, which provide information to minimise the risk of damage to the public and property. Such procedures must be considered as 'reasonable' and should be deemed so in legal terms (ie. They should follow industry recommendations and codes of practice and stand up to legal scrutiny). The nature and frequency of such inspections should have regard to the criteria detailed above and the distribution of the Council's tree stock.

- 10.35 The following working methods and activities are employed to achieve an acceptable standard of tree inspection:-

1. The maintenance of computer generated tree inventories and management records
2. Regular basic inspections by Streetcare Officers and other site staff (eg. Countryside Park Rangers, Public Rights of Way Officers)
3. Programmed specialist inspections by the Council's Arboricultural Officers including:
 - a. detailed inspection of all highway trees (adopted highway and highway amenity land) and where referred to by a Streetcare Officer, defective privately owned roadside trees.
 - b. detailed inspection of all individual trees on education sites, social services, parks and open spaces, libraries, leisure centres, River Thames islands, car parks, and property services sites.
 - c. walked inspection of trees adjacent to footpaths in all Council owned woodlands and local nature reserves open to public access.

10.36 Data recording

- 10.37 The data to be recorded varies with the level of inspection and should reflect the findings. Lay and basic inspections need not be as exhaustive as expert inspections, though any observations giving rise to concern over tree safety

should be recorded (together with the date) and referred for expert inspection in a timely manner. Lay and basic inspections are carried out as part of normal day to day management of a particular site within a general inspection routine.

10.38 Basic inspection:

A written record should be retained of the following:

- a) Date of inspection
- b) Name of person undertaking inspection
- c) Trees inspected (listed by common name, or identification number referenced to a plan) and/or the specific location or area (zone) in which trees were inspected;
- d) Any obvious hazards observed
- e) Any limitations preventing inspection to the required level;
- f) Species (listed by common name) and location or identification number of the hazard trees concerned;
- g) Action taken (including referring the trees concerned for timely expert inspection)

10.39 Expert inspection:

The minimum data recorded should be;

- a) Date of inspection;
- b) Name of person undertaking the inspection
- c) Trees inspected or the specific area (zone) in which trees were inspected;
- d) Identification and location of individual hazard trees;
- e) Species (by common and scientific name);
- f) Age class;
- g) Significant defects present assessed as being hazardous;
- h) Any limitations preventing systematic inspection;
- i) Recommended actions (if any);
- j) Timescale for implementing the recommendations (based on the risk posed);
- k) Interval to and preferred time of year for the next expert inspection.

10.40 Trees not found to have significant defects and/or not directly threatening an identified target, need not be recorded during the inspection. Providing that the date of inspection and the area inspected are recorded, it can be assumed by implication that all trees present within the area have been inspected. This may be appropriate particularly where large numbers of trees are involved and the practicalities of identifying each tree are unrealistic and uneconomical.

10.41 Privately Owned Trees adjacent to the Highway

10.42 The Council as the Highway Authority, has a duty of care to ensure the safety of the highway users where roadside trees are privately owned. This duty extends to notifying the tree owner of any potential hazard which threatens the highway. The Council must carry out a cyclic programme of inspections on the road network. Having ascertained the ownership of a potentially hazardous tree, the Streetcare

Officer will meet the tree owners to identify the hazard and discuss its implication. Options will be given to the tree owner on the most appropriate management to remove the identified hazard. The tree owner is always urged to carry out the minimum work necessary to remove the hazard.

10.43 After a period of two weeks, if the necessary work has not been carried out, a formal notice (S.154 of the Highways Act) will be sent to the tree owner which will include a covering letter, defect schedule, advisory notes and where necessary a site plan. Occasionally, a S.154 Notice will be served immediately when circumstances merit this. Ultimately, the Borough Council's powers as a highway authority extend to arranging for necessary work to be carried out and recovering costs from the tree owner.

10.44 The Council is committed to promoting a responsible approach to tree management, particularly adjacent to the Borough's highways, and will ensure that Tree owners:

- will be contacted only if a tree poses a real danger to the highway
- are advised to adopt best arboricultural practice
- are advised not to undertake unnecessary work
- are encouraged to replant when dangerous trees have to be felled.

10.45 Inspection targets

10.46 The Borough's road hierarchy produced by the Highways and Engineering Unit is based on levels of traffic use and classifies the roads as follows:

- Strategic Routes
- Main Distributor Roads
- Secondary Distributor Road
- Locally Important Roads
- All Other Roads

10.47 This provides useful information for targeting priority areas when planning tree inspection procedures. On other sites, areas of high usage are identified (eg. pedestrian routes, car parks etc.) to target tree inspections.

