

Rushcliffe Borough Council Tree Management and Protection Policy 2023 - 2028



Contents

Introduction and Vision	3
Part A	5
Management of Trees Owned by Rushcliffe Council	5
Dead, Dying and Dangerous Trees	6
Dangerous Branches	6
Damage to Property	6
Obstruction of Light to Houses or Gardens	7
Overhanging Branches	7
Falling Leaves or Debris and Aphid Problems	7
Branches Obscuring Signs or Street Lighting Columns	8
Branches Affecting Telephone and Power Lines	8
Solar Panels	8
Television Reception	8
Ivy	9
Dead Wood	9
Resident Funded Tree Work	10
Bird Nesting Season	10
Bats	10
Ash Die Back	11
Other Operations	12
Standards	12
Tree Inspections	12
Replacement Planting	12
Highway Trees	13
Rushcliffe Nature Conservation Strategy	13
Veteran and Ancient Trees	14
Part B – Statutory Functions	15
Tree Preservation Orders	16
Conservation Areas	20
Planning	21
Hedgerow Regulations 1997	24
High Hedge Complaints	26
Dangerous Trees on Private Land	28
Appendix A	29

Appendix B	30
Appendix C	32
Appendix D	33

Introduction and Vision

Trees are key to our natural environment by absorbing Carbon Dioxide and producing Oxygen, they are a habitat and food source for wildlife. They provide shade and reduce temperatures in the summer and allow light and solar gain in the winter, whilst filtering pollutants, slowing rainwater runoff and binding soil together with their roots. Their appearance enhances our towns and villages and makes a key contribution to the character of the Borough and many of our conservation areas. Access to trees and open spaces has been proven to enhance people’s mental health and wellbeing.

Climate change will increasingly have an impact on our trees and whilst the change takes place over a long period of time, given that even short-lived trees live for 80 years or more and species such as Oak and Yew can live for hundreds of years, the trees planted today will certainly be affected by changes occurring now and in the future.

Trees are living organisms and change over time. As they grow, they may require formative pruning and ongoing management to control their shape and size, as they mature deadwood can start to form and trees can also suffer from diseases and fungal decay and need managing accordingly.

Many of the Councils trees are located on public open space next to residential properties and they can cause concern to residents. When it comes to pruning trees, a balance needs to be struck as it can introduce decay and disease and for certain species of tree it can lead to increased growth. Trees drop leaves and fruit, produce pollen and seeds, these along with bird droppings and Aphid’s sticky ‘honey dew’ is often perceived to be an inconvenience to those living in close proximity. Trees can block views and sunlight to properties, and it has been established through case law that a tree overhanging private land is a legal nuisance. The Antisocial behaviour Act allows residents to complain to the Council about loss of light from evergreen high hedges. Trees can easily lift pavers and tarmac and can occasionally cause more serious damage to properties through failure, subsidence or damage to drains. The above can lead to requests to the Council to prune or remove trees and can give rise to disagreements between neighbours.

The Council has a duty to consider trees in planning applications and there are numerous pieces of legislation that the Council can use to protect trees and hedgerows as well as deal with some neighbour disputes and concerns over dangerous trees and this document sets out how these will be used.

Rushcliffe Corporate Strategy sets out 4 priorities: Efficient Services, Quality of Life, Sustainable Growth and the environment it is considered the management of the Council's own trees and the application of legislation designed to protect and retain important trees and hedgerows feeds into all 4 priorities and this policy document sets this out in more detail.

The Council seeks to manage and enhance our tree stock in a responsible manner with a view to enhancing their visual appearance and wildlife value whilst considering the challenges set out above. Trees and hedgerows should be managed to promote visual amenity, biodiversity and climate mitigation in a safe and responsible manner. Alongside this the Council will utilise legislation to protect trees and hedgerow with the aim of enhancing the character and amenity of the Borough.

The Policy will be reviewed in 5 years, or sooner if there are changes to BS5837 or any of the primary legislation affecting trees.

Part A

Management of Trees Owned by Rushcliffe Council

Rushcliffe Borough Council receives numerous enquiries each year from members of the public requesting works to be carried out on Council owned trees. In regard to such enquiries the Council endeavours to be a considerate neighbour, but work identified in routine surveys will be prioritised. Work on trees that pose a direct risk to health and safety is the priority of the Council and would be addressed before 'good neighbourly' issues such as pruning of overhanging branches etc.

The Council will undertake site visits where concerns have been raised in regard to trees to assess their health, condition and their proximity to adjacent properties. The Council will look to undertake work if it is in the best interests of the trees and in accordance with best practice. However, residents often have different ideas of what constitutes good tree management, and it will not be possible to comply with all requests, especially when dealing with complaints where there is a perceived nuisance or inconvenience from trees. The Council does not aim to routinely prune trees and residents should not expect to see trees pruned annually, or every few years.

Pruning trees is often only a temporary solution and some types of pruning on certain species of trees can be counterproductive. On species such as Willow, Maple/Sycamore, Lime and Poplar, it can result in a dense proliferation of new growth that can relatively quickly result in larger and denser canopies. Large scale reductions often require a degree of pollarding which can require the work to be carried out on a cyclical basis, whilst this can allow trees to be retained, it can result in increased maintenance requirements in the medium term. Wherever possible the Council will avoid pollarding trees apart from where it allows the retention of trees with structural defects, or those in decline. Where pollarding is required, the Council will consider felling and replanting as an alternative.

Pruning can affect the natural appearance of trees and it can also introduce pruning wounds which can lead to decay an increased risk of failure in the medium to long term. It is also ineffective at controlling perceived nuisance from falling leaves, seeds and bird droppings.

There is no maximum height to which the Council allows its trees to attain unless there is a reason to control the size and natural growth characteristics in order to reduce an unacceptable risk to health and safety, or to prevent damage to a structure. Wherever practical, Council owned trees will be left to attain their natural size, shape and form.

The Council maintains over 3000 individual trees and many groups and woodlands, given the number of trees maintained it isn't possible for us to consult residents or community groups when it comes to proposed tree work.

The following list sets out how the Council will evaluate requests for work to be carried out on Council owned trees.

