CABINET **COUNCILLOR CHRISTINE GUINNESS**
PRIDE IN PLACE/NEIGHBOURHOOD SERVICES
11th February 2025 **REPORT NO. OS2502**

KEY DECISION? YES

TREE RISK MANAGEMENT POLICY and TREE MAINTENANCE POLICY

SUMMARY AND RECOMMENDATIONS:

The Tree Risk Management Policy (TRMP) and Tree Maintenance Policy (TMP) form the overall management policy for Council owned trees, and detail how trees are surveyed, and how work is prioritised in relation to the safety of persons and property.

Cabinet is recommended to consider and approve the Council's Tree Risk Management Policy and Tree Maintenance Policy.

1. INTRODUCTION

1.1 With the Climate Emergency declared, the renewed focus on environmental sustainability, and recognising the great value to public health and wellbeing created by our tree stock, it is right to reset the Council's policies in relation to tree management and maintenance.

2.1 The purpose of this report is to seek Cabinet approval for the Council's Tree Risk Management Policy (TRMP) and Tree Maintenance Policy (TMP). The TRMP and TMP form the overall management policy for Council owned trees, and detail how trees are surveyed, and how work is prioritised in relation to the safety of persons and property.

2. BACKGROUND

2.1 The Council looks after trees on its land mostly to make sure they are safe, but also to help keep a green and leafy borough. The overall aim is:

"to maintain the green, leafy character of the borough and manage the existing tree population by appropriate and sensitive maintenance to ensure a healthy, pleasant, and safe environment now, and ensure adequate canopy cover for the future. To lead by example with regards the value we place on our trees and their contribution to environmental quality within the urban landscape, including climate change benefits".

2.2 To this end, the Tree Risk Management Plan (TRMP) details tree survey system that manages risk by a proactive inspection regime to help identify potential failures and deal with safety issues that arise. This approach is supported by the Health and Safety at Work etc. Act 1974 and The Health and Safety Executive (HSE's) "Management of the risk from falling trees or branches".

2.3 The TRMP provides an audit trail of actions taken in response to a potential risk, what the findings were and how these findings were acted upon. It is a systematic approach that can help the Council, as landowner, to demonstrate that it has delivered its duty with 'reasonable care' and takes appropriate action as necessary to protect the public.

2.3 The Tree Maintenance Policy (TMP) sets out the principals for the maintenance of the Council's tree population giving details of the considerations for decisions relating to tree work, tree planting and the maintenance of trees for "nuisance" issues. This policy considers Tree Preservation Orders, and Conservation Areas and is in accord with Hampshire CC policy and, in relation to privately owned trees, the Town and Country Planning Act (noting that the Arboricultural Officer (Planning) manages these matters, as these are governed by Planning Law).

3. IMPLICATIONS

Risks and Legal Implications

3.1 The Council owes a common law 'duty of care' to all users of its property to protect them from coming to harm. The Occupiers Liability Acts of 1957 and 1984 extend a limited duty of care to trespassers requiring reasonable steps to be taken to protect trespassers from dangers which are known, or ought to be known to be present on the property.

3.2 Further duties are conferred upon the Council by the Health and Safety at Work Act 1974 to protect both employees and members of the public from risks to their health and safety. The Corporate Manslaughter and Corporate Homicide Act 2007 provides that prosecutions of public bodies, including local authorities is permissible in the event of gross negligence causing death.

3.3 Adopting and implementing the TRMP and TMP will mitigate risk of harm to users of Council property and provide the necessary framework for the Council to establish that they are exercising their duty of care effectively.

Financial Implications

3.4 There is no change to the budget proposed by this report. The total budget for tree maintenance and management is £127, 270 (excluding staff costs).

Resourcing Implications

3.5 No change is proposed. Currently the tree stock is managed by one Arboricultural and Grounds Technical Officer.

Consultation

3.6 This report has been prepared having sought the views of the Portfolio Holders for Operations and for Climate Change.

Equalities Impact Implications

3.7 An equality impact check found that this proposal would have a positive or neutral impact on people with protected characteristics. Therefore, a full assessment is not required.

4. RECOMMENDATION:

It is recommended that Cabinet approve the Council's Tree Risk Management Policy (TRMP) and Tree Maintenance Policy (TMP).

LIST OF APPENDICES/ANNEXES:

Appendix 1 - TREE RISK MANAGEMENT POLICY
Appendix 2 - TREE MAINTENANCE POLICY

BACKGROUND DOCUMENTS:

None

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APPENDIX 1

Version 3.2 Issued 19th June 2024

Tree Risk Management Plan

For Council Owned Trees

Rushmoor Borough Council

Issued	June 2021
Last reviewed	June 2024
Next review	June 2027
Authors	Ben Abbatt/Andy Ford/Kevin Wale

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1. Introduction

There is an increased awareness in the potential risks associated with tree failure by members of the public. This is due to an increasing media attention on incidents of tree failure, especially those resulting in death or injury and recent court cases. With increasing attention given to personal and organisational responsibility, legal proceedings have become more commonplace and there have been a number of high-profile cases brought by the Health and Safety Executive under the Health and Safety at Work Act. Whilst there is an increased level of interest, it is important to keep this in context – it is estimated that nationally on average there are around 5 to 6 deaths per year caused by trees failing (referenced from HSE); this is in comparison to around 1752 deaths per year in 2019 as the result of road traffic accidents (referenced DfT). It is estimated that the risk per person of being injured by a tree failing is one in ten million adjacent to areas of high public use (referenced from HSE).

The following Tree Risk Management Plan has been developed by Rushmoor Borough Council with advice from Ben Abbatt MICFor, MRICS, CEnv, Dip. Arb. (RFS), BA (Hons) (Arboricultural Association Registered Consultant) by following current guidance and an industry led methodology and inspired by a presentation by Dave Dowson at the 2003 Arboricultural Conference.

2. What is a Tree Risk Management Plan?

There will always be risk associated with trees. This risk can be managed and reduced by the implementation of a proactive inspection regime to help identify potential failures and safety issues with particular trees.

A Tree Risk Management Plan (TRMP) is, in essence, a pro-active tree survey system that identifies the issues of management and records the way in which trees are assessed and managed so that a realistic response to the issue of tree risk and management is given. This is supported by the Health and Safety at Work Act (1974) and the recently issued sector information minute ‘Management of the risk from falling trees’ (Management of the risk from falling trees or branches - FOI - HSE) which requires that a reasonably practicable approach be taken which is proportionate to the risk.

A TRMP is a tool that can be used to provide an audit trail of actions taken in response to a potential risk, what the findings were and how these findings were acted upon. It is a systematic approach that can help to demonstrate that a landowner has dispensed its duty with ‘reasonable care’ and takes appropriate action as necessary to protect the general public.

A TRMP will:

- address how to prioritise areas for survey,
- suggest the type (pro-active or reactive) and frequency of survey in different areas,
- provide a record keeping facility for surveys carried out and recommended actions,
- detail the competency of the inspector required,
- provide a system for obtaining specialist advice where a survey reveals defects requiring a more detailed assessment or where a second opinion is required,
- establish a reporting system for damage / failure to / of trees (e.g. vehicle collision, high winds),
- discuss details of resources necessary for implementation including contract management and auditing of the system and.
- identify methods for recognising changing circumstance to amend the priority of inspection and frequency.

A TRMP will have the effect of bringing the risk of owning and being responsible for trees on the land into the category of ‘broadly acceptable’ risk from an ‘unacceptable’ risk where there is no management of trees occurring.
Whilst a risk may be categorised as low, the law requires that, where reasonably practicable measures are available, they should be taken. The Health and Safety Executive acknowledges that a broadly acceptable risk is 1 in 10,000, whilst accepting that this is only a guide, and that statue and case law will determine how individual cases are assessed.

It is not possible to create an environment where there are no risks. This would mean removing all the trees in an area which would be disproportionate to the risk and would result in a landscape devoid of trees, having detrimental effects on the habitat, wildlife, air quality, noise, screening, visual amenity, links to the seasons and many more.

Despite how proactive a tree inspection regime is, trees are living organisms, and their circumstances and conditions can alter over relatively short time frames. In some cases, decline or the causes of failure are not always obvious and, even with a proactive inspection regime in place, it will not always be possible to predict when a tree might fail. The implementation of a TRMP will not provide a zero-risk environment. The TRMP looks at how the council intends to manage that risk.

2.1 What a Tree Risk Management Plan is not

This TRMP does not address the policy by which the management of trees occurs, for instance it does not detail how trees will be managed in relation to issues such as light, shade, leaves, fruit, honeydew (which is caused by aphids), television reception (terrestrial, digital, satellite, etc), perception of ‘oppression’. Tree planting schemes are also outside the remit of this document. Management of trees is addressed in the Tree Maintenance Policy (TMP).

Nor does this TRMP discuss the policy for how trees are managed in relation to planning applications, tree preservation orders, tree works applications or Conservation Area notices.

2.2 Rushmoor Borough Council

This TRMP will aid the council in achieving arboricultural best practice, risk management of the council tree stock and value for money. The TRMP sets out the way in which the council will systematically survey its trees on a repeating cycle in relation to its duty under the various legislation including the Occupiers Liability Act and Health and Safety at Work Act.

The TRMP formalises and records the way in which trees are currently surveyed and managed; this is crucial if an incident occurs, and the council is taken to court. The TRMP is a defensible system where actions and inspections are recorded with appropriate responses, based on professional judgement. The TRMP is not meant to avoid liability, but to show that the issues have been considered and that reasonable and proportionate action has and will be taken in relation to the council’s duty to manage its trees.

RBC has a Strategic Risk Management Group that is responsible for managing the risks to the council and ensuring that risk assessments are undertaken for key activities. The group is involved, with professional assistance, in assessing the risk posed to the council by their ownership of trees and the potential for incidents to occur. Appendix 1 contains RBC’s risk profile template that relates to the ‘risk of failing trees’.

The safe retention of trees within the ownership of the council helps to achieve the Council priorities under People and Place.

