
Rutland Tree Maintenance & Assessment Policy



Summary of document

This document seeks to find a balance between managing the risks associated with tree management, where the Rutland County Council (the Council) has responsibility, whilst preserving the Council's tree resources.

The primary objectives are to:

- Ensure public safety and minimise damage to property so far as is reasonably practicable,
- Establish an inspection regime using a risk-based approach for all trees on Council land and the Public Highway; and
- Conserve, protect, maintain, and enhance the County's tree resources.

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1.0 PURPOSE OF THE TREE POLICY

- 1.1 Rutland County Council considers trees as valuable public assets. They offer benefits to our health, our landscape, our heritage, and our wildlife. It is essential that we maximise the benefits of trees throughout our County and play our part in creating a greener, and cleaner environment.
- 1.2 Trees absorb a number of harmful pollutants improving the quality of air that we breath. These include the absorption of dust particulate matter, nitrogen oxide, carbon dioxide and other pollutants. As a biproduct of absorbing these harmful pollutants, trees' produce oxygen. In short – the more trees the cleaner the air.
- 1.3 Trees also improve our environment through the reduction of noise, reducing flood risks, stabilising soils and mitigating against climate change.
- 1.4 Rutland County Council is committed to improving our biodiversity and protecting our endangered species. Trees play a significant part in this goal by providing wildlife corridors, natural habitats and food for fauna. Rutland County Council acknowledges the importance of retaining native tree stock, but also seeks to have species diversity (including non-native trees) to support particular types of wildlife (e.g. honeybees).
- 1.5 Scientific research has demonstrated that the presence of trees offers a restorative environment for reducing stress and anxiety, contributing to improved mental wellbeing for our urban residents.
- 1.6 Trees contribute greatly to our local landscape by their aesthetic quality and architectural value. They protect the appearance of our rural and urban areas by softening artificial landscapes and retaining the feeling of a natural environment.
- 1.7 It is the purpose of this policy to maximise the value of trees for the benefit of our residents, visitors, and wildlife.

2.0 PURPOSE OF TREE ASSESSMENTS

- 2.1 Tree assessments are primarily designed to identify trees that have the potential to cause danger or serious inconvenience to users of the highway network or wider community.



- 2.2 Another consideration is to identify any legal nuisance that the trees may present. This includes damaging structures such as dwellings and business units.
- 2.3 Tree assessments are also designed to identify the value of trees by the recording of their size, age and species. Some trees have a higher value than others and this can be important when considering reasonable actions to protect or enhance them.
- 2.4 Tree assessments are undertaken proactively and reactively. All Council trees are assessed where there is a reasonable chance of harm to people or property, or where a legal nuisance may be present. Every tree assessed, that is to be retained, will be given a date on when the next assessment is due.
- 2.5 Reactive assessments are mostly in response to customer enquiries. In such cases the Council will consider whether the tree is presenting a legal nuisance or an unacceptable level of risk of harm to people or property.

3.0 WHEN TREE WORK IS REFUSED

- 3.1 Trees are considered as assets to both the public and the greater environment. It is acknowledged that the presence of trees and the benefits they create brings some acceptable consequences. These consequences may include non-legal nuisances, which cannot be removed without compromising the value, health, and benefits given by the trees.
- 3.2 Tree work will not be undertaken on the following grounds:
 - Shade,
 - Interference with television signal/reception,
 - Bird droppings,
 - Trees having wildlife considered harmful to humans,
 - Poisonous berries, leaves or wood,
 - Poisonous fungi growing from them,
 - Dropping leaves, flowers, or fruits,
 - Blocking up gutters or drains.
 - Blocking a vista from properties,
 - Not native species.
- 3.3 Shade from trees is an acceptable consequence of having trees and their benefits within our built environments. This includes shade on living



spaces, gardens and solar panels. There is no legal right to light that covers tree growth.