Dead, Dying and Dangerous Trees

The Council will remove dead, dying and dangerous trees and this work will be prioritised over others. Just because a tree is within falling distance of a property or structure doesn't mean the tree is a danger. For a danger to be present there has to be a degree of foreseeability due to the presence of a structural defect, poor health, or disease.

Dangerous Branches

A dangerous branch is one which is dead, shows signs of decay or damage, or weak attachment to the tree. Where a dangerous branch is identified it will be removed or reduced to a safe point. The Council will focus on the removal of dead branches which are over 50mm diameter or over 3m in length. Dead wood where appropriate will be retained on site – (see Dead Wood section below)

Damage to Property

Where it can be demonstrated that a tree is the primary cause of direct or indirect damage to property the Council will act to rectify the problem. Direct damage may include tree roots lifting paving stones, or trunks or branches damaging garden walls or fences. Indirect damage may include subsidence due to soil shrinkage resulting from water extraction by tree roots. In cases of damage to property it must be clearly demonstrated that the tree is the principal cause of the damage. In relation to subsidence this will require the following from a qualified engineer or surveyor:

- A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map.
- Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building.
- Measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, state why and provide crack-monitoring data. Data provided must be sufficient to show a pattern of movement consistent with the presence of the implicated tree(s).
- A profile of a trial/bore hole dug to identify foundation type and depth and soil characteristics
- The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit and plasticity index.
- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.
- Proposals and estimated costs of options to repair the damage.

Obstruction of Light to Houses or Gardens

The Council is under no obligation to prune deciduous trees if they are causing loss of light to houses or gardens. The only exception to this is evergreen hedges which tend not to grow on Council land. The Council will only consider pruning trees if it can be demonstrated that there is a significant loss of light throughout the day. Where Council owned trees block light at certain times in the day such as in the morning or afternoon, it reserves the right not to carry out work but will aim to be a considerate neighbour where the work is appropriate.

Reducing the height of trees is often not an effective solution and the Council will resist this as it can encourage trees to grow and produce dense foliage. The Council will usually consider pruning trees away from buildings or gardens or lifting lower branches to allow more light under the canopy.

Whilst the Council aims to be a good neighbour, there are times when trees make such a contribution to the general amenity of the area that work to trees will be resisted. An example would be the mature trees which border West Bridgford Park, as this is our most popular and well used open space and trees make a key contribution to the mature character of the park.

Overhanging Branches

Overhanging branches are considered a legal nuisance and adjacent property owners are entitled to abate this nuisance by cutting back branches to the boundary line. Residents can carry out such work to Rushcliffe trees without notifying us, but any work beyond the boundary or access to our land to facilitate the work would require the Council's permission. When pruning back branches there is a duty to offer these back to the tree owner, Rushcliffe does not expect these branches to be returned and advises residents to dispose of them in a responsible manner by taking them to a recycling site or using their green waste bin. The Council encourages the work to be carried out by a competent tree surgeon to a good standard (British Standard 3998:2010 'Tree Work - Recommendations'). Residents should expect to prune back minor vegetation, especially if Council owned hedges or shrubs border their land. The Council will aim to be a good neighbour when it comes to pruning back large overhanging branches from trees.

Falling Leaves or Debris and Aphid Problems

Unlike overhanging branches, falling leaves, seeds, cones, bird droppings or Honey Dew (the sticky liquid produced by aphids) are not considered to be a legal nuisance. Such matters are a fact of life to be tolerated, but the Council is aware that they can be an inconvenience. The Council is not legally responsible for such issues which are all natural occurrences. Pruning trees in such circumstances is not likely to provide an effective solution or anything beyond a short-term reduction and the Council will resist work in such circumstances. This applies to:

- Falling leaves, fruit, bird droppings, sap or blossom.
- Trees drying out lawns or soil.
- Leaves in gutters, drains or flat roofs.

- Algae or moss on surfaces.
- Allergies caused / exacerbated by trees. Unless suitable medical advice is provided to demonstrate a serious underlying health condition.

Branches Obscuring Signs or Street Lighting Columns

Where trees are blocking streetlights, road signs or similar and could jeopardise public safety, the Council will first aim to carry out work to alleviate the problem whilst retaining the tree. In extreme cases, or situations where regular pruning will be required the Council will consider removal of the tree with a view to planting a more suitable species or replacement elsewhere. The Council encourages other Council's and landowners to consider pre-existing trees when installing such infrastructure.

Branches Affecting Telephone and Power Lines

Trees rarely cause damage to phone lines which have armoured cables. Where branches are simply touching or rubbing against cables such work would be considered a very low priority. If trees are pulling or pushing cables or resulting in intermittent connections then work to clear the cables will be implemented. Power companies maintain their own power lines and Rushcliffe will not prune back trees from them. When requests from power companies to prune Council owned trees are received, officers will work with them to facilitate such work in the interests of maintaining a reliable network.

Solar Panels

There is no legal requirement to prevent or negate the shading of solar arrays by trees and this is not a legal 'nuisance' as defined in law. The Council will not normally consider tree work solely to alleviate issues relating to solar panel arrays when trees were growing before the panels were installed. Residents should take into account existing trees when implementing such schemes and not expect the Council to prune or remove trees following the installation of solar panels.

Television Reception

The Council will not normally carry out works to trees or remove trees in order to improve television reception as there is no legal right to receive such a signal. Given the increasing prevalence of streaming services, alternatives to satellite and aerial reception are now available. Aerials and satellite dishes should be carefully sited at the time of installation with consideration given to how neighbouring trees may grow in the future. Residents should look to reposition or raise aerials and dishes before contacting the Council.

Ivy

It is a common misconception that Ivy "damages" trees, and whilst this is not the case and it has many wildlife benefits, there can be disadvantages to having it grow in trees.

Generally, a healthy tree will outgrow and provide sufficient canopy shade to restrict Ivy growth. It can, however, compete and swamp weaker trees such as old Hawthorns and Elder, it can also grow on trunks and major limbs of trees with light canopies such as Ash, but the outer foliage of trees tends to remain free of Ivy. Ivy uses trees for support, but doesn't take any nutrients from the tree itself, it is not parasitic.

Large growth of Ivy on trees can increase the 'sail area' of the canopy which can lead to an increased risk of failure, especially in winter storms when deciduous trees have shed leaves whilst Ivy remains evergreen. Ivy may obscure other problems such as cavities, or fungal growth which can make assessing mature trees difficult or impossible.