In order to adopt appropriate and reasonable tree inspection procedures, the Council has set the targets of inspection frequency to ensure that:

- 1) Dangerous trees are identified
- 2) Appropriate remedial measures are employed promptly to minimise the risk of injury to persons and/or damage to property
- 3) Appropriate tree maintenance work is undertaken to ensure that the life expectancy, ecological value and amenity potential of the Borough's tree stock is maximised.

10.53 Private tree owners should also adopt appropriate standards of management.

TREE INSPECTION

The Council's tree inspection programme takes into account the criteria procedures detailed above.

The Borough Council meet the following targets of inspection frequency:

TREES IN THE ADOPTED HIGHWAY AND HIGHWAY AMENITY LAND

Strategic Routes, Main Distributor Roads, Secondary Distributor Road and Locally Important Roads-

Basic Inspections by Streetcare Officer	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

All Other Roads-

Basic Inspections by Streetcare Officer	Every year
Specialist Inspections by Arboricultural Officer	Every 5 years

EDUCATIONAL SITES

Basic Inspections by Site Staff	Every year
Expert Inspections by Arboricultural Officer	Every 2 years

SOCIAL SERVICES SITES

Basic Inspections by Site Staff	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

PARKS AND OPEN SPACES

Basic Inspections by Site Staff	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

CEMETERIES

Basic Inspections by Site Staff	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

THAMES ISLANDS

Expert Inspections by Arboricultural Officer	Every 3 years
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LOCAL NATURE RESERVES

Adjacent to access routes-	
Basic Inspections by Countryside Ranger	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

LEISURE CENTRES

Basic Inspections by Site Staff	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

CAR PARKS

Basic Inspections by Site Staff	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

LIBRARIES

Basic Inspections by Site Staff	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

PROPERTY SERVICES SITES

Basic Inspections by Site Staff	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

COUNCIL WOODLANDS

Adjacent to access routes –	
Basic Inspections by Site Staff	Every year
Expert Inspections by Arboricultural Officer	Every 5 years

PUBLIC RIGHTS OF WAY

Routine Inspections by PROW Officer	Every year
Expert Inspections by Arboricultural Officer	When referred by PROW Officer

The time for repeat arboricultural inspections may be reduced for particular trees under certain circumstances, such as defects noted which could deteriorate significantly over a short period of time.

TREE MAINTENANCE

The Borough Council has adopted the following tree maintenance policy which takes into account the issues detailed above.

PRIORITY 1 PUBLIC SAFETY

The Borough Council will undertake all work to remove actual hazards to safeguard the public and property

PRIORITY 2 REMEDIAL/PREVENATIVE WORKS

The Borough Council will undertake all work which:

- a) remove potential hazards that may subsequently threaten public safety or property
- b) prevent or minimise the effects of a tree on the structure of a property (eg. subsidence related work)

PRIORITY 3 MANAGEMENT OF VETERAN/ANCIENT TREES

The Borough Council will, where public safety is not compromised, undertake all work which,

- a) conserves trees with high ecological value and
- b) preserves trees with significant local historical, cultural and/or aesthetic value

PRIORITY 4 YOUNG TREE MAINTENANCE

The Borough Council will undertake all work which

- a) assists the establishment of young trees with significant life expectancy and,
- b) enables new tree planting to reach its full potential

PRIORITY 5 – NUISANCE MANAGEMENT

The Borough Council will undertake remedial work where it is considered that its trees are having a significant detrimental effect or are causing a serious nuisance to a neighbouring property

RESPONSE TIMES

In cases of emergency, the matter will be dealt with immediately by an Officer and works carried out within 48 hours. For all other cases, an inspection will be made by an Officer within 20 working days and any associated works will be carried out within the most appropriate time frame, either via a standard contract, issued approximately once every 8 weeks, or via an ad hoc contract for those works which need to be completed more quickly.