- Healthy and green lifestyles
- Strong Communities, proud of our area

Highway trees are the responsibility of the Highway Authority (Hampshire County Council). Any issues relating to Highway trees can be referred to HCC.

3. Why do we need a Tree Risk Management Plan?

Society, through the legal process, has demonstrated that where the failure of a tree was foreseeable it considers it unacceptable for the failure of the tree to occur unless in exceptional circumstances or where reasonable remedial measures are being implemented. It is not acceptable for organisations and landowners to fail to take responsibility for features on their land that may cause harm to person or property. Recent court cases have highlighted by finding against landowners where negligence has been identified.

It is important to understand the reasons for the correct and appropriate management of trees in the ownership of a landowner. Whilst this is set out in various pieces of legislation and case law (Appendix 2), appropriate management of a tree stock is good arboricultural practice and should be encouraged at every opportunity. The legislation, case law and guidance that relates to the management of trees is available in the advice that the Health and Safety Executive provide to their inspectors (see Management of the risk from falling trees referred to in Section 2).

3.1 Benefits to the Council

Primarily the actions within this plan will provide a robust defence against claims of negligence against the Council. In addition, a healthy tree population provides benefits to health by filtering polluted air and mitigating against climate change factors, they provide wildlife habitats, land stabilisation, and enhanced quality of urban landscape (more detail available in ‘Trees Matter’).

A TRMP can help to prevent the development of hazards in trees and therefore the potential of harm to person or property can be reduced. A high proportion of hazards are due to defects because of poor growth patterns or the failure to manage trees appropriately when they are young. A proactive inspection regime can identify where poor growth patterns have occurred and can identify remedial works to reduce the situation worsening (e.g. pruning out co-dominant leading shoots can stop weak forks forming). This can help to reduce future costs or prevent them escalating.

Undertaking a proactive tree survey will provide the Authority with a detailed knowledge of location and condition of tree population. This is an essential element in considering budget resources for future years.

4. Deciding what trees to pro-actively survey

A TRMP aims to minimise the risk of trees causing injury or damage because of their failure. It is therefore important to decide which trees to inspect as a matter of priority and which can be inspected later. One way of deciding which trees to inspect is based on risk and hazard. 'Risk' is location based whilst 'hazard' relates more to the individual tree.

4.1 Frequency and timing of surveys

Ideally, it is best to routinely survey all trees where people or property are likely to be at risk from the failure of a tree or part of it, irrespective of how an area is 'zoned.' How frequently this is carried out depends on the staffing and financial resources of the council. Through providing justifications as to why certain timescales for periods between inspections it is less likely that a council will be held responsible in the case of a tree failing (e.g. Tomlinson vs. Congleton Borough Council). These timescales should however be reviewed in line with recent case law and reassessed if necessary to ensure that the council has 'behaved' in a reasonable and practicable manner.

Table 1: Risk Zones (also see Appendix 4)

	Description	Examples
Priority Inspected every two years and reactively.	Where the probability of tree, in failing, would cause harm or damage is as likely as not.	Parks and high use open spaces. Sites adjacent A roads. Sites adjacent to busy B Roads. Sites adjacent to busy other roads and footways.
Moderate Inspected every three years and reactively.	Where the probability of tree, in failing, would cause harm or damage is unlikely.	Low use open spaces. Sites adjacent to B Roads. Sites adjacent to moderate use other roads, footways, and car parks. Sites adjacent to properties and businesses.
Low / Negligible Inspected reactively.	Where the probability of tree, in failing, would cause harm or damage is highly unlikely.	Rarely visited areas.

Creating a risk zone map (see Appendix 4) enables the council to prioritise areas of work. The two principles for determining the risk zone map are the 'target' and the frequency of use. The 'target' can be people or property that may be harmed or damaged because of tree failure whereas the frequency of use helps to indicate the

likelihood of harm occurring if a tree were to fail. Therefore, a busy public open space adjacent to an A road has a higher probability of harm or damage occurring than in a woodland which is some distance from public access points and less frequently used, assuming the same potential for tree failure. It is important however to appreciate that there cannot be a complete distinction where survey is essential and where it is not. Even at busy sites there may be a low risk of injury occurring due to the condition, size, age, and species of the specimens.
People are considered more important than property. Whilst property frequently contains people (for instance places of work and homes) they have a measure of protection against harm. Therefore, less protected people are prioritised higher than those within property.

Hazards from large old trees sometimes develop rapidly and as such, inspecting such trees located in heavily used areas on a 2-year basis or more frequently may be appropriate.

Surveys should take place following exceptional severe weather conditions which may have resulted in branch failures or affected the stability of a tree.

In trees where there are signs of progressive disorders such as Oak Processionary Moth, Chalara and to a lesser extent Horse Chestnut Bacterial Canker, these will be inspected as part of the proactive survey and where feasible at the point of the year in which the symptoms are most likely to be evident.

4.2 Reactive tree inspections and surveys

RBC also operates a reactive approach to surveying trees and managing its tree stock. The current method is based on the receipt of information from members of the public, staff, contractors, or councillors. This information is assessed, prioritised, recorded and inspections made within a timescale informed by the information received and the principles detailed in Sections 4 and 5.

5. Hazard or Risk Assessment

Whilst risk zone mapping allows the establishment of priority areas for inspection, an assessment of the potential for an individual tree to fail needs to be carried out. The tree risk assessment will assist in quantifying the level of risk posed to public safety. Linked to the risk zone mapping, this system is also ‘target’ led to determine the likelihood of harm or damage occurring from a specific tree.

The hazard or risk rating is determined through the consideration of three issues:

1. Target considers how frequently people use the area and what the probability would be of someone being injured because of failure. The more used an area is, the higher the likelihood of harm.

2. Potential for failure considers, at the time of the tree survey inspection, characteristics of the tree most likely to fail based on structural and physiological defects.

3. Size of failure part rates the size of the part most likely to fail which in turn, affects the severity of the potential failure. The larger the part, the greater the potential for damage to occur.

Table 2: Risk assessment

		Examples
Target	High	Parks and high use open spaces. Sites adjacent A roads. Sites adjacent to busy B Roads. Sites adjacent to busy other roads and footways.
	Medium	Low use open spaces. Sites adjacent to B Roads. Sites adjacent to moderate use other roads, footways, and car parks. Sites adjacent to properties and businesses.
	Low	Rarely visited areas.
Potential for failure	High	High probability of failure – more likely than not
	Medium	Moderate probability of failure – as likely as not
	Low	Low probability of failure – less likely than not
Size	Large	Death or serious injury, structural damage, (e.g. trees with ∅ of over 300mm or major branch over 100mm ∅)
	Medium	Serious to superficial injury, moderate to minor structural damage (e.g. entire small tree e.g. between 300mm and 100mm ∅ or moderate branch between 100mm and 25mm ∅)
	Low / small	Superficial injury, fragile objects damaged (e.g. entire small tree <300mm ∅ or small branch <25mm ∅)

Where ∅ represents diameter

This table of risk assessment informs the management of the tree and the priority of works.

5.1 Failure Log

A failure log will be maintained to record where tree failures occur, the reason for failure when known and the result of the tree failure. This information will help to inform the estimation of real risk levels and over time, will produce patterns providing base data about potential tree failure and possible preventative / corrective actions. Failures will be plotted geographically to enable assessment and feed back into the Risk Zone mapping and the management of the trees. It is important that any failures or incidents are reported to RBC's Strategic Risk Management Group and the risk reviewed accordingly.

Data recorded will include:

1. Date of failure
2. Location
3. Risk Zone designation within site
4. Species
5. Age class
6. Weather conditions at the time of failure
7. Size of failure part
8. Type / cause of failure
9. Consequence of failure
10. Actions to be taken
11. Works complete date

It is crucial that if the system is to be successful, relevant information must be fed back into it if benefits are to be gained from lessons learned. A template form is shown in Appendix 9.

5.2 Change in conditions

Trees are living, dynamic, structures and changes in their immediate environment or growing circumstances can have implications to the health of the tree. These changes can have a dramatic effect upon the condition and structural stability and integrity of a tree. Therefore, any change in the circumstances of a tree should be brought to the attention of the Arboriculture and Grounds Technical Officer or relevant Council Land Manager for them to assess.

6. Proactive Tree Survey

The following section sets out the various elements of how the pro-active survey or TRMP will continue to be implemented by RBC and the important issues to consider when doing so. It considers areas of responsibility, training, and procedures.

6.1 Objectives

To survey the Council tree stock on all Council land (parks, open spaces and estates as shown on the ArcGIS Rushmoor data / conveyance area) to establish the condition of the trees within the specific risk zone maps to identify remedial tree works with priorities.

6.2 How it will be managed / responsibility

The Arboriculture and Grounds Technical Officer / relevant Council Land Manager will direct the areas to be surveyed and will be responsible for auditing the data recorded by the tree surveyor.

6.3 Who will carry out the survey?

It is reasonable to expect that a tree survey should be carried out by someone who is trained in Arboriculture to a minimum of level 3 National Qualification Framework (NQF) or higher [52/75, Poll v Bartholomew]. Higher levels of training would be beneficial and experience in carrying out such work should be demonstrated. The pro-active tree survey is to be carried out by an external consultant appointed as required.

When the surveyor requires advice or recommends that the tree is inspected in detail, then the level of competence will have to be commensurate with the task involved. Experience in carrying out such work should also be demonstrated as it is likely that investigation may require the use of decay detection equipment.

Training needs to be appropriate for the task and for the individual. There are three levels of staff within this TRMP:

- Arboriculture and Grounds Officer / relevant Council Land Manager
- Expert resource (e.g. Arboricultural Consultant)
- Tree Surveyor

Training should be commensurate with the anticipated duties.