Ivy is important to wildlife. Nectar, pollen and berries of Ivy are an essential food source for insects and birds. It also provides shelter for insects, birds, bats and other small mammals.

In low-risk locations Ivy should be retained due to its wildlife benefits. In higher risk locations, or where Ivy appears to be outcompeting trees a section of Ivy stems can be cut and removed from around the base of the tree. When carrying out such work it is important not to cut or damage the bark of the tree.

All plants will be competing for water in summer months. The RHS advises in relation to Ivy that "Its own root system below ground supplies it with water and nutrients and is unlikely to be strongly competitive with the trees on which it is growing. It is also found mainly on established or mature trees where, unlike young trees, some competition can be tolerated." Generally, where trees with Ivy growing on them show signs of decline this is more a reflection of the tree's health rather than the effects of the Ivy.

Dead Wood

Dead wood is a valuable part of healthy woodland and parkland habitats. Standing dead wood provides valuable habitat for some of our rarest invertebrates and a source of food for birds such as woodpeckers. Fallen dead wood is also a valuable habitat.

The value of deadwood has to be offset against other priorities and the safety of users of our land. Particularly on our nature reserves and informal wildlife areas the Council will aim to leave standing deadwood where reasonably practical. The Council will remove fallen deadwood from areas of grass but will create log habitat piles and leave chippings and brash in areas of informal woodland and groups of trees.

Resident Funded Tree Work

The Council will not accept offers of sponsorship to carry out tree works which would not be in the interest of the tree. Sponsorship will only be considered where the works would normally form part of the Council's scheduled work programme but where adjoining property owners are keen to see the work implemented promptly. No tree works would be considered which did not comply with BS 3998 (see below) and the Council would have to approve the choice of contractor.

Except in the case of overhanging branches (see above) any unauthorised works to Council owned trees carried out by any person without the permission of the Council would be treated as trespass and if carried out to a poor standard vandalism and criminal damage.

Bird Nesting Season

It is an offence to damage or destroy a nest or roost when in use. The bird nesting season is not set in law, but it is generally considered to run between the 1st March and early August. Where possible the Council will avoid carrying out tree work in the bird nesting season, but works may be extended into the nesting season when trees are not in leaf, or are just starting to come into leaf, as this makes prior inspection for nests readily achievable. Work during the summer months is only undertaken where it is essential or urgent, or where it is small scale such as epicormic growth removal. Such work will only take place where an unequivocal assessment for nesting birds has been made. The Council owns a number of roadside hedgerows that always grow in the summer months and cause an obstruction to highway users. When this occurs, pruning is left as late as possible, before checks are made for nesting birds, then only the new growth is lightly trimmed with a view to carrying out more significant pruning in the winter.

Bats

Bats are protected in the UK. Under the Wildlife and Countryside Act it is an offence to damage or destroy a roost, or intentionally or recklessly disturb a bat at a roost. Bats can roost in trees in woodpecker holes, cavities, cracks or fractures, flaking bark, dense Ivy cover with stems over 50mm as well as bird and bat boxes. Trees growing within hedgerows are an important feeding and navigational resource for bats.

The Council will follow the guidance set out in BS8596 in that a scoping survey for potential roost features (PRF) will be carried out when considering tree work, staff carrying out such work will receive appropriate training. If no features are found work will proceed, if features are identified, a secondary non-specialist assessment of the PRF will be carried out and if roosts cannot be ruled out a bat specialist will be consulted.

Where work needs to take place to a tree where a roost is unconfirmed the following mitigation will be put in place:

1. Work will only be carried out between late August and early October or between March and April.
2. If a climber's entry into the tree has the potential to disturb, remove or destroy a feature with bat potential, such as a large section of loose bark, an alternative method of entry should be investigated, such as a Mobile Elevated Work Platform (MEWP) or ladder.
3. Work should be conducted in a sensitive manner, and where reasonably practicable, timber with bat potential should not be directly sawn through. If such timber is removed, it should be lowered to the ground and be left at the base of the tree for at least 48 hours. Where it is impractical to lower potential bat roosts, piles of brash or logs can be used to soften the impact of them hitting the ground.

Ash Die Back

The appearance of the *Hymenoscyphus fraxineus* fungus in Britain has meant that the future of common Ash (*Fraxinus excelsior*) as a tree species is under serious threat. The disease is present in all counties of England, and experience in mainland Europe suggests that the majority of Ash trees in woodlands infected with the disease will decline and die over the next 10 to 15 years. There is growing evidence that once trees are infected by *H. fraxineus*, and the disease has progressed to the point where basal lesions are exhibited, the trees become susceptible to colonisation by secondary pathogens such as *Armillaria* spp. (honey fungus) or *Inonotus hispidus*. These secondary pathogens can result in decay and brittle wood and may ultimately be the final cause of tree decline and death. Discussions with tree surgeons has highlighted they are cautious about felling Ash trees which have been retained beyond the point where significant dieback is present due to the wood becoming increasingly brittle.

Rushcliffe is fortunate that Ash die back has been slower to establish in this area than many parts of the Country, but the presence of the disease in the Borough is becoming increasingly apparent. This will increasingly impact on the Council's own trees and the many thousands of Ash across the Borough. The loss of Ash will have a significant impact on landscape character as Ash is the dominant hedgerow tree in rural parts of the Borough.

The Council has 260 individual Ash trees and many more will be found in areas of woodlands and copse of trees it manages. One such site is Sharphill Wood, parts of which are dominated by Ash and the loss of Ash trees here could have a dramatic effect on its appearance in the medium term.

The Council will aim to inspect its Ash trees every year and will look at opportunities for succession or replacement planting in the local vicinity.

Other Operations

From time to time it may be necessary for the Council to carry out work on trees in response to its development priorities. Development priorities may include site or neighbourhood redesign, or the redevelopment of parks, gardens and other green spaces. Where trees are removed, the Council will seek to replace them with species appropriate to the location and site conditions.

Trees in woodlands and other heavily wooded areas may also be thinned out periodically to encourage the growth of the most appropriate specimens and species.

Given the extent of tree work carried out each year the Council generally does not consult prior to carrying out tree work.