10.48 Remedial action

10.49 Target management (non-arboricultural intervention)

10.50 Where defects are identified that are assessed as posing an unacceptable risk, thereby requiring risk control measures, consideration will first be given to modifying the target, including:

- a) Exclusion (eg. erection of barriers or establishment of deterrent plants such as blackthorn);
- b) Diversion (eg. re-routing paths away from the tree);
- c) Relocation (eg. moving benches from under the canopy spread)

10.51 Tree work (arboricultural intervention)

10.52 Due to the various benefits conferred by trees (including habitats protected by law), risk control measures will be directed specifically at remediating the identified potential hazards. For example, a large dead branch identified as hazardous but also having habitat value will be considered for partial retention by truncation rather than complete removal.

STANDARDS OF WORK

Modern Arboricultural Practice

Modern arboricultural practice is based on the most recent scientific research into tree biology and physiology. This research has concentrated on a number of specific areas including:

- Effects of maintenance works on tree biology and functioning
- The tree's response to wounding (ie. Pruning)
- Timing of maintenance operations in relation to seasonal fluctuations in tree energy reserves and occurrence of pest and diseases – phenology (timing of natural processes)
- Structural/mechanical properties of trees

Modern tree maintenance techniques have been formulated to minimise any possible adverse effects on the tree and promote its healthy development

Perceptions of Tree Management

Tree maintenance is often judged purely on the visual effect of the work rather than the effects of the work on the long term tree health. There is, therefore sometimes a conflict between good practice and what is perceived as 'a good job'. The Borough Council provide advice on tree management and refers members of the public to industry advisory literature, where appropriate.

(Arboricultural Association and the Institute of Chartered Foresters have directories of approved consultants, the AA also has a list of approved contractors. The Council has a list of local tree contractors who have worked for the Council in the past to a quality standard.)

Council Specifications

The Council undertakes all tree maintenance work in accordance with its own forestry and arboricultural works specifications. These require a high standard of arboricultural and forestry practice which takes into account the principles of modern arboriculture and embraces the findings of recent and current arboricultural research.

British Standard 3998:1989 'Recommendations for Tree Work'

The national standard for tree surgery work is defined in British Standard 3998:1989 'Recommendations for Tree Work'. This standard is often quoted by the Council and should be the basic standard followed by all tree work contractors. BS 3998 is currently under review by the British Standard Institute and once a new standard is finalised, the Council's own specifications will be amended, where necessary, to accord with any new requirements.

British Standard 5837:2005 'Trees in Relation to Construction'

There is often a conflict between maximising the development potential of a site and retaining existing trees. Consequently, construction activities throughout the Borough account for the loss of many trees each year. The retention of suitable existing trees is highly desirable, often enhancing the quality of the development and facilitating its integration into the surrounding landscape. It is important, however, to ensure that retained trees and new dwellings exist compatibly, well beyond the completion of the development. If trees are to be retained effectively, measures to protect them need to be thorough and should be understood by all parties involved in the construction process (ie. from architect to site operative)

The national standard for selecting, and retaining trees within new development is BS 5837:2005 'Trees in Relation to Construction – Recommendations'. This standard forms the basis of advice the Borough provides to its own planning officers. The Borough Council is committed to promoting best practice when managing and integrating trees in association with its own new development and other construction schemes.

Highway Works and Trees

Highway maintenance and improvement works can have a damaging impact on highway and roadside trees. It is often very difficult to accommodate the space required for a tree to be retained within highway improvements because of the linear nature of road corridors. Guidance on the integration of existing trees within highway works is included in a DfT Consultation Paper entitled 'Roots and Routes'.

The Council has its own guidelines in relation to trees (Highways Development Control Design Guide and Manual For Streets) Many trees on or adjacent to highway verges suffer significant damage due to the excavation of trenches to accommodate services and highway drainage. Trenches excavated through a tree's rooting zone can seriously impair its stability and normal biological functioning. This can have a direct effect on the safety of a tree and the hazard it poses to passing traffic. The appropriate working methods to successfully install a trench through a tree's rooting zone are detailed in the National Joint Utilities Group (NJUG) Guidance Publication No. 10.

The salting of streets and pavements in winter (particularly during hard winters when there is a higher frequency of application) and the storage of road salt can have a significant toxic effect on trees particularly if concentrations leach into the soil within a tree's root system. Where possible, road salt will only be stored on highway verges in sealed containers well away from

the potential rooting zones of nearby trees. Care will be taken over the slating of streets and pavement in order to minimise the risk of damage.

Long dry periods can be damaging to trees and watering of young tree stock during dry periods may be required, in order to reduce the likelihood of damage.