Table 3: Qualifications and experience

Arboriculture and Grounds Technical Officer / relevant Council Land Manager (oversight and implementation of TRMP)	Essential: NQF level 4, e.g. Technician's Certificate in Arboriculture or relevant experience Desirable: LANTRA Professional Tree Inspector, NQF level 6, e.g. Professional Diploma in Arboriculture
Outside resource [Arboricultural Consultant (detailed inspections / second opinions)]	Essential: NQF level 6, e.g. Professional Diploma in Arboriculture and experience LANTRA Professional Tree Inspector Desirable: Registered Consultant / Chartered
Contract Tree Surveyor	Essential: NQF level 4, e.g. Technician's Certificate in Arboriculture or LANTRA Professional Tree Inspector and relevant experience

It is essential that the training is revisited frequently, for instance every three to five years for the tree hazard awareness courses and / or that appropriate continuing professional development or attendance at events is carried out and details recorded.

6.4 How the survey will be carried out

The survey will be a walked survey of the trees and will include an assessment from all points using the Visual Tree Assessment (VTA) method from ground level. The VTA method (The Body Language of Trees, p179) proceeds in three stages:

1. Visual inspection for defect symptoms and vitality. If there is no sign of a problem, then the investigation concludes.

2. If a defect is suspected based on the symptoms, its presence or absence must be confirmed by a thorough examination.

3. If the defect is confirmed and appears to be a cause of concern, it must be measured and the strength of the remaining part of the tree evaluated.

For simplicity, it will be assumed that the trees are of good form and condition. The survey will concentrate on the specific features of the tree that are not in accordance with this assumption and will record the significant features that have a bearing on the condition of the tree. Therefore, it may be possible that no features, other than the physical dimensions of the tree are recorded which would demonstrate that the tree is of good form and condition. However, for purposes of clarification, the surveyor will record the condition of the tree in the ‘condition’ category. Should any trees inspected require immediate works the Arboriculture and Grounds Technical Officer / relevant Council Land Manager should be informed as soon as reasonably possible.

Individual trees to be plotted and surveyed should normally be larger than 100mm in stem diameter. All individual trees over 100mm diameter are to be surveyed and their details recorded regardless of whether remedial works are required. Discretion is given to the surveyor to survey smaller diameter trees when there is reason to do so, for instance formative pruning or sensitive location (for instance close to an adjacent property).

Trees will be plotted by estimate using site features. Where GPS is available it may be possible to plot the location of the trees more accurately. The approximate centre of the tree stem is to be plotted. Groups or woodlands can be plotted as areas (polygons) marking the estimated canopy spread where possible.

Tree tags may be used / required to identify specific trees where their exact position is unclear, for instance within a woodland, and the tag number should be recorded.

Where a woodland or copse is to be surveyed it is not cost effective to survey, record their data, and tag each tree. Therefore, the process for a copse or woodland will consist of a walked survey though the woodland marking each tree with a timber crayon when it has been surveyed. If features of a tree that require remedial works are identified, then the tree should be tagged, and the works recorded against that tag number. The tag ensures that the specific tree is easily identified, and the remedial works carried out on the correct tree.

6.5 How the data will be stored

The survey data will be collected on hardware provided by RBC using the PSS Live and ArcMap software programs.

6.6 Data to be recorded

The following information recorded for each tree surveyed:

- site
- date
- surveyor
- weather
- tag number (where appropriate)
- species
- age class
- condition of the tree
- recommended tree works and priority for completion of those works
- (The zone in which the tree stands will normally denote the resurvey date.)
- It is also important to record any features relevant to the site (e.g. buildings, access points, use) in the notes field.
- Trees given a general condition in relation to their physiological and structural condition as follows:

Table 4: Tree condition descriptions

Good	Typical vitality for the tree species and growing conditions and good structural form so that it is likely to require little or no tree works within the next inspection period, and it is anticipated to be retained for over 10 years.
Fair	Reduced vitality for the tree species and growing conditions or reduced structural form so that it is likely to require tree works within the next inspection period to enable its retention. Anticipated to be retained for over 5 years.
Poor	Significantly reduced vitality for the tree species and growing conditions or poor structural condition and is likely to require considerable tree works to aid its retention, if feasible.

Recommendations for any works required to be recorded and the priority determined. Works will then be instructed based on the priority and at the discretion of the Arboriculture and Grounds Technical Officer.

The data listed in Appendix 5 also recorded for each tree surveyed. 6.7 Priority for works

Priorities for works are:

Table 5: Tree work timescale descriptions

Immediate / soon as practically possible	Works to be carried out immediately. The surveyor must contact the Council and inform them of the findings so that the Council can arrange for the works to be carried out with minimal delay. Works in this category relate to trees that are imminently about to fail and that the failure of the tree / part is more likely than not to cause significant harm or damage.
High / 3 months	Works to be carried out within 3 months from the identification of the works. The surveyor should contact the Council and inform them of the concerns so that the Council can arrange for the works to be carried out as a priority. Works in this category relate to trees that are likely to fail and that the failure of the tree / part is likely to cause significant harm or damage.
Medium / 6 months	Works to be carried out within 6 months from the identification of the works. There is no need to contact the Council in relation to these works other than through the normal downloading of the data collected. Works in this category should include works that are necessary for the safe use of the site or adjacent properties and land and relate to an identified hazard or statutory nuisance.
Low / 1 year	Works ideally to be carried out within 1 year from the identification or re-prioritisation of the works. There is no need to contact the Council in relation to these works other than through the normal downloading of the data collected. Works in this category should include works that are necessary for the safer use of the site or adjacent properties and land, for instance where it is anticipated that the tree growth will become an issue before the next cyclic of inspections. These works may also relate to good arboricultural practice, for instance preventative maintenance and clearance of a property. It is anticipated that low priority works may not always be completed within the year as budget dependant.
Very Low / Advisory	Works identified during an inspection that are beneficial but have no risk or urgency. There is no need to contact the Council in relation to these works other than through the normal downloading of the data collected. Works in this category should include works that relate to good arboricultural practice, for instance formative pruning or low-level maintenance that has no impact on adjacent land or property. Advisory works are carried out as and when the budget permits.

Once the initial survey of council owned land is complete, an assessment of the priorities for survey and their frequency can be addressed as part of a review of this exercise.

6.9 Reviewing TRMP

The TRMP should be reviewed as necessary (for instance new guidance, recent case law and statute law, etc.) and / or at least on a three-year basis. The purpose of reviewing the TRMP gives the Council the opportunity to not only ensure it is up to date and accurate but also to make improvements, particularly in methods of working and how data is recorded.

Benchmarking with other Local Authorities can also be a useful way to make improvements to the TRMP based on the successes of others and understanding how they have approached the same problem. If the Council wishes to measure and assess how the TRMP is performing it can set local performance indicators based on SMART (specific, measurable, achievable, result orientated, time bound) objectives linked to individual performance reviews.

6.10 Auditing

It is important that auditing of the quality of data is carried out throughout the implementation of the TRMP. This will help to ensure that the details recorded are accurate, retrievable, meaningful, and fit for purpose. Failure to audit may reduce the validity of the system.

It is therefore important to show that not only is the proactive survey being carried out, but that someone separate, qualified, and experienced is auditing the work.

7. Implementing a Tree Risk Management Plan

Whilst implementing a TRMP can be hugely beneficial to the Council in terms of providing a cost-effective proactive tree surveying regime and a systematic approach to managing risk, its implementation needs to be considered in terms of resources.

7.1 Finance

In this instance it is not anticipated that the implementation of the TRMP will significantly identify tree works above that which the normal council tree budget would cover as RBC currently have a tree survey regime in place. TRMP formalises

and records the way in which the current process is implemented and provides the basis for improvement to the existing process. The idea of a proactive tree survey regime is to identify appropriate works necessary for the safe retention of the trees in advance of any failings and to maintain the trees in accordance with good arboricultural practice.

Where tree works are identified they will be prioritised. Works that are immediate or high priority will be carried out before medium and low priority works. This will enable the tree works to remain within the parameters of the budget available. If appropriate additional budget can be sought and such budget requests are to be considered in relation to the other responsibilities that the council has.

As the tree survey will identify trees that have previously been unrecorded, it is likely that some remedial tree works will be necessary that the Council were not previously aware of. Over time, following complete cycles of prioritised survey and remedial works, it is anticipated that the amount of work generated by the surveys will reduce in volume, priority, and frequency. Works will be prioritised so that budget expenditure can be limited in a rational manner. It will be important to manage and review the current financial resource available given that additional funding may be required.

It is the responsibility of the Arboriculture and Grounds Technical Officer / Parks Manager / relevant Council Land Manager to report excess priority works, either because of an extreme severe weather event or significantly more high or moderate priority works than anticipated. This report should be sent to the Head of Operations or relevant lead officer when the works cannot be carried out within the normal tree resources budget to seek additional funding.

7.2 Sourcing of tree works

RBC obtains quotations for the tree works from a variety of contractors relevant to the complexity of the task and works within a procured schedule of rates. This helps to ensure that a reasonable market price is sourced from competent and experienced contractors. Such contractors are mostly local to the borough and therefore helping maintain a sustainable business community.

Such companies must have appropriate working procedures, staff, financial stability, insurance, record keeping, qualifications and experience in all aspects of tree work. Additional benefits to using local tree contracting companies is their ability to rapidly respond to RBC requests, long standing knowledge of the trees within the borough and the locality itself.