Standards

All works to Council trees will be carried out in line with British Standard 3998: 2010 'Tree Work – Recommendations'. All personnel undertaking these works will wear the appropriate Personal Protective Clothing and be adequately trained. Contractors will have adequate insurance and carry out risk assessments and method statements before commencing work.

Tree Inspections

Rushcliffe Borough Council is carrying out a rolling programme of tree inspections by independent experts in order to ensure that its tree stock is safe and in a healthy condition. The survey records information on all Council owned trees and identify any tree which may pose a risk to health and safety. In the case of unsafe trees remedial actions will be taken based on priority. Other works will be organised in line with the priorities identified by Council staff. Appropriate re-inspection dates will be set for all trees dependent on their age, condition, location and species.

Replacement Planting

Each year the Council carries out a programme of tree planting works and also supports tree planting through the free tree scheme to residents within the Borough and the community tree scheme which provides, and where requested, plants and maintains trees for communities within Rushcliffe. At the end of February 2023, the Council has delivered 11,476 trees since 2018 through these schemes which aim to enhance the local amenity, enhance wildlife habitat and support the sequestration carbon dioxide.

When trees are felled, the authority endeavours to plant replacements where appropriate, but this is not always possible if trees are removed due to them causing damage or outgrowing their location. If trees have been removed due to them causing issues or concerns to residents there is little point in planting a tree in the same location and the Council will look to plant trees where they will be most suited

for long term retention and have the most beneficial impact on public amenity and wildlife value. For this reason, the Council will not always plant replacement trees in the same location as felled trees. The Council is willing to work with residents if they identify locations where trees can be planted or if concerns are raised about the removal of a tree.

The Council seeks to plant the 'right tree in the right place', this means planting species that are in keeping with the local landscape character and using trees which will be able to grow to maturity without causing issues to adjoining properties or structures. The Council supports the planting of native trees but given climate change and the risk of imported diseases and pests a greater range of species needs to be planted to ensure a robust tree population. The Council will plant both native and non-native species in residential locations. In sites managed for wildlife purposes or in rural locations the Council will use locally sourced native trees wherever possible.

When planting trees close to gardens, boundaries, buildings and dwellings, consideration will be taken to identify whether there is enough physical space to allow the tree to establish and flourish without causing excessive shading or physical problems. Similar considerations will also need to be given when planting trees close to structures such as footpaths, roads, streetlights and existing vegetation.

The Council does not water whip planting, this is usually due to the low cost of such plants which are often planted in larger numbers, they also have a better proportion of roots to canopy which makes them more resilient than larger standard trees.

Where heavy standard trees are planted on Council land, a programme of watering is implemented over the following 2 years with the trees receiving less visits in the second year. This is usually sufficient to ensure establishment, but in periods of drought trees may fail and replacements will be planted. Residents are encouraged to water trees near their houses and the Council would like to thank volunteers who have done this in the past.

Highway Trees

It should be noted that all the trees in the pavements in West Bridgford are located within the adopted highway and as a result are maintained by Nottinghamshire County Council. Concerns over trees within pavements and those relating to private vegetation obstruction roads or pavements or causing a damager to highways users should be reported to [Nottinghamshire County Council](#) as should concerns over the replacement planting of trees.

Rushcliffe Nature Conservation Strategy

This tree strategy sits alongside the Council's [Nature Conservation Strategy](#) which makes the following recommendations:

The Council will seek to work towards achieving the national targets for woodland and urban tree cover and woodland access. Promote appropriate new woodland

planting and / or regeneration, particularly linked to existing woods. Ensure planning policies on trees and woodland are implemented and work toward national targets. Develop schemes to establish new trees, carbon offset and community orchards. Promote sympathetic woodland management. Use tree preservation orders for threatened valuable amenity trees. Enable Rushcliffe tree wardens to protect and enhance trees. Achieve at least 20 hectares of new woodland cover (approx. 20,000 trees) within this plan period. Encourage use of locally sourced and locally native trees. Protect veteran trees.

As part of the nature conservation strategy the Council will look to use trees to increase the sequestration of CO₂ through establishing and managing trees on Council controlled land where appropriate and supplying trees to communities and the public.

Veteran and Ancient Trees

The Council will seek to record veteran and ancient trees located on our own land and will seek to protect and preserve these trees where their safe retention allows. The Council recognises that many ancient and veteran trees are located on well managed sites but will consider the use of Tree Preservation Orders if the trees are considered to be at risk. The Council's updated points-based assessment for Tree Preservation Order will give greater weight to veteran tree and heritage trees. The Council encourages the public to identify and record such trees on the [Woodland Trust's Ancient Tree Inventory](#).

The Woodland Trust defines an ancient tree as "one that has passed beyond maturity and is old, or aged, in comparison with other trees of the same species." Ancient trees will age in different ways depending on their species. The oldest trees, such as Yews and Oaks have very long ancient stages sometimes hundreds of years long. Other types of trees live shorter lives and have short ancient phases such as Birch or Willows as they are less resilient to decay.

Ancient trees will often have canopies growing downwards or flattening due to the aging process and natural retrenchment. A large trunk girth when compared with other trees of the same species, often with a hollow or decayed trunk, stag headed or retrenched canopies, cavities and decay. There is an important distinction between natural retrenchment and trees suffering from drought, diseases or wounding damage which may result in quicker dieback or where the canopy as a whole is affected.

A veteran tree may exhibit some of the characteristics of ancient trees, but not necessarily as a result of time but of its life or environment.

Veteran and Ancient trees are considered in more detail on the [planning pages](#) of this document.

Heritage trees are those with historic or cultural value, whilst many will be old this is not a requirement, and it is considered that all ancient trees are heritage trees.

Part B – Statutory Functions



Tree Preservation Orders

Amenity

Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Government advice allows Councils to consider other matters "such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order."

When considering the amenity value of trees the Council will rely on Officer judgment in the first instance, but where decisions are borderline or need to be documented the Council has a point-based assessment (See Appendix A) that takes into account the following 4 criteria before subtracting points if trees are likely to pose a risk of damage or injury.

- Aesthetic value
- Condition
- Impact on public if removed
- Proximity and effect on buildings.