Reporting damage to trees

Residents are encouraged to report damage to trees, such as vehicle collisions, or when potentially damaging activities such as work by the utilities in the vicinity of trees occurs, by contacting the Tree Team on tel: 01629 796134 during normal working hours. Outside these hours, contact the Control Room on tel: 01753 853517.

PROTECTED TREES

1.0 Introduction

- 1.1 By far the majority of trees in the Royal Borough grow on private land. Many of these trees make a significant contribution to the visual appeal and amenities of the Royal Borough and are an important habitat for wildlife. Some of them are afforded legal protection under the Town and Country Planning Act 1990, where they grow within a designated Conservation Area or are protected by a TPO.
- 1.2 The Council administers the regulations set out under the Act and, in summary, this means that if trees are protected either permission is needed, if it is subject to a TPO or 6 weeks' notice of intent must be submitted to the Council before a tree in a Conservation Area is pruned or cut down.
- 1.3 Trees in back gardens, whilst not so readily apparent to the casual observer, are none the less of great significance to the people and communities who live nearby or have a view onto them. In particular they provide valuable screening and privacy between dwellings and act as a backdrop to the built form.
- 1.4 There are instances where trees self-seed themselves into inappropriate locations, Sycamore most notably. These trees that are seriously affecting buildings or have become diseased or dangerous may have to be removed. Other trees may need pruning for a variety of reasons and tree surgery may be considered a regular aspect of tree care where trees grow in densely built up areas.
- 1.5 Whilst a tree may be a source of nuisance and frustration to one person who might apply to have it felled, neighbours may feel as passionately about its continued retention although they may not suffer some of the consequences of living partly underneath it or have any of the responsibilities of ownership.
- 1.6 The Royal Borough covers some of the more densely populated land in the United Kingdom and any kind of garden or outside space where trees can grow within a town, is important for amenity value. However, given the high property prices, space occupied by trees or that which could be occupied by trees, is at a premium, which can result in pressure to fell to enable development.

2.0 Legal context

- 2.1 Tree owners have a duty of care towards others and should ensure their trees are regularly inspected and maintained. There is no legal requirement to fulfill this duty but in the case of an accident or an insurance claim questions may be asked about how this responsibility was discharged.
- 2.2 Various legal means enable the Council to control and influence the treatment of private trees. The majority of these powers are given by the Town and Country Planning Act 1990, with provisions made within other Acts, such as the Highways Act 1980, which for example requires the cutting of vegetation to maintain clearances for the footway and roads.
- 2.3 Council permission is needed before carrying out any pruning to a tree if it grows within a Conservation Area or if a Tree Preservation Order protects it. There are 27 Conservation Areas and with thousands of trees protected by TPOs, it is important to check if trees are protected by making an enquiry to the Tree Team who will be able to advise. The check will also include trees covered by planning conditions and Section 106 Agreements (through the Town and Country Planning Act 1990), where prior permission will also usually be required.
- 2.4 The Council's Tree Team deals with applications to carry out works on privately owned trees and an Arboricultural Officer assesses applications/notifications and considers representations made. The Council keeps a public register of all tree work applications/notifications and decisions made. The Arboricultural Officer makes a recommendation to the Head of Planning and Development, who is delegated to authorize or refuse permissions on behalf of the Council.
- 2.5 A Tree Preservation Order (TPO) gives a tree legal protection and makes it an offence to cut it down, uproot, top or lop (cut), willfully damage or willfully destroy a tree, this also applies to the trees' roots as well as any above ground part, without first having obtained Council permission (exemptions apply). It is also an offence to cause another to harm a protected tree. If it comes to the Council's attention that a tree is not protected, it can consider whether to place it under a TPO. Normally TPO's are served so as to be valid for a provisional period of up to 6 months and only become permanent once confirmed.

3.0 Criteria for making a TPO

- 3.1 The Council may make a TPO if it appears to be 'expedient' in the interests of amenity to make provision for the preservation of trees or woodlands.