7.3 Internal management of the TRMP

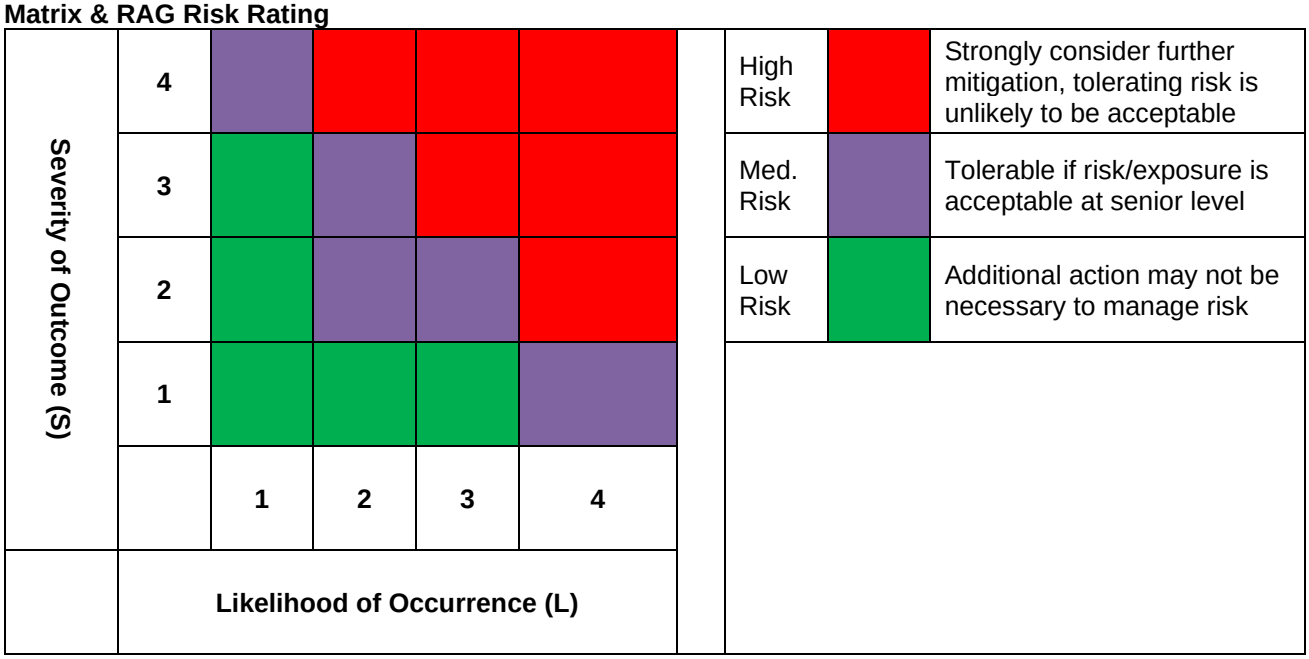
For a pro-active survey regime to be managed properly, adequate staff time must be set aside. It is not enough to simply say that such a survey is in place; it must be managed and resourced appropriately with regular reviews.

The Arboriculture and Grounds Technical Officer / Parks Manager / relevant Council Land Manager is responsible for the implementation of the TRMP. For specialist inspection the council can call upon a consultant resource when required. There is no further additional resource anticipated as this TRMP works within current practice and management of the tree risk.
The implementation of this tree risk management plan has several actions which must be undertaken to ensure efficient use of the TRMP and maintenance of the defensible approach to tree risk management. A list of such actions is in Appendix 7.

Appendix 1

Rushmoor Borough Council's risk profile template for the 'risk of failing trees'

Matrix & RAG Risk Rating



Rating Consistency Guidance

	Likelihood of Occurrence (L)	Severity of Outcome (S)
1	**Very unlikely** Very unlikely to occur, (no history or near misses etc). Less than 5% probability.	**Minor** Risk to specific role. Legal action unlikely. No significant illness or injury. Negative customer complaint. Financial impact negligible.
2	**Unlikely** Unlikely but may occur (may have happened, but not within past 5 years). Is not expected to happen in next 5 years, less than 25% probability	**Moderate** Risk to normal continuation of service. Legal action possible but defendable. Short term absence/minor injury. Negative customer complaints widespread. Financial impact manageable within existing Service budget.
3	**Likely** Likely to occur (or already happened in the past 2 to 5 years). Is expected to happen in the next 2 to 5 years, 25 - 50% probability	**Significant** Partial loss of service. Legal action likely. Extensive injuries or sickness. Negative local publicity. Significant fine. Financial impact manageable within existing corporate budget - but not Service.
4	**Very likely** Very likely to occur (or has already happened in the past year), may occur frequently. Is expected to happen in the next year, more than 50% probability	**Major** Total loss of service. Legal action likely & difficult to defend. Death or life threatening. Negative National publicity. Imprisonment. Financial impact not manageable within existing funds.

Risk Register Format Template v1.0

Risk Title	Suitable for Public Register Y / N	Risk Type: Service (S) Escalated Service (ES) Standing Corp. (SC) Strategic (ST)	Risk Owner	Risk Description & Potential Outcomes (reasonable worst-case scenario)	Existing Controls / Mitigation	Additional Mitigation Planned – including Timelines /Deadlines	Risk Score		Risk Category / RAG Rating
							L	S	
Tree failures causing damage to persons (personal injury) or property	Y	ES	KW/AF /CA	Risk of failure of a tree or part of a tree thereby causing injury to a person on Council owned land or third-party land adjacent. In extreme case potential to cause death. Risk of failure of a tree or part of a tree thereby causing damage to property. In extreme case significant structural damage. Potential for litigation and reputational damage should a tree fail in what could be considered as foreseeable circumstances.	The Council has a Tree Risk Management Plan (TRMP) outlining how we look after our trees. The Council undertakes regular inspection in accordance with industry standard recommendation and case law. The Council carries out proactive tree works informed by inspection to mitigate potential failures and reduce potential risk. The Council provides budget to allow works to be carried out in a timely manner.	Regular review of TRMP & Tree Maintenance Policy (TMP) to ensure up to date with any new P&D and tree related issue especially relating to climate.	2	3	

Notes:

There always remains the possibility that a tree will fail even with inspection and pro-active works, therefore the risk of death by a falling tree will always exist with the presence of large mature trees on public accessible sites. The Council relies on the knowledge and experience of its tree professionals to identify potential hazardous trees via appropriate inspection regimes and take pro-active actions to lessen the potential for such an event.

The above risk value has been calculated on the likelihood of injury due to the failure of a tree or part of a tree and for this to happen it requires a person to be in the vicinity of the tree at the precise point in time that the failure occurs. The incidents of actual injury caused by tree failure are thankfully very low (no cases within Rushmoor in over 25 years). Damage to property is more likely as the relationship between the tree and a building is constant. Tree failures do happen and would score 4 (very likely) but the chances of such a failure occurring and causing harm require more chance and therefore score 2 (unlikely) but should it happen then the potential could be death, severity 4 but again more likely to cause injury and owing to rarity of incidents has been scored 3 significant. This rationale explains the overall risk value as medium.

Reviewed: 17/04/2024

Appendix 2

Legislation (Statutes)

The 1984 Act imposes a duty of care to those who are not visitors (i.e. trespassers). The Act imposes a limited duty of care on occupiers to take 'reasonable' steps to offer protection to trespassers from dangers which should be known to exist on the property. The duty under the 1984 Act is more restricted than the 1957 Act, in that it only applies where a danger that the occupier knows of or ought to know of exists and if the occupier knows or ought to know that trespassers are likely to come on the land. The scope of the duty under the 1984 Act is limited to personal injury and does not cover property damage.

- The **Town and Country Planning Act (1990)** and **Town and Country Planning (Trees) Regulations (1999)** contains provisions for protecting trees that provide public amenity. The additional implied duty in the Act is that organisations such as Local Authorities should maintain such valuable amenity as they can be exempt from Tree Preservation Orders as they may be deemed to be appropriate managers of the tree population within their control.

- The **Highways Act (1980)** and the **Local Government (Miscellaneous Provisions) Act (1976)** give Local Authorities the powers to deal with trees in private ownership that endanger the highway, persons, or property. The Highways Act empowers the Highways Authority (Hampshire County Council) to require that trees adjacent to the highway are managed to prevent them becoming a hazard to the safe use of the Highway.

Sections 23 and 24 of the 1976 Act allow Local Authorities to deal with trees on private land when asked to do so by the landowner, although these powers are discretionary and usually a last resort. Expenses then need to be recovered from the landowner.

- The **Wildlife and Countryside Act (1981),** the **Countryside Rights of Way Act (2000)** and the **Conservation (Natural Habitats, &c) Regulations (1994)** all place legal obligations on the protection of wildlife species and habitats. The 2000 Act's duty of care is extended to cover those who might be described as ramblers or persons exercising their right of access over land or the 'right to roam'. The duty under this Act is limited in its scope and does not extend to risks that exist because of natural features on land. The 1981 and 1994 Acts place some obligation on local authorities to consider wildlife issues within the planning process where sites are considered to be of wildlife importance. Whilst it is not within the scope of this document to discuss the wildlife implications of tree management, it is an important consideration for landowners / occupiers.

- The **Health and Safety at Work Act (1974)** places a duty on all employers to ensure, as far as is reasonably practicable, the health, safety, and welfare at work of all employees, as well as those not in his employment who may be affected if exposed to risks to their health or safety. This means ensuring that all places of work are, as far as is reasonably practicable, safe and without risks to health to both employees and visitors to the site. Cases have been brought by the Health and Safety Executive under sections 2 (general duties of employers to their employees), 3 (general duties of employers and self-employed to persons other than their employees) and 4 (general duties of persons concerned with premises to persons other than their employees) of the Act.

- The implications of the **Corporate Manslaughter and Corporate Homicide Act (2007)** means that companies or organisations whose gross negligence causes the death of an individual now could face prosecution for manslaughter. The fines are unlimited. Immunity from prosecution for the Crown has been removed. Crown bodies, such as Government departments, will now be liable for prosecution. The continued implementation of this TRMP will help form the reasonable ‘defense’ against such a potential prosecution for the council.

Legislation (Case Law)

There are other cases that are applicable, but these are the main ones.

- **Chapman v Barking and Dagenham London Borough Council (1998)**

Barking and Dagenham London Borough Council were taken court in 1998 by the plaintiff, Mr Chapman who had sustained serious physical injury when the cab of the van he was driving was crushed by a falling limb from a Council owned Horse Chestnut tree. Whilst the tree had been pruned some years before it should have been inspected at regular intervals, especially given the recent strong wind warnings that were issued by local meteorological stations. The Council had no formal system in place to inspect trees in their ownership.