The Council's points-based assessment gives consideration to wildlife, but currently does not allow this to feed into the scoring system and it is considered that given the increasing value the public and Council place on the wildlife value of trees this should be amended. It is proposed that veteran trees and native species in keeping with the local landscape character receive an additional point, non-native trees outside of conservation areas should be neutral, whereas species of trees which are not in keeping with the character of conservation areas should be deducted a point, such as Leylandii or Purple Leaved Plums. There may be occasions where non-native trees would still be in keeping with the character of a conservation area, for example a large Cedar or Wellingtonia tree in the grounds of a Hall.

Such assessments are always subjective, and it is proposed that the descriptions of the various categories are amended to make the process more transparent as set out in Appendix B.

Expediency

The Council will follow the following Government advice and will make TPO's where it considers trees to be at risk.

“It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”

Most TPO's are made as a result of planning applications, but conservation area tree notices, tree felling, the sale of land and requests from the public are other reasons TPO's have and will be made. The Council's default position is to engage and work with developers when applications are received. The Council does not automatically protect trees when planning applications are received but is prepared to make TPO's at all points of the planning process.

When the Council receives requests to protect trees from members of the public, Parish Council's or local Councillors; officers will inspect the tree and carry out an assessment of the amenity value. In such circumstances, pre-emptive protection of trees in conservation areas will be treated as a lower priority given that the conservation areas afford trees with a level of protection in that prior notice needs to be given to the Council before work takes place.

TPO Applications

The Authority's consent must be obtained prior to any work being carried out to trees that are protected by a TPO. Certain [exemptions](#) do apply, such as the removal of deadwood or the felling of dead, or dangerous trees, or where the County Council have served notice on owners requiring work to clear a highway.

The Council's Landscape Officer should be informed where possible prior to such works and often an exchange of emails or a site visit will allow the work to proceed. Where work needs to be carried out in an emergency the Council should be notified as soon as possible afterwards. The Council recommends anyone carrying out work under this exemption keeps a photographic record as the onus of proof lies with the landowner/person carrying out the work.

Anyone may apply for to work on a protected tree and whenever the Authority refuses consent, or grants consent subject to conditions, the applicant has the right to appeal to appeal the decision through the [Planning Inspectorate](#).

To be valid, an application for works to trees covered by a Tree Preservation Order must:

- be made to the authority on the standard application form published by the Secretary of State and available on the Planning Portal website or from the authority;

- include the information required by the form (the guidance notes for the standard form help applicants provide the necessary information);
- be accompanied by a plan which clearly identifies the tree or trees on which work is proposed;
- be accompanied by such information as is necessary to clearly specify the work for which consent is sought;
- state the reasons for making the application; and
- be accompanied, as applicable, by appropriate evidence describing any structural damage to property or in relation to tree health or safety.

The Council reserves the right to not register applications or refuse applications where the details of work are vague or not specific. The amount of reduction proposed should be stated in terms of the intended branch reduction or the height and spread of the tree after pruning, rather than what percentage of the overall crown is to be removed.

Applications for TPO consent will be determined on their own merits, in the light of the amenity value of the tree(s), the reasons put forward for the application and any other material considerations. The following Government advice will be taken into account and the Council would expect the level of information submitted to support such applications to vary accordingly.

'In general terms, it follows that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is lower and the impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need for the work.'

Conditions

The Council will use conditions where appropriate. Primarily this is to ensure the standard of work is carried out in accordance with the best practice set out in BS3998:2010 and to enforce replacement planting.

Appeals

Anyone may apply for TPO consent and whenever the Authority refuses consent or grants consent subject to conditions, the applicant has the right to appeal to the Planning Inspectorate. Further advice is available [online](#).

Review of TPO's

Past Reviews of TPO's have been focused on identifying Orders which were ineffective or not confirmed and digitising records. Rushcliffe aims to update and review TPO's with the aim of revoking Orders that are no longer effective, modifying those which are out of date and converting 'area' orders into more appropriate individual, group or woodland classifications where officer time allows.

Enforcement

Anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting prior permission from the local planning authority is potentially guilty of an offence and may be subject to legal action and a fine.

Penalties for carrying out unauthorised works to trees protected by TPOs or in Conservation Areas can be severe, currently a fine of up to £20,000 per offence if convicted in the magistrates' court and an unlimited fine if convicted in the crown court.

When deciding whether or not to prosecute the Council will take into account the individual circumstances of the case, the condition, health and structure of the trees and its public amenity value, alongside the extent of work and the standard to which it was carried out, the chance of a realistic prosecution and whether it is in the public interest to proceed. Whether or not the Council decides to prosecute it will always aim to secure replacement planting. Particularly if the tree felling was connected to a site which could be developed the Council may require the planting of a semi-mature tree/s to provide sufficient visual impact.

Replacement Planting

There is also a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of an Order (the same applies to trees in conservation areas). This duty also applies if a tree outside woodland is removed because it is dead or presents an immediate risk of serious harm. The local planning authority may also impose a condition requiring replacement planting when granting consent under an Order for the removal of trees. The authority can enforce tree replacement by serving a 'tree replacement notice'

When felling trees under the dead or dangerous exemption there is a duty to plant a replacement. Tree owners can ask the Council to waive this duty. In general, the Council will expect replacements to be planted, but there are circumstances where tree planting will not be appropriate, such as where planting would not be appropriate, for example if a tree had been removed as it was causing damage, or where such planting is not likely to establish due to competing growth from other trees. The duty to plant replacements is flexible and it can allow trees to be planted in a different part of a garden and different species can be used.

Conservation Areas

Conservation areas are areas of special architectural or historical interest the character or appearance of which it is desirable to preserve or enhance. There are many factors which will contribute to the character of such areas, but trees make an important contribution to many of those in the Borough. Bar some exemptions, work to trees in a conservation area requires prior written notice to the Council. The notice is intended to give the Council 6 weeks to either make a TPO, otherwise the work needs to be permitted. All notifications of proposed works to trees within a conservation area are determined on their own merits in the light of the amenity value of the trees, the stated reason for the proposal and any other material consideration.

Notification can be in any written format and the Council will accept emails. A notice must describe the work proposed and include sufficient details to identify the tree or trees. Where a number of trees or operations are involved, it should make clear what work is proposed to which tree. A plan is not mandatory but can be helpful, the same applies to photos.