- 3.2 A TPO is used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. A reasonable degree of public benefit would have to accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant a TPO. Therefore the key criteria are the trees visibility, it's individual impact and it's wider impact. Other factors that are taken into account are the health and structural safety of the trees and whether it would unreasonable to refuse felling if applied for, for example, in cases of building subsidence. Any trees which are either dead, dying or dangerous would not normally be included in a TPO. Very occasionally a tree of prominence may be protected, even if it has a significantly reduced life expectancy, so as to secure beneficial replacement planting.
- 3.3 In all cases, the Council will explain to landowners why their trees or woodlands have been protected by a TPO.
- 3.4 Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees that are under good arboricultural or silvicultural management.
- 3.5 It may be expedient to make a TPO if the Council believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate. In some cases the Council may believe that certain trees are at risk generally from development pressures. The Council may have some other reason to believe that trees are at risk; changes in property ownership and intentions to fell trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient.
- 3.6 Any objections or representations to a TPO must be made within 28 days of it being served. In exceptional circumstances this 28 day period may be extended with the prior agreement of the Council. If an objection is made and is not withdrawn after being addressed by an Arboricultural Officer, the matter is put before the Council's Development Control Panel

who will decide whether the TPO should be confirmed. Once confirmed, it will last in perpetuity unless revoked.

- 3.7 For unauthorised pruning of a tree or for causing another to undertake unauthorised work a fine of up to £2,500 can be imposed in a Magistrate's Court. For the destruction of a tree the maximum fine is £20,000 or, upon conviction in the Crown Court, unlimited. In determining the fine, the Courts take into account any financial gain that may have been made.
- 3.8 If a tree of any species greater than 7.5cm (or 10cm if cutting down trees to improve the growth of other trees, ie thinning operations) stem diameter, whether planted or self-seeded, grows within a designated Conservation Area, then six weeks' written notice of intent to carry out works must be sent to the Council. Penalties for carrying out unauthorised works to a tree growing within a Conservation Area are the same as those for a tree with a TPO.
- 3.9 The difference between the two is that a TPO requires an application for the Council's permission to carry out tree work whereas in a Conservation Area the Council has to be notified of intent to carry out that work. With the latter, if the Council considers the intent to be detrimental to amenity, the tree may be placed under a TPO and permission refused or a lesser amount of work allowed. If the Council refuses work to a TPO protected tree, there is a right of appeal to the Planning Inspectorate.
- 4.0 Application/notification forms can be downloaded from our website www.rbwm.gov.uk, or we can post out a hardcopy. Alternatively, an on-line application/notification can be made via the planning portal www.planningportal.gov.uk
- 4.1 The Council's Tree Team offers a free pre-application advice service to residents to provide guidance as to what works might be appropriate in the circumstances and when works are appropriate, to help frame a specification.
- 4.2 If the Council allows the felling of a TPO tree it can compel the replanting of another whereas it can only request the planting of a replacement tree if its predecessor was only protected by Conservation Area controls. If a tree is removed because it is in an exempt condition of being 'dead, dying or dangerous', there is a statutory duty to replant another tree, except in the case of a woodland. 5 days' prior notice should be given to the Council that the tree is to be removed. If anyone is unsure as to whether a tree falls under an exemption, then the Council's Tree Team can provide advice.

- 4.3 Further information on the legal requirements of protected trees can be found in our pamphlet 'Tree Legislation and Procedures' at http://www.rbwm.gov.uk/public/guide_10.pdf
- 4.4 Under common law, one is allowed to remove branches growing over a boundary from a tree rooted in a neighbouring property. It should be noted however that where trees are protected, this right can only be exercised once permission has been granted if subject to a TPO, and in the case of a tree subject to Conservation Area controls, after the expiry of a 6 week notification period and a TPO hasn't been made.

5.0 Management and Council Policy

- 5.1 The Council considers that trees are important to the heritage and visual amenity of the Royal Borough and maintains a general presumption against felling.
- 5.2 The Council views the management of its own trees and those in private ownership in the same light. The policies that apply to when a Council tree is pruned or removed are the same as those the Council applies when assessing tree work applications/notifications. Please refer to Annex 1 'Tree Management Guidelines'. There may be exceptional circumstances when there is a departure from this, but in those cases, justifiable reasons will be given. This should ensure consistency and fairness in the Council's approach to tree management throughout the Borough.
- 5.3 Each tree work application will be considered on its merits with due consideration given to the information supplied to support the application. Whilst it is not a legal requirement to submit supporting information in the case of Conservation Area notifications, any information that would help support the proposal will ensure a more informed decision is made and is likely to reduce the need for a TPO to be served.
- 5.4 Where work proposals are deemed excessive or inappropriate an alternative recommendation may be put forward by the Arboricultural Officer. This will give the applicant/notifier an opportunity to amend their proposal before a decision is issued and possibly avoid a refusal.
- 5.5 The Council will require or request where practicable an appropriate replacement of any tree that is felled.
- 5.6 The Council will consult on applications/notifications made to prune or remove trees by publicising on the Council's website and by writing to the address at which a tree grows if the application/notification is made by an agent or by someone from another property. The relevant Parish Council will also be notified, along with Ward Members.