The judge found for the plaintiff on the basis that:
"a person is liable for a nuisance constituted by the state of his property:
1) if by neglect of some duty he allowed it to arise; and
2) if, when it has arisen without his own act or default, he omits to remedy it within a reasonable time after he did or ought to have become aware of it." (See *Noble -v- Harrison* [1926] 2 KB 332 at 338)

- **Birmingham City Council**

Birmingham City Council were successfully prosecuted under section 3 of the Health and Safety at Work Act in July 2002 following the failure of an ash tree adjacent to a road which led to the death of three people.

- **Gary Poll v Viscount Morley (May 2006)**

This case involved a motorcyclist colliding with a fallen tree. The motorcyclist made a claim against the tree owners for damages. Judgement was awarded in favour of the claimant. Whilst the owner of the tree had an inspection regime in place, it was judged that it was insufficient to detect structural defects and that a different (more detailed) method of inspection would have detected the warning signs. The Judge determined that an experienced Arboriculturist would have identified the hazardous nature of the tree and ordered its removal.

This case is particularly important as it suggests the different levels of inspection and competence are required to fulfil a tree owner's duty of care.

- **Essex County Council (2003)** were found guilty under Section 2 of the Act following the death of a Senior Ranger as the result of insufficient inspection regimes and staff competence. The Council were found to have inadequate systems in place to ensure that tree work was properly assessed and allocated to appropriately trained individuals.

- **Atkins v Scott (2008)** In this case the Judge criticised the defendant for not have a formal written system for tree inspections.

Government Guidance

The main guidance is taken from 'Well-Managed Highway Infrastructure: A, Code of Practice' published in October 2016, Section B.5. Inspection, Assessment and Recording – Highways; B.5.4. Safety Inspection of Highway Trees.

In summary this covers.

- *Method of inspection.*
- *Frequency of inspections.*
- *Appropriate risk management.*
- *Appropriate training.*
- *Reliability of data.*

Appendix 3

List of Priority Risk Sites

Priority Risk Sites (inspection every 2 years)

Aldershot Lido
Aldershot Park (area around destination playground)
King George V Playing Fields
Manor Park, Aldershot

Moderate Risk Sites (inspection every 3 years)

The following is not a comprehensive list of Moderate Risk Sites.
A full list is to be developed over time.

Cove Green Recreation Ground off Prospect Road
Farnborough Community Area
Farnborough Gate Sports Complex
Lynchford Road
Moor Road Recreation Ground
Napier Gardens (subject to lease)
North Lane / Ivy Road Playing Fields
Oak Farm Recreation Ground off Tile Barn Close
Osborne Road Recreation Ground
Prince's Gardens (opposite Princes Hall)
Municipal Park, Aldershot
Queen Elizabeth (play area and footpaths)
Queens Road Recreation Ground
Rectory Road Recreation Ground
Redan Hill Gardens
Redan Hill Fort Open Space / High Street Recreation Ground
St. Michael's Gardens
Southwood Playing Fields

Low / Negligible Risk Sites

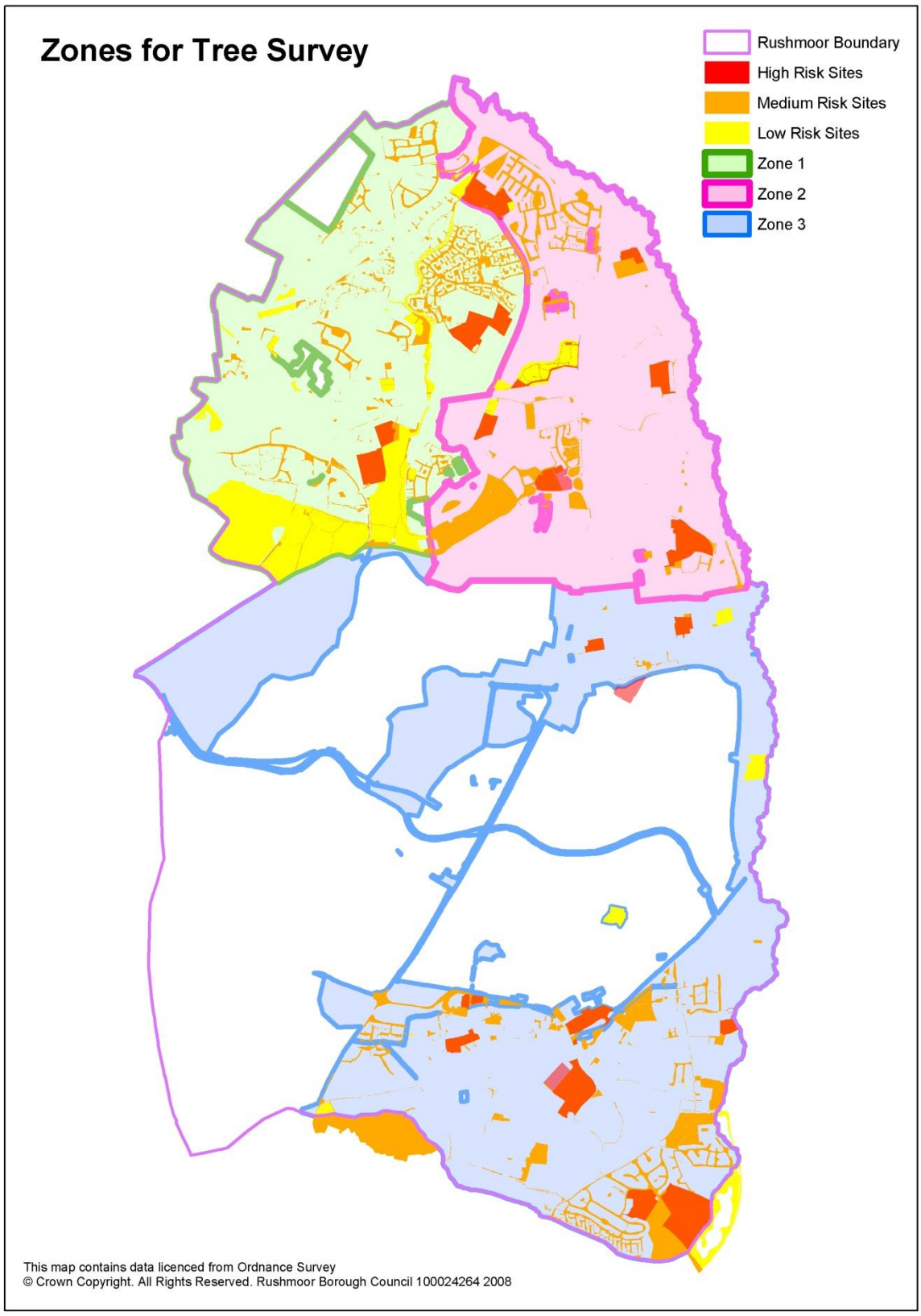
Alexandra Road Allotments
Birchbrook Reserve
Birchett Road Allotments
Brook Gardens Open Space
Calvert Close Allotments
Cherrywood Road Allotments
Cove Brook Flood Plain Area off Bridge Road, Cove (excluding footways)
Cove Green Allotments
Fernhill Road Allotments
Hazel Road Allotments
Land off Ratcliffe Road (land locked)
Park Road Allotments
Prospect Road Allotments
Queen Elizabeth Park (excluding the footpaths, playground, and car park)
Ratcliffe Road Allotments
Strip of land at Hannover gardens (land locked / no access)
The Birches open space
Tongham Pool (extension of Aldershot Park)
Woodland / Copse off Chestnut Tree Grove (excluding the footpaths)
Woodland / Copse off Howard Drive (excluding the footpaths)
Woodland / Copse off Nightingale Close (excluding the footpaths)
Woodland / Copse off The Potteries (excluding the footpaths)
Woodland strip off Juniper Road

List of Leased Sites / 3rd Party Management

	Included for surveying	Excluded for surveying
Aldershot High Street Recreation Ground (Aldershot Football Ground) (site managed by third party)		✓
Aldershot Ski Centre (subject to lease) (site managed by third party)		✓
Holly Bush Lane nature area (site managed by third party)		✓
Southwood Golf Course (site managed by third party)		✓
Rowhill Nature Reserve (site managed by third party)		✓
Southwood Woodland (site managed by third party)		✓
Napier Gardens (subject to lease)	✓	

Appendix 4

Risk Zone Maps (Old map, replacement pending)



Appendix 5

Tree Risk Management Plan Survey Brief – data to be recorded.

The following types of data about the trees being surveyed should be assessed. This list has been compiled from a variety of sources including The Hazards from Trees: a general guide (see Appendix 2), Circular 52 / 75 and Hampshire County Council's Arboricultural Works Procedure (11/2005) in relation to the Highway.

This list is not exhaustive and other features should also be considered at the time of survey.

- Abrupt bends in branches
- Brittle decay
- Bottle butt
- Excessive sinking down of branches
- End loading
- Exposure of previously sheltered trees
- Fork and unions with included bark
- Grafts (showing incompatibility)
- Instability due to restricted rooting
- Neglected pollards
- Poor crown condition
- Ribs and open cracks on stems and major branches
- Target cankers
- Wounds
- Thinning of foliage and dying back of branches
- Wounds where branches have been removed
- Areas where bark has peeled off
- Galls, cankers, and lesions
- Fungal fruiting bodies
- Moisture issuing from the tree
- Dead trees
- Significant dieback in the crown
- Individual dead or broken branches
- Obvious signs of decay: cavities, fungal growth, or substantial areas of dead bark
- Persistent history of live branch breakage
- Obvious signs of root heave, soil movement around the base
- Roots damages by excavations
- Obvious signs of damage to adjacent structures
- The proximity and significance of nearby targets
- Man made structures placed in trees

Appendix 6

Failure Log Record Sheet				
Date of failure				
Location				
Risk Zonedesignation within site	Low / Negligible		Medium	High
Species				
Age class	Young		Middle Aged	Mature
Weather conditions at the time of failure	Wind speed / Beaufort Scale: 1 2 3 4 5 6 7 8 9 10 11 12 Rain: None / Light / Moderate / Heavy			
Size of failure part	Tree:	<100mm∅	100 to 300mm∅	>300mm∅
	Branch:	<50mm∅	50 to 100mm∅	>100mm∅
Cause of failure				
Consequence of failure				
Actions to be taken				
Works Complete(date)				