People should not submit a section tree notice until they are in a position to present clear proposals. They should consider first discussing their ideas with an arboriculturist or the authority's landscape officer. The Council will refuse to register notices where it is not clear which trees are referred to or where the extent of work is not clear or specific.

A conservation area notice is a more informal process than a TPO application and the Council does not consult interested parties but will inform Ward Councillors and Parish Council's when making a decision.

The same exemptions relating to TPO's apply to conservation area tree notices, but in addition there is an exemption to work to small trees:

- the cutting down, topping or lopping or uprooting of a tree whose diameter does not exceed 75 millimetres; or
- the cutting down or uprooting of a tree, whose diameter does not exceed 100 millimetres, for the sole purpose of improving the growth of other trees (e.g. thinning as part of forestry operations).

When considering conservation area tree notices the Council has 3 options.

- Make a TPO to prevent the work taking place.
- Allow the 6-week notice period to elapse at which point the work can proceed.
- Issue a decision allowing the work to proceed within the 6-week timescale.

When allowing work to proceed the Council cannot use conditions in the same way that TPO applications allow but felling trees under the dead or dangerous exemptions requires replacements to be planted in the same way.

The Council maintains a register of conservation area notifications and decisions as it is required to by the Act.

Planning

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. The NPPF makes a number of references to trees and the Council will take into account these when considering planning applications:

131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

180. When determining planning applications, local planning authorities should apply the following principles

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Local Plan

Rushcliffe's Local Plan has a number of policies relating to trees and woodlands which are given consideration during the planning process.

POLICY 37 TREES AND WOODLANDS

1. Adverse impacts on mature tree(s) must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced. Any replacement must follow the principle of the 'right tree in the right place'.
2. Planning permission will not be granted for development which would adversely affect an area of ancient, semi-natural woodland or an ancient or veteran tree, unless the need for, and public benefits of, the development in that location clearly outweigh the loss.
3. Wherever tree planting would provide the most appropriate net-gains in biodiversity, the planting of additional locally native trees should be included in new developments. To ensure tree planting is resilient to climate change and diseases a wide range of species should be included on each site.

The Use of TPO's in Relation to Planning Applications

Planning applications are often a catalyst for making TPO's. The Council aims to be selective when it comes to protecting trees. However, TPO's are more likely to be made in relation to planning applications if pre-emptive tree work takes place, trees are not given full consideration in planning applications, or where the Council is aware that developers have a poor track record for protecting or retaining trees during previous developments. The Council may not protect trees if they are already located within a conservation area as this provides a level of protection, or in relation to planning applications that demonstrate from the outset consideration towards through surveys and considered design. The Council may protect trees if planning refusal is likely and it is considered that unprotected trees could be at risk, or alternatively where permission is granted, but where the Council wants to demonstrate to future occupiers that trees are important and should be retained.

The starting point for development sites which contain trees should be a tree survey in accordance with BS5837:2012, 'Trees in Relation to Design, Demolition and construction – Recommendations'. The tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development. Tree surveys undertaken after a detailed design has been prepared are less ideal, but can identify significant conflicts: in such cases, the nature of and need for the proposed development should be set against the quality and values of affected trees. The extent to which the design can be modified to accommodate those trees meriting retention should be carefully considered. A late tree survey could delay the project or result in increased costs, it will also be essential to any tree protection condition the Council utilises if permission is granted.

Planning applications should clearly show trees to be retained and removed. The position of trees and their root protection areas should be clearly plotted on site layout plans.

When granting planning permission, the Council will often use conditions to ensure retained trees are protected during construction. Expert advice is essential to producing tree protection measures. All tree protection should follow the best

practice set out in BS5837. The extent of tree protection on sites will vary depending on the scale of development, the size of the site and the number of trees. As a minimum this should include protective fencing around retained trees, ground protection where access is required within root protection areas and method statements for construction designed to mitigate impact on roots. Storage areas and site access should be considered, and necessary protection incorporated. As should the position of any new services or drainage. It is essential that such protection measures are implemented in full and retained throughout the construction period.

Accidental damage by vehicles and machinery to trees might include bark damage to the trunk, or branches being torn off. Such damage might immediately harm the look of a tree and leave it vulnerable to infection by decay fungi.

Damage to the roots of a tree is at least as serious, but often is not immediately noticeable. Wounding the bark of larger roots may lead to infection by decay fungi and may affect a tree's stability in the ground. Killing smaller diameter roots will decrease a tree's ability to take up water and nutrients. This will reduce the tree's vigour and lead to die-back in the crown. Because the tree has reserves of stored energy, it may be several years before the damage to roots shows in the parts of the tree above ground.

The great majority of roots are close to the surface, in the top 600mm of soil. Roots can be severed during the excavation of trenches or the scraping of topsoil, or they can be killed indirectly.

The most common cause of damage to trees on development sites is soil compaction. Compacting the soil reduces space between the soil particles that hold air and water, and the roots suffocate. A single pass of a heavy vehicle over the rooting area of a tree can lead to irreversible damage, particularly if the soil is wet. Such spaces can also be harmed by increasing soil levels as this also causes compaction and can exclude or reduce water and air and harm roots. Air and water are also excluded if impervious surfacing is laid over the rooting area.

Protective fencing should be in accordance with BS5837 as detailed in Appendix C. However, the Council will also allow herras fencing bolted to robust posts driven into the ground as per the images in Appendix D. Any fencing installed should be secured in position so it can't be easily moved. Appropriate signage should also be attached to the fencing indicating its purpose and advising it shouldn't be repositioned. The use of steel fencing pins and plastic barrier mesh, or highway barriers will not be acceptable as these can be easily relocated.

The construction of basements can pose a significant risk to trees, firstly from the excavation which can damage roots, but also from the sheer volume of soil it generates. Tree protection plans for such developments should set out storage areas of such spoil. Raising soil levels around trees can compact the ground and starve the roots of water and oxygen which can cause long term damage to trees which may not become apparent for some time.

Foundation design can be used to minimise harm to roots through the use of piles and beams or cantilevered foundations. For such methodologies to succeed,

architects, arborists and engineers need to work together to reach an appropriate solution. Pile and beams are often suggested as a possible solution and whilst these can be effective, the beams need to be laid at, or above, ground level and the impact on finished floor levels needs to be taken into account in the design process.