- 5.7 Prosecution for cases of unauthorised tree work will be pursued where appropriate. Please refer to our Planning Enforcement Policy Statement and the RBWM Prosecution Policy. http://www.rbwm.gov.uk/public/enf_policy_statement.pdf The Council will, whenever appropriate, publicise successful prosecutions and the penalties imposed.
- 5.8 Enforcement of replacement tree planting will be undertaken where the duty to plant a replacement tree has not been complied with.

6.0 Tree Work Applications/Notifications

- 6.1 If a tree is protected you do not need to be the owner to make an application to do work, however you may have to get the owner's permission to enter their land and as a matter of courtesy the work should be discussed between interested parties before an application is made. Whilst owners are responsible for their trees, there is little they are compelled to do by law to manage them; they may however be held liable for any harm or damage caused arising from neglect. Courts may not consider ignorance of the need to care for trees as a defence should a claim arise as a consequence of neglect.
- 6.2 Following receipt of a tree work application, the Council will usually make its decision following a site visit and on the basis of any information supplied. Should professional advice or reports be needed or be available, these should be included to supplement the application. The Council will consider any representation for or against an application and assess the tree's condition and appropriateness to its location. By applying the Council's planning policies together with arboricultural and amenity judgments, in conjunction with any representations, a recommendation will be made. The decision will be either for the granting or refusal of permission or a split decision where some work is refused whilst alternative work is allowed. In the case of a tree subject to Conservation Area controls, the decision will be either no objections or that the Council raises an objection and makes a TPO.
- 6.3 Should the Council refuse permission to undertake works, an appeal can be made against this decision to the Planning Inspectorate. Each party submits information, normally via written representations and a Planning Inspector considers the various aspects of the case and makes a binding decision. The Council considers refusals to undertake tree work very carefully and perhaps for this reason, a very high proportion of appeals are dismissed.

- 6.4 There is one significant benefit to owners of protected trees, the Council's Tree Section will provide free on site arboricultural advice to them. Due to having to prioritise resources, this service is not available to owners of non-protected trees.

TREES AND DEVELOPMENT

1.0 Introduction

- 1.1 Trees can be at risk from the pressures of development. Targets for new housing within existing brownfield sites and demands for new extensions, widening of driveways and other types of development, place both privately owned garden trees and street trees at risk.
- 1.2 Damage can be sustained by both the above ground and below ground parts of trees.

2.0 Tree Retention, Removal and Replacement

- 2.1 In determining a planning application where trees may be affected the implications for trees will be judged in conjunction with a need for housing and high standards of design and construction. They will be assessed in the light of the relevant policies in the Council's Local Plan (to be superseded by the LDF) and supplementary data supplied by the applicant.
- 2.2 Trees that are to be retained through the course of building works may need protection. The above ground parts of trees are vulnerable to harm caused by erection of scaffolding and the movement of waste and new materials to and from site, skip lorries, crane jibs and piling rigs. The roots and below ground parts are vulnerable to trenching for foundations, services and drainage, compaction through storage and vehicle tracks and by contamination.
- 2.3 Council policy is generally to resist the loss of trees and there is a general presumption towards retention backed up by appropriate protection. Generally, the more prominent the tree the greater the likelihood it should be protected and retained. Retention of trees may involve additional expenditure through provision of physical protection and alternative methodology.
- 2.4 Not all trees can be realistically retained if permission is granted and it may be more practical to allow removal and replacement. Similarly if a tree is in poor condition or is judged inappropriate for its location, it is better to be realistic and permit removal.
- 2.5 Provision of new trees post development both on and off site is an integral part of the Council's approach to considering planning applications and