FORCE	EQUIVALENT SPEED 10 m above ground		DESCRIPTION	SPECIFICATIONS FOR USE ON LAND
	miles/hour	knots		
0	0 to 1	0 to 1	Calm	Calm: smoke rises vertically.
1	1 to 3	1 to 3	Light air	Direction of wind shown by smoke drift but not by wind vanes.
2	4 to 7	4 to 6	Light breeze	Wind felt on the face; leaves rustle; ordinary vanes moved by the wind.
3	8 to 12	7 to 10	Gentle breeze	Leaves and small twigs in constant motion; wind extends light flag.
4	13 to 18	11 to 16	Moderate breeze	Raises dust and loose paper; small branches are moved.
5	19 to 24	17 to 21	Fresh breeze	Small trees in leaf begin to sway; crested wavelets form on inland waters.
6	25 to 31	22 to 27	Strong breeze	Large branches in motion; whistling heard in telegraph wires; umbrellas used with difficulty.
7	32 to 38	28 to 33	Near gale	Whole trees in motion; inconvenience felt when walking against the wind.
8	39 to 46	34 to 40	Gale	Breaks twigs off trees; generally, impedes progress.
9	47 to 54	41 to 47	Severe gale	Slight structural damage occurs (chimney pots and slates removed).
10	55 to 63	48 to 55	Storm	Seldom experienced inland; trees uprooted; considerable structural damage occurs.
11	64 to 72	56 to 63	Violent storm	Very rarely experienced; accompanied by widespread damage.
12	73 to 83	64 to 71	Hurricane	Very rarely experienced; accompanied by widespread damage.

Appendix 7

Action Plan

No.	Action	Responsibility	Target date for completion
1.	Review TRMP prior to issuing to Council Members to consider for formal adoption.	Line management / Risk Management Group / Council Insurer	Jan 2010
2.	Amendments made.	Parks Manager	Feb 2010
3.	Consideration for formal adoption by Council Members.	Council Members (Portfolio Holder)	Feb 2010
4.	Amendments made.	Parks Manager	Feb/March 2010
5.	Formal adoption by the Council Members.	Council Members (Portfolio Holder)	March/April 2010
6.	Implementation. 2009: survey of all high-risk sites 2009: survey of zone 1 moderate risk sites 2009: prioritisation of tree works and their implementation within the limitations of the tree budget. 2010: survey of all high-risk sites 2010: survey of zone 2 moderate risk sites 2010: prioritisation of tree works and their implementation within the limitations of the tree budget. 2011: survey of all high-risk sites 2011: survey of zone 3 moderate risk sites 2011: prioritisation of tree works and their implementation within the limitations of the tree budget. Cyclic proactive survey of priority and moderate risk sites continues.	Parks Manager	On Target
7.	Check leased sites for management of tree responsibilities. Sought an overall response for all leasehold property owned by the Council from Legal as to tree lability responsibility. Not forthcoming so deal with on a reactive basis.	Parks Manager Legal Services	March/April 2010 (1st requested Jan 2009) From 2022
8.	Three-year audit (2011)	Arboricultural and Grounds Technical Officer & Parks Manager	March 2011 November 2016 Due 2019 June 2024

Appendix 8

Rushmoor Borough Council - Policy relating to Ash Dieback (Chalara)

Overview

It is predicted that Chalara will have an impact on Ash trees within the UK similar to that experienced with Elm trees during the Dutch Elm Disease outbreak in the 1970/80's. The Eastern Counties of the UK are already experiencing significant losses, and this impact is expected to spread across the country with Hampshire seeing an increase of mortality within the next 3 to 4 years.

Ash Dieback is caused by a fungus on Ash trees, which is present in most parts of the UK. Initial infection to significant symptoms becoming evident can take several years, up to 10 years in some cases. Experience shows it can cause a high proportion of infected trees to die, however, some Ash trees (studies suggest about 5% of the population) are resistant and identification of resistant trees is of high importance.

Consideration towards the safety of persons and property is of primary concern with consideration towards the recovery of canopy cover in the longer term.

The Guiding Principle

Ash Die-back may well have a significant impact on the present and future Ash population, however, the presence of Ash die-back will not, in itself, necessarily be considered as a reason for premature pruning, felling, or intervention.

Where infection of an Ash tree is suspected or known, each situation will be judged on its individual merits taking into account the extent of die-back, the visual amenity that the tree or trees provide, and any health and safety considerations. Whilst it may appear to make economic sense, if one or more trees in a wider group do require intervention, removal of the whole group will not necessarily be considered justified.

Arising's from works to Ash trees will continue to be dealt with in accordance with current guidelines relating to biosecurity. As the disease is already widespread no special consideration toward Ash arising's is deemed necessary.

How the Council will manage Ash Trees

The timing of inspections is to be optimised where possible and feasible to identify the presence and extent of infection within the Ash population and permit forward planning in relation to remedial works and replacement planting.

As part of the ongoing proactive tree survey where Ash trees are identified as being significantly affected then these trees will be considered for removal or other remedial works depending upon location and condition. As a general guide once an infected tree exceeds <50% crown density then removal may be the most pragmatic action. This early intervention saves costs over longer-term remedial works.

Replacement tree planting will be considered in line with the Tree Maintenance Policy.

Where the council is informed of a council owned tree that may be affected by Chalara then the enquiry will be prioritised accordingly based upon location, condition and the inspections that have been carried out previously.

The Council will not consider requests to remove Ash trees that show no evidence of infection on the grounds of safety as to remove an otherwise healthy tree may be removing one of the 5% resistant trees that are of high value for the future of the species as a whole.

Appendix 9

Rushmoor Borough Council - Policy relating to Oak Processionary Moth (OPM)

Overview

OPM is impacting on Oak trees especially in the Southeast where it has already established. Rushmoor currently resides within the buffer zone and has had isolated incidents of OPM in Farnborough. It is expected to spread across the country with Hampshire seeing an increase within the coming years.

OPM caterpillars feed on oak leaves, causing defoliation. They are identifiable by their distinctive movement, moving from their nest to feeding areas in processions. They form a line, sometimes multiple caterpillars wide and move together. Their nests can also be seen on branches or the trunk of the tree. They are made from white silk-like material and range from the size of a golf ball to a rugby ball. The caterpillars and nests are seen in late-spring and summer. The adult OPM moth is rarely seen and is difficult to identify.

https://www.forestresearch.gov.uk/tools-and-resources/fthr/pest-and-disease-resources/oak-processionary-moth-thaumetopoea-processionea/

The defoliation can cause stress, and over prolonged periods have detrimental impact on the tree's overall health & condition. The caterpillars themselves are a public health concern due to the long hairs which can detach and cause skin irritations and even more severe allergic reactions. The risk to exposure of the hairs is highest between May and June.

How the Council will manage Oak Trees in relation to OPM

The trees which have already been identified with OPM outbreak and been treated will be re-inspected on an annual basis. Treatment to continue as required and advised (if appropriate) by Forestry Commission.

Annual inspection of known hot spots where there is a high population of mature Oak trees to assess for any spread of OPM within the borough.

If OPM found, then reported to the Forestry Commission for inclusion in treatment regime for the borough and any other safety related measures taken.

Addendum - References

Arboricultural Journal, Arboricultural Association
Arboricultural Association Newsletter
Journal of Arboriculture, International Society of Arboriculture
Arborist News, International Society of Arboriculture

Principles of Tree Hazard Assessment and Management, David Lonsdale, DETR, 1999
The Body Language of Trees, Claus Mattheck & Helge Breloer, DoE, 1994
Diagnosis of ill-health in trees, R.G. Strouts & T.G. Winter, DoE, 1994
Hazards from trees a general guide, Forestry Commission

Hampshire County Council Arboricultural Works Procedure [11/2005]
Circular 52/75, Department of Environment

Well Maintained Highways, Roads Liaison Group

Health and Safety Executive sector information minute 'Management of the risk of falling trees'
Management of the risk from falling trees, HSE advisory SIM 01/2007/05

Trees Matter, National Urban Forestry Unit

Jon Stokes; The Tree Council (information in relation to Chalara in the UK)

APPENDIX 2

Tree Maintenance Policy
For Council Owned Trees

Rushmoor Borough Council

Version 1.2 Issue Date: 19th June 2024

Authors	Andy Ford - Parks Manager Kevin Wale – Arboricultural Officer

1. Introduction

This policy sets out the principals for the maintenance of the Council's tree population giving details of the considerations for decisions relating to tree work, tree planting and (legal) nuisance. This policy is in accord with Hampshire County Council policy and protected privately owned trees in relation to applications under the Town & Country Planning Act, Tree Regulations.

Tree Preservation Orders (TPO's) and Conservation Areas provide the means to control work to important privately owned trees through the TPO application process. The principles applied to the determination of such applications align with the principles in this policy. The Antisocial Behaviour Act (High Hedges) is a separate matter and not covered by this policy. The Arboricultural Officer [Planning] manages these matters, as governed by Planning Law, within Planning Services.

This policy, in conjunction with the Tree Risk Management Plan (TRMP), forms the overall management policy for Council owned trees. The TRMP details how trees are surveyed, and how work is prioritised in relation to the safety of persons and property.

The following Tree Maintenance Policy (TMP) has been developed by Rushmoor Borough Council with advice from Ben Abbatt BA (Hons), Dip. Arb. (RFS), MICFor, MRICS, CEnv, (Arboricultural Association Registered Consultant) and is subject to review and amendment when appropriate.

Aim - To maintain the green leafy character of the borough and manage the existing tree population by appropriate and sensitive maintenance to ensure a healthy, pleasant, and safe environment now, and ensure adequate canopy cover for the future. To lead by example with regards the value we place on our trees and their contribution to environmental quality within the urban landscape, including climate change benefits.

2. The value of trees

Trees enhance the quality of life, especially in the urban environment, and form an integral part of its character, form, quality, and diversity. 'Woodland Trust Why We Need Trees' The Benefits of Trees - Woodland Trust - Woodland Trust provides an overview of the benefits derived from trees. These include the benefits to our health by filtering polluted air, providing wildlife habitats, land stabilisation and an enhanced quality of landscape.