- 3.4 Television reception and signal strength is a private matter between the supplier and the customer. There is technology to improve the reception strength of customers where it is required, and tree cutting is an unreasonable request on such grounds.
- 3.5 Rutland County Council seeks to preserve and enhance our local wildlife, and trees are considered as our greatest tool to achieve this. Trees attract a variety of wildlife and therefore would not be cut down or reduce in size on the grounds of wildlife. This includes birds, bats, bees, and many other forms of fauna.
- 3.6 Where there are cases of harmful fauna using trees, such as wasps, the Council will consider the use of pest control. The goal will be to retain the tree in its current form whilst removing the threat of harm created by the particular fauna.
- 3.7 Some tree species can be poisonous upon consumption. The Council does not cut trees on such grounds as it would require the removal of substantial proportion of our trees, and the issue would still be present. Many commonly found herbaceous plants, including daffodils and foxgloves, are also highly poisonous. It is accepted that people should not consume our trees, shrubs or flowers without a full understanding of the properties of the material they are eating or the consent of Rutland County Council.
- 3.8 The same is true about fungi growing from trees. There are over 15,000 types of fungi, many of them poisonous. It is not possible to remove them all from our land and doing so would cause significant damage to our local eco-systems with many native species dependent on their growth. Therefore, the Council does not remove trees on the grounds that poisonous mushrooms are growing upon it. However, some fungi are documented to cause significant decay to trees and its identification can result in tree cutting on safety grounds.
- 3.9 Trees naturally drop leaves, flowers, fruits, cones, and seeds. These can create slippery ground conditions. The Council will clean areas of public footways and carriageways where the risk of slipping is unacceptably high. The Council will not clear private land as this is the responsibility of the landowner.
- 3.10 Trees contribute a high level of value to the landscape. Property values are documented to rise in areas where trees grow due to this reason.



The larger the tree, the higher the value and benefits we receive. Unfortunately, this can come at a consequence of removing or reducing a person's view from their property. The Council considers that the value trees give to the greater public justifies its retention in its current form and does not cut them to improve the view for a minority of people.

- 3.11 Trees are well documented to provide a multitude of benefits. Different trees excel more in some of these benefits than others, and therefore we benefit from having a diversity of tree species within our county. Therefore, we accept that both native and non-native trees have an important part to play within our urban forests.
- 3.12 The Council will not limit itself to just native only trees. Such an action would prevent us from many species of great value and many that have heritage connection with England. For example, the following species are all non-native:
- Common walnut (*Juglans regia*)
 - Apple tree (*Malus x domestica*)
 - English elm (*Ulmus procera*)
 - Pear tree (*Pyrus communis*)
 - Horse chestnut (*Aesculus hippocastanum*)
 - London plane (*Platanus x hispanica*)
 - European black pine (*Pinus nigra*)

4.0 PUBLIC SAFETY AND RISK MANAGEMENT

- 4.1 The Council places a high priority on public safety, and this extends to the management of its tree stock and trees under its regulatory control. All landowners, public or private, have a 'duty of care' to ensure that they have taken reasonable steps to prevent or minimise the risk of trees to an acceptable level.
- 4.2 No tree can be guaranteed to be "safe". Where trees are situated, there is a level of risk present. Trees as living organisms are exposed to laws and forces of nature that can lead to structural failure. It is for this reason that the word "safe" is not used as part of the Council's risk assessment of trees. Instead, this policy seeks to ensure that no trees pose "an unacceptable level of risk".
- 4.3 A tree may be considered to pose an unacceptable level of risk if it has a structural defect. Alternatively, the tree may be damaging property through the action of its roots or branches. Other risks could include trip hazards through exposed raised roots, pedestrian injury from low



branches, or vehicular damage from branches overhanging carriageways.