- more often than not, if trees are to be removed the Council will seek replacement planting. New planting may also be required where no or few trees existed before where this would enhance the site and street scene.
- 2.6 Development proposals should be realistic insofar as they relate to proposals for excavation and construction in close proximity to trees. Reference should be made to British Standard 5837:2005 the guide for 'Trees in Relation to Construction – Recommendations'. Developers are encouraged to seek pre-application advice, so that early consideration of the needs of trees can be given. Accurate survey and positioning of trees and their crown spread can assist in successful and speedy processing of the tree aspects of a planning application. The level of information required will usually depend on the type of application. Failure to include relevant information may result in the application being returned as incomplete or being refused altogether.
- 2.7 Given that trees are vulnerable as a result of construction activity, the Council, when granting Planning Permission, has powers under the Town and Country Planning Act 1990, to ensure the protection of trees "off site". Conditions can be used to protect street trees from development pressures or be used to agree schedules of work with developers that may include planting of new street trees to counter losses or harm.
- 2.8 Scaffolding and closure of parts of the highway and footpaths requires a licence under the Highways Act 1980 and conditions can be applied that require consideration and protection of trees. Also under this Act, Section 278 and 38 agreements can be entered into where development activity affects the highway and repair or improvements are required.

3.0 Legal context

- 3.1 The Council under the Town and Country Planning Act, 1990 controls development activity and the protection of trees. Conditions can and often are attached to planning permissions to facilitate this. Failure to comply with a condition may result in enforcement action, the serving of a breach of condition notice, a temporary stop notice and potentially a stop notice.
- 3.2 If permitted development rights apply, certain construction activities are exempt from the need to apply for Planning Permission. However, if a tree is protected by a Tree Preservation Order, or subject to Conservation Area controls, permitted development rights do not override this protection. Similarly where Building Control approval is required, or if the Building Control Inspector requires a specific course of action, tree protection takes precedence. If branches or roots need to be cut, an application must be made under the TPO or notification served if the tree is subject to

Conservation Area controls. Furthermore, measures to protect the tree may be required to avoid harm and the risk of prosecution for damage or destruction to a protected tree. To ascertain whether a tree is protected, contact the Council's Tree Team.

- 3.3 From time to time Section 106 agreements under the Town and Country Planning Act 1990 are made that bind developers into tree protection, long term management and provision of new trees off site where this may improve the local environment.

4.0 Council Policies and Guidelines

- 4.1 Council policy in respect of trees and development sites is set out in the Council's Local Plan and summarized below.

N1 Areas of Special Landscape Importance	Development that detracts from special qualities of the landscape including those resulting in the loss of tree cover and hedgerows will not be permitted.
N2 Setting of the Thames	Development that adversely effects the character and setting of the river will be required to retain tree-cover.
N6 Trees	Applications for new development should submit a detailed tree survey wherever tree are a feature of the site and plan for their retention wherever practicable, carry out protection measures for retained trees during clearance and building operations.
N7 Hedgerows	Require the retention of hedgerows and not permit development which would result in the loss of important hedgerows. Where removal is unavoidable, replacement and improved planting will be required.
DG1 Design Guidelines	Development proposals will be expected to include landscaping schemes. Schemes should utilise existing natural vegetation and other landscape features wherever possible.
H10 Housing Layout and Design	New residential development will be requires to display high standards of

	design and landscaping.
H11 Housing Layout and Design	Permission will not be granted for schemes which would be incompatible with or cause damage to the character and amenity of the area.

4.2 The following guidelines are set out to inform applicants of the type and extent of information that may be required to enable determination of the likely effect of development on trees:

4.3 For '**Householder**' applications the following information is required:

Trees and Hedges

If there are any trees or hedges on the site or on adjoining land (including street trees) which are within falling distances of the site boundary a scaled plan marking their positions is required. The plan shall show all trees with a stem diameter of 75mm or more measured at 1.5m above ground level and any substantial hedges. The plan shall indicate the trees and hedges to be removed, such as with an 'R' and those to be pruned with a 'P' and these trees or hedgerows should be individually numbered eg. R1, R2, P1 etc.

4.4 For '**Full**' applications the following information is required:

Trees and Hedges

A Tree Survey, in accordance with British Standards 5837:2005, shall be submitted where there are trees on site or where there are trees growing on adjacent neighbouring land which are at or within a distance equal to 12 times their stem diameter from the boundary (or 10 times their base diameter, in the case of multi stem trees), or where their crowns overhang the site boundary. All trees with a stem diameter greater than 75mm when measured at 1.5m above ground level must be plotted. Where woodland is within the site the woodland should be accurately plotted with all boundary trees shown. Where the development is proposed in woodland, it will be necessary to plot all trees. Hedgerows shall also be plotted. Trees that are to be felled should be shown on the plan with a dotted outline; trees for retention should be shown with a solid outline. The tree survey shall be based on a land survey and be accompanied with a schedule containing the following information: Reference number, species, height, stem diameter at 1.5m above ground level, branch spread, height of crown clearance above ground level, age class,