Creating new vehicular access to a site can impact on trees it is desirable to retained given they are frequently located in a prominent location at the front of a site. The best practice set out in BS5837 should be followed to construct porous surface above existing ground levels. Highway visibility splays also need to be taken into account as these can often affect trees and hedgerows at the front of a site.

Developers should consider the timing of work and aim to avoid vegetation removal in the bird nesting season. The netting of hedgerows with the intention of preventing birds nesting in them to enable work to take place in the bird nesting season is not best practice and the Council does not support this. Any developer considering netting hedgerows should also consider their duty under the Wildlife and Countryside Act 1981 to not kill, injure or take a wild bird which could occur if they were to be caught up in poorly maintain nets. The Council has allowed hedgerows to be coppiced as an alternative where planning permission is likely to be granted early in the nesting season, as such work is not considered to be removal and would enable the hedgerow to regenerate if the development did not proceed. Any developers considering this course of action should liaise with the Council beforehand to ensure such work will be appropriate.

Planning Enforcement in Relation to Trees

The Council's policy for planning enforcement is set out on the link below. Unauthorised works to trees protected by a Tree Preservation Order or in a Conservation Area are considered high priority. Whilst development operations which are not in accordance with approved plans or conditions of a planning permission are considered a medium priority.

[Planning Enforcement Policy - Rushcliffe Borough Council](#)

Hedgerow Regulations 1997

The above regulations require owners of hedgerows in agricultural settings to notify the Council if they intend to remove hedges in part or whole. The Regulations specifically exclude hedgerows within or marking the curtilage of a residential property.

A number of exemptions apply where prior notice is not required to be given to the Council. Anyone wishing to use such an exemption is advised to discuss the work with the Council beforehand to ensure that the relevant exemption applies.

Upon receipt of a notice the Council has 6 weeks to determine whether or not the hedge meets the criteria to be considered 'important' under the Regulations. The Council will do this by consulting the Parish Council, Local Councillors, the Nottinghamshire Biological and Geological Record Centre and Nottinghamshire County Council as well as carrying out its own investigation.

If the Council can demonstrate the hedgerow meets the criteria to be considered important it will take into account the reasons for the work and the Government's advice that there is a 'strong presumption in favour of retaining important hedgerows.' If the Council cannot demonstrate a hedgerow meets the criteria to be considered 'important' it has no option but to allow the removal to take place.

If hedgerows are deemed to meet the criteria to be considered important, the Council will give little weight to notifications to maximise the efficiency of farming or to allow the use of larger machinery.

The Council will take enforcement action against any unauthorised removal of hedgerows, whether or not prosecution takes place, with the aim of enforcing the planting of a mixed species native hedgerow at 6 plants per metre in a double staggered row.

Both hedgerow retention notices and replanting notices can be appealed with more information available on the links below.

[Countryside hedgerows: protection and management - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/topics/countryside/countryside-hedgerows-protection-and-management)
[Appeal a hedgerow notice: When you can appeal - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/topics/countryside/appeal-a-hedgerow-notice-when-you-can-appeal)

High Hedge Complaints

The Anti-social Behaviour Act 2003 allows homeowners to complain to the Council about loss of light to their garden or property from a neighbouring evergreen high hedge. To be considered an evergreen hedge has to be at least two or more evergreen trees or shrubs in a row which are a barrier to light and access and over 2 metres in height.

A complaint is intended to be a last resort and residents are expected to have tried to come to a mutual agreement with their neighbour before approaching the Council. Complaints will be rejected where insufficient attempts have been made to resolve the issue and anyone considering a complaint should keep records of communication with the hedge owner.

The Council charges a fee for such complaints, this is £350, but is reduced to £100 if the complainant receives a form of state benefit.

The Council will closely follow the guidance set out in the Government Document, [High Hedge Complaints: Prevention and Cure](#). The Council will provide basic advice to residents considering making a complaint, but due to the need to treat both parties impartially Officers will generally not carry out site visits before a complaint is made. The only exception to this will be where there is some doubt about whether or not the hedge meets the criteria to be considered under the Act.

The Council will reject a complaint if it considers it to be invalid. There is no specific right of appeal to such a decision. If the complainant considers that the Council has not applied the legislation correctly, they can refer the matter to the Council's complaints officer.

The Council will consider offering refunds at its discretion if a high hedge complaint is resolved prior to site visits being undertaken. Complaints resolved after site visits have been undertaken will not be considered for refunds given the amount of staff time that has been invested at this point.

When considering such complaints, the Council aims to issue a decision within 4 weeks of visiting the complainant's and hedge owners' property.

When issuing decisions, the Council will advise both parties of their right to appeal to the Planning Inspectorate and the strict timescale which applies.

The Council will not consider complaints relating to Bamboo and Ivy as these are a grass and climbing plant respectively. Complaints cannot be made in relation to Beech or Hornbeam trees, whilst they retain their autumnal leaves these are brown/dead and are not considered to be evergreen.

In accordance with Government advice, where a single hedge affects multiple neighbouring properties, the Council will consider separately and individually the impact of the hedge on each property that is affected. Separate complaints should,

therefore, be submitted by the owner or occupier of each of the affected properties, together with the requisite fee.

Dangerous Trees on Private Land

The Council has discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976 to deal with trees in private ownership which are likely to pose danger to persons and/or property. The Council is not obliged to act and the responsibility for the tree remains with the relevant landowner. The Act allows the Council to serve notice on a tree owner requiring work and will only do so if there is a clear imminent risk of failure or damage due to a tree affecting a property or an obvious defect or disease. It does not enable the Council to become involved where private trees are causing a nuisance, or if there is a perceived threat due to the tree being 'too big' or within falling distance of a property without showing any obvious defects.

The Act allows owners of trees to notify the Council if they require assistance to make a tree safe. In this instance the owner of the tree would need to demonstrate why they are unable to appoint a local tree surgeon to carry out the work. If the Council carried out work it would recover reasonable costs for the work and administration.

The Act also allows a landowner to notify the Council requesting a tree on adjacent land be made safe if it is 'likely to cause damage.' In this circumstance the Council would expect the resident adjoining the tree to have communicated with the relevant landowner about the issue before approaching the Council.