- 4.4 In order for a tree to be considered an unacceptable level of risk, there has to be a target that can be affected by the tree. The target could be an object, structure, person, or anything else in the area considered to be of value. Public safety is the Council's highest priority.
- 4.5 The perception of the level of risk is equally, or sometimes more powerful, than the reality. In order to make objective, science-based decisions on the level of risk, individual trees and site conditions need to be evaluated for the level of risk that they present.
- 4.6 As a target must be present for risk of injury or property damage to occur, the first step is to assess the sites into tree risk zones by target assessment.
- 4.7 Whilst the criteria to define tree risk zones is primarily based on public use and occupancy patterns, it is also important to take account of tree characteristics, for instance areas in a moderate risk zone category may need a higher assessment rate if it has particular features that could become defects in the next few years that follow the assessment. An example could include a tree that has a disease that is documented for causing structural failure. That may increase the frequency of assessments of that particular tree.
- 4.8 In most cases, the Forestry Officer will be able to conclude if the tree poses an acceptable or unacceptable level of risk from his or her visual assessment of the tree. This is because they are trained in arboriculture that covers specifics on tree structure, health and risk. However, in some cases, more detail will be required to assist the Forestry Officer to come to a conclusion on the level of risk and the work required to lower it to an acceptable level. For this reason, Rutland County Council ensures that the Forestry Officer is trained and licenced to use the VALID Tree Risk and Benefit Assessment tool.
- 4.9 To ensure that the Council is objective in its risk-based approach, we have adopted the VALID Tree Risk and Benefit Assessment tool for assessing tree risk. This risk assessment tool is internationally recognised as an effective means of risk management. The VALID method is based on three elements of assessment, which are the target (i.e. what could be hit), the size of the part (that may fall), and the probability of failure occurring. This produces an assessment score will allow us to conclude whether the level of risk is acceptable.

5.0 FREQUENCY OF ASSESSMENTS

- 5.1 The frequency of assessments is based on the guidelines recommended by the National Tree Safety Group's Common Sense Risk Management of Trees: Guidance on Trees and Public Safety in the UK for Owners, Managers and Advisers. Based on their recommendations we have the following chart to state our inspection frequency:

Frequency Assessment Chart		
Target Zone Number	Definition	Frequency of Assessments
1	<ul style="list-style-type: none"> • At least one person within it for >2.5 hours a day or more OR • 73 or more pedestrians passing within an hour OR • Has over 2,700 cars pass through at 60 mph OR • Over 3,300 cars at 50mph OR • Over 4,800 cars at 30 mph 	3 years
2	<ul style="list-style-type: none"> • At least one person within it for 2 - <15 minutes a day OR • Having at least 2 - 72 people passing within it per hour OR • At least 27 cars pass through on a 60 mph limit road OR • Over 33 cars at 50 mph OR • Over 48 cars at 30 mph 	5 years
3	All other areas	Over 5 years

- 5.2 In some cases, the Forestry Officer may consider it reasonable to assess trees more frequently than the above chart shows. This could be because there are features or faults on the tree that indicate that the tree needs to be monitored more frequently than typical. For example, an ancient English oak has many features that make it highly valuable to



wildlife and the public, but often they contain structural concerns such as wood decaying fungi, hollow stems and deadwood. The 3–5-year frequency range may be considered too long to assess significant changes to the trees structure and the risk of harm to people or property.

- 5.3 Each tree assessed will have a recommended reassessment date based on a variety of factors including the Frequency Assessment Chart, the tree's species, size, age, features, and condition.
- 5.4 Trees that are not the responsibility of Rutland County Council that are adjacent to the highway will be assessed by the Highway Inspectors in line with the Highways Inspection Policy. These inspections will constitute a 'basic' or layman inspection scanning the trees for obvious hazards. The Highway Safety Inspectors are trained to recognise basic tree hazards. Any potential defects recorded will be passed to the Forestry Officer for assessment.
- 5.5 All areas to be assessed will be reviewed periodically to take into account changes in population and feedback from assessments, as well as recorded data from public and member enquiries. Any areas may be added or deleted based on the recommendations of the Forestry Officer. Decisions on what areas are to be reviewed and assessed will be made by the Streetscene Services Manager, who has responsibility for the Forestry Officer.