3. Ownership of trees

There are various owners of trees within the borough. This policy relates to Rushmoor Borough Council owned trees (Parks, Open Spaces, Estates, Facilities and Cemeteries) but is also relevant as good practice for all trees within the borough.

Trees on the Highway are the responsibility of the Highways Authority (Hampshire County Council), and their policies are in accord with this policy, however, Rushmoor Borough Council does not hold the authority or budget to undertake maintenance for Hampshire owned trees.

4. Objectives for management of the Council tree population

Rushmoor has a high population density (2,636 people per sq. km in 2023) and correspondingly trees provide a significant amenity to residents, businesses, and visitors to the area by virtue of providing a green, leafy outlook within an ultimately urban environment.

We consider trees to be of high importance with management and maintenance focused on the retention and protection of the borough's tree population but with the proviso that safety to persons and property has overriding importance.

Primary objectives

- Safety (persons & property)
- Visual amenity & landscape value
- Healthier lives (clean & green)
- Heritage
- Urban environmental benefits (local climate effects, shade, CO2, and storm water run-off)

Secondary objectives

- Wildlife (biodiversity)
- Successful local economy
- Sustainable communities

Aim - To manage our trees in a global sense and encourage urban forest with 'continuous cover management' to provide a healthy and diverse tree population. That the amenity provided by the trees is preserved for perpetuity by maintaining and improving tree cover for the future and planting of suitable trees in appropriate locations.

5. Requests for tree work

When we receive a request to carry out tree work, we will record, consider individual merits, and prioritise. Our first consideration is public safety, our legal obligations (including property) and then the impact upon the community (residents, businesses, and visitors to the borough).

We will carry out tree work under the general guidance of dead, dying, diseased or dangerous and specifically where:

- there is a significant risk of harm; or
- damage (for instance subsidence or physical impact from tree growth); or
- free passage is required (for instance below statutory heights on footways and carriageways); or
- sightlines or views of road signs is required.

This includes removal of dead trees, significant dead wood within canopies of trees, removal of diseased trees (which have exceeded acceptable limits of risk), and general lifting of excessively low and obstructing/obscuring branches. We will not carry out work, without exceptional reason, that would cause a significant loss to the community or would be contrary to maintaining a healthy tree population. For instance, requests for improved television reception, telephone line clearance, shading, to reduce leaf fall, fruit fall, bird droppings or honeydew from aphids, branches overhanging a garden (as an example), allergic reactions, children climbing trees, and blocked drains etc. will not normally be carried out.

Persons can contact Rushmoor Borough Council via the following methods:

- Online - Visit http://www.rushmoor.gov.uk/article/2795/How-we-look-after-our-trees to access further information.
- Email - customerservices@rushmoor.gov.uk
- Telephone - Customer Services on 01252 398399
- Address - Rushmoor Borough Council,
  Customer Services
  Farnborough Road
  Farnborough
  Hants.
  GU14 7JU

6. Rationale/Justifications for tree work

Common requests for tree work and the reasoning and/or justification as to whether tree work is undertaken is given in Appendix 1 ‘Rationale/Justifications for tree work’.

We have a dedicated budget for tree work to maintain trees in a healthy and safe condition. To manage within our financial resources, we prioritise work to ensure that the budget provides the most benefit for the money spent and deals with those matters of high importance.

7. Types of tree maintenance work

There are various operations undertaken in the process of maintaining trees, appendix 2 ‘Types of tree work’ gives details of the most common with comments upon where and when they are normally used and the impact they can have upon the tree.

We do all necessary tree work in line with the current industry guidance (for instance BS3998 Recommendations for tree work). We will not do any tree work that exceeds these recommendations.

8. Common law rights to carry out tree work

Adjacent property owners can exercise their common law right and remove overhanging branches (where they extend across their boundary) so long as the trees are not subject to a Tree Preservation Order (TPO), within a Conservation Area, cause significant damage to the tree or leave the tree in an unsafe condition.

Private individuals should always make their intentions known to the tree owner so that any proposed work is mutually agreed. No work should be carried out which could prove detrimental to the long-term health of the tree. In such an instance, persons can be held liable for the failure of the tree or any damage or harm that occurs because of unauthorised work.

We encourage people to dispose of the arisings/debris themselves if they decide to take such action, otherwise the Council will need to dispose of the debris which may reduce capacity for carrying out priority safety work elsewhere.

9. Woodland Management

We will take reasonable steps to preserve and enhance woodland trees that are indigenous to the region. Where possible we will encourage natural regeneration in woodlands, aim to protect existing sites and have due regard for the potential impacts of climate change.

When dead trees and dead wood is within established woodlands and copse areas, where appropriate and the risk of harm or damage is acceptable, it will remain as this can enhance the woodland habitat and improve biodiversity. Management and maintenance of our woodlands and copses will consider existing landscape features, wildlife habitat and amenity value.

We will ensure that all our woodlands are managed and maintained in accordance with the accepted forestry and arboricultural methods. We actively encourage access to woodlands, and we will develop and maintain pathways within our managed areas.

Aim - We will support and encourage community involvement in the planning and operation of woodland management. Where possible we will seek to expand and look for opportunities to create woodland.

10. Tree Planting

To help maintain a continuity of tree cover we will undertake the planting of new trees where suitable opportunities arise. We will endeavour to plant and maintain trees within the borough on our land to help maintain a viable tree population with a range of maturity.

The council support tree planting within the borough through a variety of schemes and where appropriate take opportunities to enhance tree planting.

Aim – To plant 50 trees per year within council land to help improve the visual amenity of the borough and provide a tree population for future generations.

If you would like any further information on Rushmoor Borough Council's tree management policies, please visit http://www.rushmoor.gov.uk/article/2795/How-we-look-after-our-trees or contact us on 01252 398399.

Appendix 1: Rationale/Justifications for tree work

Common requests for pruning trees include:

Light/Shade

Shading and low light to gardens and property is an emotive issue and we receive frequent enquiries concerning light and shading. In many instances people believe they have, a ‘right to light,’ therefore the following information seeks to clarify both our position and the legal/legislative framework.

Factors that we consider in relation to pruning for light are:

- Condition – the trees overall health, potential lifespan and general crown structure as other work may be necessary, and which may also assist with increased light.

- Species – for instance broadleaves allow dappled light through the canopy in winter when not ‘with leaf;’ certain species have smaller and less frequent leaves, for instance Birch which allows dappled shade in summer.

- Impact – the potential impact any such work would have upon the condition of the tree and the amenity that it (they) provides.

- Location – the position of the tree(s) has a bearing upon when shade may occur, for instance trees to the east of a property will cast shade in the morning whereas trees to the west will cast shade in the afternoon. The closer a tree is to the area the greater the amount of shade is likely to be cast.

- Character of the locality – whether an area has a ‘woodland’ or ‘wooded’ nature or if the tree is a specific feature in the locality.

- Relative ages of the trees and property – it may be unreasonable to prune trees that were present at the time of construction of a property. The tree landscape evolves over time and the growth of trees is a natural feature that needs consideration when making the decision to occupy a property or not.

Summary of relevant legal and legislative framework

GARDENS - There is no legal 'right to light' or guidance upon the amount of sunlight or skylight for gardens.

PROPERTY - The 1832 Prescription Act and British Standard 8206: Part 2: 2008 – Code of Practice for Day Lighting (BS8206 as updated) both relate to the amount of sunlight and day light appropriate for a building and its use.

These are best summarised as follows.

- An opening into a building (for example a window) acquires a 'right to light' if it has had uninterrupted enjoyment of a given amount of skylight for a period of at least twenty years. However, this takes into consideration trees as the 1832 Act excludes trees and vegetation germinating or growing within this period. This protects a householder from persons erecting a structure such as a wall directly in front of their window thus blocking light.

- The British Standard states the amount of sunlight and day light that is appropriate for a building and its use. The calculations within this standard are complex and are best summarised by the following quote from The Royal Institute of Chartered Surveyors:

BS8206 is effectively '*In your home, just over half the room should be lit by natural light. Broadly speaking, the minimum standard is equivalent to the light from one candle, one foot away*.'

In summary, we rarely carry out work due to light or shade. Any tree work carried out is normally instructed due to other reasons, for instance the condition of the tree, or to reduce the potential for damage to adjacent structures, etc. Such work may have the associated benefit of reducing the specific light/shade concerns of the individual.

Falling debris (branches, twigs, leaves/needles, flowers, seed/fruit, honeydew)

We do remove dead, dying, disease and dangerous branches from our trees where there is a high possibility of harm or damage occurring. We do not prune trees because they shed twigs, leaves/needles, flowers, or seed/fruit as part of their natural processes.

Honeydew is a result of aphids feeding upon the tree. The amount produced can vary depending upon climate and levels of predation. There are no practicable ways of managing such issues, without removing the trees. As such, honeydew is not normally sufficient reason to prune a tree.

Basal growth (sucker/epicormic growth)

This is the growth at the base of the tree and sometimes up the main trunk and is common with mature Lime trees. Where this growth causes obstruction or blocks sightlines then it will be removed and, in some cases, it is desirable to remove the re-growth periodically for aesthetic reasons.

Overhanging branches

We do prune low overhanging branches to allow for reasonable access beneath the canopy where access is required. We do not normally prune branches that overhang adjacent properties above normal access requirements (see crown lifting in appendix 2).

Size

The height and size of a tree is not normally sufficient reason alone to prune a tree if the tree is in good structural and physiological condition.

Drains

Tree roots will access drains through existing faults in the physical structure of the pipe as they are usually a reliable source of water. It is rare that they are the cause of pipework damage. Any tree roots that do find ingress are opportunistic and will exploit a reliable source of moisture and subsequently grow and expand. Once within a pipe run, tree roots can cause further damage to the structure and block pipes by incremental growth. Presence of tree roots within drains is common and removal is the responsibility of the owner of the individual services effected.