- physiological condition, structural condition, preliminary management recommendations, estimated remaining contribution in years and categorisation.
- 4.5 Where a tree survey has been submitted a Tree Constraints Plan in accordance with British Standards 5837:2005 should also be submitted. This shall show the root protection area of the trees and above and below ground constraints.
 - 4.6 All survey plans should be at the same scale as the proposed layout plan, convenient scales eg. 1:500 or 1:200. The proposed layout plan shall show any level changes.
 - 4.7 On some planning applications, the Council may require further information in the form of an Arboricultural Implications Assessment (AIA), an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP). At this stage the AMS and TPP may be acceptable in an overview format simply showing indicative detail. The applicant will be advised as early as possible should this information be necessary to aid in the determination of the planning application (N.B. the Borough provides a pre-application advice service, [please refer to http://www.rbwm.gov.uk/web/dc_pre-application.htm](http://www.rbwm.gov.uk/web/dc_pre-application.htm). Entering into the pre-application advice process would highlight whether this information is required at the application stage).
 - 4.8 Full guidance is set out in BS5837:2005 *Trees in relation to construction - Recommendations*. Using the methodology set out in the British Standard should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided. The above information will need to be prepared with the advice of a suitably qualified arboriculturist. The Arboricultural Association and Institute of Chartered Foresters each publish a directory of Registered Arboricultural Consultants.
 - 4.9 Any construction activity within the RPA of a retained tree may require a full Site Specific Arboricultural Method Statement. This will be secured by appropriate planning conditions. The AMS should be written with the implementer in mind and not aimed at the Council's Arboricultural Officer. They should be included within the build contract for the site, so that all tendering parties are supplied with a copy and their performance against all the construction Method Statements is proactively ensured by the relevant project manager/site manager. The AMS should include the following: Scope of works, risk assessment, control measures to be used and public protection, when and where each activity will take place, sequencing of works, statement of who, special considerations, temporarily amended systems, issue list and residuals.

4.10 Further information and advice on trees can be found on the Council's website at http://www.rbwm.gov.uk/web/trees_index.htm

4.11 Private trees can be affected by development activity. Council Policies in such matters are:

- The applicant should have regard to the tree protection areas set out in BS 5837:2005. The Council is unlikely to approve any development where trees considered as being of significant amenity, which are in good condition and which have a reasonable life expectancy, are likely to be lost or harmed by development.
- The applicant will be required to describe the methods, and provide the means, by which trees are to be protected from the harmful effects of development.
- The Council will apply the guidelines for tree protection set out in British Standard 5837:2005. Applicants are advised to familiarize themselves with BS 5837.
- Where trees are removed for the purposes of development the Council may require, by conditions attached to a planning permission, replacement trees to be planted. To provide adequate conditions for the establishment of healthy growth the applicant should familiarise themselves with British Standard 4428: 1989 Code of Practice for General Landscape Operations.

4.12 Street trees can be affected by development activity. Council Policies in such matters are:

- Where construction works are affecting, or are likely to affect street trees, the Council will co-ordinate its resources and powers to ensure protection of street trees for the duration of works.
- The Council will seek to work co-operatively with those involved in construction activity, where street trees may be affected, to ensure their protection during the course of works.
- Where trees need to be pruned to facilitate access to a property, for gantries, scaffolding, skips or to assist in the construction of protective hoarding etc, this work will be carried out by the Council's tree surgery

contractor under the supervision of an Arboricultural Officer for which a charge may be made.

- Where applicable, the Council will apply controls and, if necessary, sanctions to ensure that street trees are given adequate protection from site works.

4.13 Council owned trees can be affected by development activity. Council Policies in such matters are:

- The Council will assess the impact on trees regarding any of its proposed construction schemes regardless of whether any planning permission is required. The advice of an Arboricultural Officer will be sought, where trees are on site. The principles of BS5837:2005 will be adopted.

4.14 Some developers are quick to assume that all trees on a site will have to be retained and consequently often view trees as a problem rather than an asset. Unfortunately this can result in trees being removed from sites before a planning application is made. Through the application of BS5837:2005 to determine the importance of trees a balanced assessment can be made about which trees should be retained and those which could be removed. The tree survey, underpinning this assessment, must be carried out by a qualified arboriculturist. The Arboricultural Association and the Institute of Chartered Foresters provide details of approved arboricultural consultants.