6.0 RECORDS OF INSPECTION AND MAINTENANCE

- 6.1 All trees will be recorded as assets in the county's tree management system.
- 6.2 As a minimum the following information will be recorded:
 - Inspectors name,
 - Date and time of inspection,
 - Tree location,
 - Species,
 - Age class,
 - Assessment of the general health of the tree including identification of:
 - Significant disease, or
 - Significant features
 - Defects,
 - Comments or recommendations for maintenance or treatment.



- 6.3 All information obtained from tree inspections, together with any corresponding tree maintenance, will be recorded consistently on the Council's tree management system. This provides an auditable trail from inspection, to work request, to completion of works. The data obtained can be interrogated independently and in conjunction with other survey information. Service requests, complaints, reports or information from users and other third-party areas are also recorded, along with the nature of response.

7.0 ROUTINE MAINTENANCE

- 7.1 Ultimately risk rating a tree allows the Council to make effective decisions and to plan tree maintenance in order to reduce risks. Under normal circumstances established trees require little in the way of routine maintenance, however, there may be situations where pruning operations, or removal are necessary to prevent encroachment of branches onto buildings or to provide adequate clearance over a road or footpath, or to reduce the risk of falling branches.
- 7.2 People may feel apprehensive about the size or position of a tree and consider it dangerous, however, these factors do not make a tree dangerous, and the Council would not sanction or support the unnecessary removal of trees. Such action would only be allowed if it were clearly demonstrated that a tree poses an unacceptable risk to property or persons.
- 7.3 Rutland County Council's Highways department will inform owners of trees or hedges that are a danger to the highway. This may include physical or visual obstruction to the highway to ensure that their vegetation is properly managed. Buses need 5.2m (17 feet) clearance and owners of trees are legally obliged to ensure this is provided. Owners may encounter some liability in the event of an accident if they fail to fulfil their obligations.
- 7.4 The Council has certain powers to act in the interest of safety, where trees situated on private property, are in a dangerous condition and constitute a risk. Section 154 of the Highways Act 1980 empowers the county to deal with hedges, trees and shrubs growing on adjacent land which overhang the highway, and to recover costs. The Council would normally only take action where it was clear that the risk of harm was significant and immediate. The county would expect individual property owners to attempt to resolve issues of dangerous trees as private matters.



- 7.5 The Council does not automatically clear undergrowth on verges. It provides cover for wildlife and a varied and natural landscape. But where visibility is seriously affected, or where pedestrians need the verge to escape from the traffic, the council will endeavour to remove vegetation. Where the Council has to carry out tree maintenance it will endeavour to do so using sound arboricultural maintenance practices. A qualified arboricultural tree surgeon will be sourced and instructed to undertake the necessary works.
- 7.6 Where a Council tree or trees is alleged to be causing damage to a property, the property owner should contact their buildings insurance company. The Council would normally only remove a Council tree or trees in cases where it is clearly demonstrated that damage was attributed by the tree or trees.
- 7.7 The Council will endeavour to work with bus operators to ensure that bus routes have sufficient clearance. This may include the development of a system for the bus companies to submit reports on problems with trees on bus routes. However, it is important to note that the Council does not have the resources to cut back every tree that could potentially brush against a bus. There will be many situations where light branches/twigs may brush a bus or high-sided vehicle without causing damage, particularly after heavy rainfall. Whilst this may be noisy it is not a safety risk, and the county would not normally carry out pruning work.