Transmitted signal reception

We do not prune for transmitted signal as there is no legal right to a transmitted signal and there are a variety of other means to obtain a similar service (sometimes the simplest solution can be to move the position of the aerial or dish to a new location). In most cases the tree would have been an established feature of the landscape prior to its growth causing disturbance to a signal. Any tree work carried out is normally instructed due to other reasons, for instance the condition of the tree, to reduce the potential for damage to adjacent structures, etc. which may have the associated benefit of improving reception.

Allergies

With wind borne pollen and scent it is often difficult to determine where the origin for the trigger to an allergic reaction originates. As it is difficult to determine the cause of the allergic reaction and with the variety of vegetation in the environment it is sometimes not realistic or feasible to carry out tree work/removals that would significantly alleviate the symptoms. Consequentially we do not normally undertake work on trees to address allergic reactions.

Children climbing trees

We do not carry out work to prevent children climbing trees unless there is an exceptional circumstance, and other factors involved such as access onto roofs etc. We would then only carry out minimal work to prevent easy access into the tree where appropriate.

Research shows that children should be exposed to a certain amount of risk, and it is an important part of growing up and learning. It is a normal part of life for children to want to climb trees and we do not wish to hinder this involvement with the environment unless there are specific and exceptional concerns.

Adjacent buildings

Where council trees are adjacent to buildings, we will normally maintain a branch clearance of up to 1.5 to 2.0m to prevent the tree branches from damaging the building, for instance dislodging roof tiles. Branches outside this1.5 to 2.0m distance will normally be retained (this includes branches which overhang a property, i.e., above the roof).

Subsidence and heave

Subsidence is a complex interaction between the soil, building, climate, and vegetation that occurs on highly shrinkable soil (normally clay). When the soil supporting all or part of a building dries out and consequently shrinks it results in the unsupported part of a building moving downwards. Trees lose water from the leaves through transpiration that is replenished by water taken from the soil by the roots. If the tree takes more water from the soil than is replaced by rainfall the soil will gradually dry out. Trees have a large root system, and they can dry the soil to a great depth, sometimes below the level of foundations. The amount of water trees can remove from the soil can vary between tree species.

The opposite of subsidence is a process called ‘heave’ and this occurs as a shrinkable soil re-hydrates (re-wets) and begins to increase in volume exerting upward pressure. Heave can also cause damage to buildings and is just as undesirable as subsidence.

Trees are not the only factors that can cause building movement. For example, natural seasonal soil moisture changes, localised geological variations, lack of flank wall restraint, over loading of internal walls, internal alterations reducing the load bearing capacity of the original building, installation of replacement windows without proper support, loft conversions, settlement, and land slip, amongst others. Settlement is common but is frequently unrelated to the presence of nearby trees. We recognise our responsibilities for the trees we own and manage, however, any claim for damage must prove that, on the balance of probability, the council’s tree/vegetation materially contributed to the damage (I.E. the tree was an effective and substantial cause).

Any formal approach to the council in relation to alleged damage to property suspected to be caused by a council owned tree and/or vegetation will be passed to the council’s insurers.

Appendix 2: Types of tree work

Types of tree work for individual trees:

Formative pruning

This task is normally carried out on young trees to improve their structure, form, and remove parts of a tree that could develop into future weak point (for instance removal of a single stem from a co-dominant pair).

Dead wooding

Dead wooding is the removal of dead, dying or diseased branches, broken and or hung-up branches. Differing tree species produce and retain deadwood in different ways, and this can be an important wildlife habitat. The production of dead wood is a normal and constant process and can occasionally help to determine the condition of a tree.

We normally will clean out or dead wood trees in high use areas (for instance in busy parks/open spaces, and beside principal roads/footpaths) depending upon the extent of the deadwood in the canopy and in relation to the species characteristics. In lower use areas, we try to retain deadwood to maximise the efficient use of the budget available for tree safety work (greatest benefit for the least cost) and help retain valuable habitat for nature conservation reasons.

Crown lifting

This is the removal of the lowest branches in the tree's canopy to create an appearance of 'lifting' the tree canopy. This work is usually carried out to allow access beneath the canopy of a tree for pedestrians or vehicles on a carriageway and the extent of crown lifting will depend upon the reasonable use of the land beneath the tree canopy.

Crown lifting can be detrimental to a tree by:

- changing the mechanical action upon the tree and this can increase the potential for limb or tree failure,
- introduction of wounds for pests and diseases to enter the wood which the tree will need to respond to,
- increasing the distances between leaves (energy production) and roots (energy use) with the result that more energy is required to transport the materials around the canopy leaving less energy available for other processes (for instance defence against detrimental organisms).

Where we consider that the requests for crown lifting will cause significant detriment to the tree, we will not carry out the requested work without good reason. We do not usually crown lift lower branches to more than 3.0m. However, we may have to crown lift to more than 3.0m to comply with legal requirements (for instance to make a clearance around streetlights and vision splays for the safe use of the highway, to clear adjacent buildings and structures, etc.).

Crown thinning

This involves removing some small secondary branch growth to create a less dense canopy. It is carried out by preferentially removing the dead, dying, diseased and damaged/broken branches first with branches that run parallel or overlapping one another secondly. Crown thinning is normally specified as a percentage (of the foliage area) and is carried out to produce an even canopy of well structured, balanced, and good framework of limbs and branches typical of the species or variety of tree.

There is a common misconception that crown thinning will help to alleviate concerns of light or transmission signals. Such crown thinning work is often unsuccessful in alleviating these concerns because the amount of branch wood removed without harming the tree (up to 10% of the foliage area) is insufficient to significantly improve light levels passing through the tree's canopy or remove the 'obstruction' to the transmission signal.

Excessive crown thinning can be of detriment to the tree through:

- introduction of wounds for pests and diseases to enter the tree which the tree will need to respond to,
- removal of leaves (energy production parts of the tree) reducing the amount of energy available for the tree,
- removal of stored energy in the branches,
- increased energy expenditure from the tree to recreate the lost canopy reducing the amount of available energy for other tree processes,
- changing the mechanical loading upon the branches increasing the potential for branch failure.

Crown reduction and tip reduction

Crown reduction is the reduction of the complete outline dimension of the tree canopy from the height and sides towards the centre of the tree. This work is normally carried out to reduce the potential for failure on a tree worthy of being retained (for instance a veteran tree). This work is not normally carried out on a tree in good condition (physiologically and structurally) without good reason as there is a higher likelihood of branch failure from any re-growth and a crown reduced tree is usually aesthetically less attractive and unnatural in appearance.

Excessive crown reduction can be of detriment to the tree through:

- introduction of wounds for pests and diseases to enter the tree which the tree will need to respond to,
- removal of leaves (energy production parts of the tree) reducing the amount of energy available for the tree,
- removal of stored energy in the branches.
- increased energy expenditure from the tree to recreate the lost canopy reducing the amount of available energy for other tree processes,
- increased potential for branch failure from re-growth due to a weaker branch attachment.

Crown reductions can predispose the tree to a premature decline and therefore, for these reasons, crown reductions are rarely carried out and normally only on significant and important trees where crown reduction is necessary to abate a known structural or physiological feature.

Tip reduction is the localised reduction of a branch. It is frequently carried out to clear an adjacent structure. Normally a clearance of between 1.5 to 2.0m is carried out to prevent damage to the structure (for instance a house or garage) and to minimise the long-term exposure of the tree to damage and infection/colonisation by detrimental organisms. Overhanging branches above/outside this 1.5 to 2.0m distance are normally retained.

Pollarding

This is the cyclic removal of new shoots from the pollard head (point where previous pollarding has cut back to). It is recognised practice that this growth is removed on a 3-to-5-year rotation. Trees are either grown and managed as a pollard for a specific reason or are heavily reduced and subsequently managed this way to retain an otherwise unviable tree within the landscape. Owing to its intensive and costly nature this management regime is not initiated unless in exceptional circumstances.

Felling/tree removal

Healthy trees are not normally removed. Reasons for tree removal can include:

- when it is in a poor structural or physiological condition,
- as part of planned management for the site,
- the tree has caused damage, or is likely to cause imminent damage, to adjacent structures, but where pruning is not an option,
- the tree's roots have damaged the path or road causing potential hazards, but where root pruning is not an option,
- we need to remove a tree to allow other trees nearby to develop,
- the tree is a species which is known to outgrow where it is planted, and if it will unreasonably restrict the use of this area,
- the benefit or view of the tree is so limited by where it is, that the inconveniences outweigh all arguments in favour of keeping it,
- the tree stands in the way of essential development work (for instance road improvements).

Stump removal

Stumps are removed (ground out) when there is a high probability of them being a trip hazard, to allow grass cutters to pass over the stump or to allow reinstatement of a footway or other man-made feature. Additionally, stumps may be removed where it would be a resource for decay fungi (for instance honey fungus *Armillaria mellea*). Where these reasons are not applicable, the stumps are normally left in place to allow the most effective use of the budget.

Coppicing

Coppicing is the removal of all the growth of a tree or shrub to a point close to the ground with the objective of producing a quantity of vigorous new growth from the retained stool. This is normally carried out on previously coppiced trees (for instance hazel) as part of woodland management.

Root pruning

Occasionally, tree roots can damage footpaths and pavements. In these cases, we can prune the roots. However, if root pruning threatens tree health or stability, removal may be our only alternative.

Ivy

Ivy is good for wildlife in terms of being a source of nectar in the late summer months and shelter. It does compete with trees for water and nutrients. When ivy grows into the upper canopy, it can shade out leaves and act as a ‘wind sail’ over the winter months. Ivy also obscures survey of the trees for structural defects. In consideration of these issues, we normally will remove ivy from trees in high use areas particularly if the ivy gets to 1/3rd the height of the tree or along primary branches (the first branches that occur from the main stem) or where a detailed assessment of the tree is necessary.

Other

If there is no alternative, we can clear branches that obstruct the view of CCTV cameras or street lighting. However, we expect the design specification and installation engineers to consider any nearby trees and their future growth before installing apparatus.