8.0 DUTY TO CONSULT

- 8.1 On 30th November 2023, Section 115 of the Environment Act 2021 became a statutory duty for English Local Authorities to implement. This means that we have a 'duty to consult' members of the public when felling trees on, what is referred to as, 'urban roads'.
- 8.2 Urban roads are the highways within our localities of villages and towns that generally have a speed limit of 30 miles per hour, however some cases it is 40 miles per hour. Any road faster than this limit is not considered an urban road. Urban roads do not include trunk or classified roads, which includes the roads connecting localities to each other (e.g. main roads, bypasses, A roads, B roads etc.).
- 8.3 The 'duty to consult' does not cover bridleways, restricted byways or footpaths as defined in the Highways Act 1980. Nor does it cover trees in publicly owned land that is adjacent to a highway, such as public open space, closed churchyard, or other form of publicly owned land.

- 8.4 Trees that are not exempt from the duty will require Rutland County Council to place a notice on the trees that are to be felled, a notice on the Council's website, and a report on the tree. These are required at least 28 days prior to the felling being undertaken. The list of trees exempt from the 'duty to consult' can be found on our website.

9.0 LANDSCAPE ISSUES

- 9.1 When it is necessary to remove a tree, the county's Forestry Officer will select an appropriate tree species to be replanted, taking into account the long-term maintenance concerns, location and surrounding properties/amenities. Officers will make every effort to take into account both consultation with residents as well as consideration for the heritage and conservation of the local area.
- 9.2 Carrying out regular inspections, maintenance and proper management of privately-owned trees cost the Council a significant amount of annual revenue funding. Where possible the Council will work to recover costs from landowners and developers. This also includes seeking commuted sums from developers for private trees prior to adoption.
- 9.3 Commuted sums can be obtained from developers for trees on new land to be adopted by Rutland County Council. The commuted sum calculation takes into account the proposed assessment and maintenance cost for a period of 30 years post adoption. Additional sums may be charged where more regular maintenance may be required to maintain visibilities (e.g. visibility splays). The formula for the calculating the commuted sum can be found in the Rutland County Council Highway Development Control Commuted Sums Schedule for Section 38/278 Highway Works.

10.0 WORK TO PROTECTED TREES

- 10.1 Works to trees that are protected by a tree preservation order (TPO), or are within a conservation area, require the permission of Rutland County Council's Planning department.
- 10.2 To find out if a tree is protected, in the first instance, contact the Planning Support Team on 01572 758400 or email planning@rutland.gov.uk
- 10.3 Any proposed works to a protected tree (either within a conservation area or covered by a tree preservation order) would require a notification/application to the Planning Department.

11.0 HIGHWAY IMPROVEMENTS AND TREES

- 11.1 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. Many trees on or adjacent to highway verges suffer significant damage due to the excavation of trenches to accommodate services and highway drainage. This can seriously impair stability and normal biological function and 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 Volume 4.
- 11.2 The use and 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. Road salt should only be stored on highway verges in sealed containers well away from the potential rooting zones of nearby trees.

12.0 REFERENCED DOCUMENTS

- 12.1 Well maintained Highways, Code of Practice for Highway Maintenance Management, Roads Liaison Group, (July 2005).
- 12.2 QTRA Quantified Tree Risk Assessment Tree Safety Management System User Manual (version 5) (2015).
- 12.3 National Tree Safety Group, Common Sense Risk Management of Trees (Dec 2011)
- 12.4 BS3998 Tree Work Recommendations (2010)
- 12.5 Forestry Commission, Benefits of Green Infrastructure. (2010)
- 12.6 National Urban Forestry Unit, Trees Matter! Bringing Lasting Benefits to People in Towns (2005)
- 12.7 The Horticulturist, Duncan Goodwin, (April 2020)
- 12.8 London: Commission for Architecture and the Built Environment, Does Money Grow on Trees CABA Space (2005)
- 12.9 Arboricultural Association Arboricultural Journal, Vol 42, No.2 (pages 93-116) The Extent of Stunting trees growing within car parks compared

with those situated in peripheral landscaped areas in the UK – Jaimey Richards, Daniel Goulbourne and Duncan Slater (2020)

12.10 VALID Tree Risk and Benefit Assessment (2021)

A large print version of this document is available on request.