The Council will undertake work to remove a danger arising from privately owned trees only as a last resort when there is a clearly foreseeable risk. When carrying out such work the Council will recover the cost of implementing it and reasonable expenses occurred.

In cases of subsidence damage residents should contact their household insurer, rather than the Council. This is because there are many factors which need to be investigated and taken into account and an insurance company will be in a position to appoint the relevant firms to carry out such investigations and make a case to the tree owner.

Felling Licence

To help protect Britain's trees and woodland, a felling licence from the Forestry Commission is required to fell trees over a specific quantity. In any calendar quarter you may fell up to 5 cubic metres (m³) of growing trees on your property without a felling licence, as long as no more than 2m³ are sold. It's an offence to fell trees without a licence if an exemption does not apply. Not all exemptions are listed here but felling licences do not apply to trees in gardens, or to trees on public open spaces.

Everyone involved in the felling of trees (the owner, agent and timber merchant or contractor) must ensure that a licence has been issued before any felling is carried out, unless they are certain that one of the exemptions apply. If there's no licence or other valid permission, or if the wrong trees are felled, anyone involved can be prosecuted.

For more details please visit [GOV.UK guidance on tree felling](https://www.gov.uk/guidance/tree-felling)

Appendix A.

RUSHCLIFFE BOROUGH COUNCIL CONSERVATION AREA TREE NOTIFICATIONS AND TPO CONSULTATIONS TREE EVALUATION SHEET											
Ref No.											
Location of Tree											
Species											
1. Aesthetic Quality		3. Condition									
Excellent	4	Excellent	4								
Good	3	Good	3								
Fair	2	Fair	2								
Poor	1	Poor	1								
Unightly	0	Dying/Dead	0								
2. Impact on public amenity if removed		4. Proximity and effect on buildings									
Very severe adverse impact. Severe adverse impact.	4	Able to grow to full mature extent.	4								
Moderate impact (or only visible from a limited no of properties).	3	Able to grow to reasonable maturity without significant impact on properties	3								
Little impact or no change.	2	Spread will eventually affect properties with nuisance impact – shade, debris, soil depletion etc.	2								
Improvement (or not visible to public).	1	Will eventually affect buildings with structural implications.	1								
Note: in the case of development future amenity can be taken into account.	0	Buildings already affected.	0								
Total Score		Maximum possible total	16								
<p>A tree with a score of 11 or above will be considered for a TPO although a score of 0 or 1 in any category will negate this.</p> <p>HEALTH AND SAFETY</p> <p>This scoring system does not take into account damage or injury which could be caused if a tree located close to buildings, gardens, roads, or places of public access should fall or shed branches. Regardless of the tree's condition or type this possibility must be considered. An assessment should be made of the damage which could be caused, scoring as follows :</p> <table border="0"> <tr> <td>Damage to property or physical injury highly unlikely</td> <td>0</td> </tr> <tr> <td>Limited structural damage possible but unlikely to cause injury</td> <td>1</td> </tr> <tr> <td>Moderate risk of damage or injury</td> <td>2</td> </tr> <tr> <td>Significant risk of damage or injury</td> <td>3</td> </tr> </table> <p>This assessment is inevitably subjective and should be based on the trees at the current time but must err on the side of caution. A tree scoring 2 or 3 should not be subject to a TPO. A score of 1 should be subtracted from the final total of 1 to 4 above and could be the deciding factor in borderline cases.</p> <p>Wildlife</p> <p>In some locations where ecological considerations are particularly important a non-native or ornamental species may not be regarded as appropriate for protection when a locally native species of tree would be. This will be a matter for consideration in each case.</p>				Damage to property or physical injury highly unlikely	0	Limited structural damage possible but unlikely to cause injury	1	Moderate risk of damage or injury	2	Significant risk of damage or injury	3
Damage to property or physical injury highly unlikely	0										
Limited structural damage possible but unlikely to cause injury	1										
Moderate risk of damage or injury	2										
Significant risk of damage or injury	3										

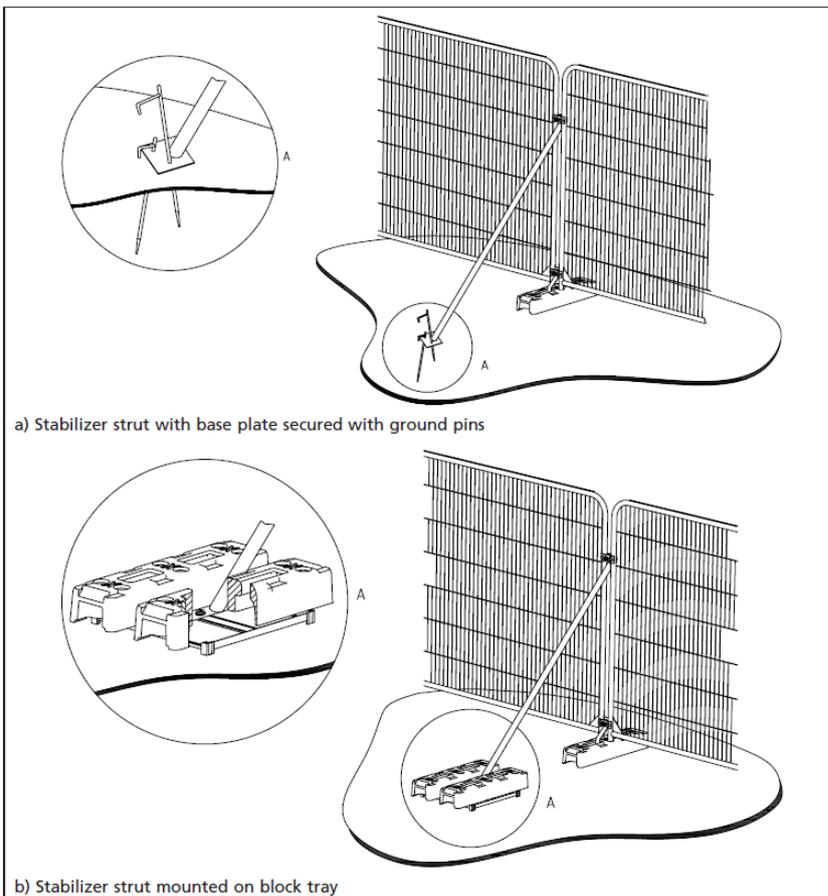
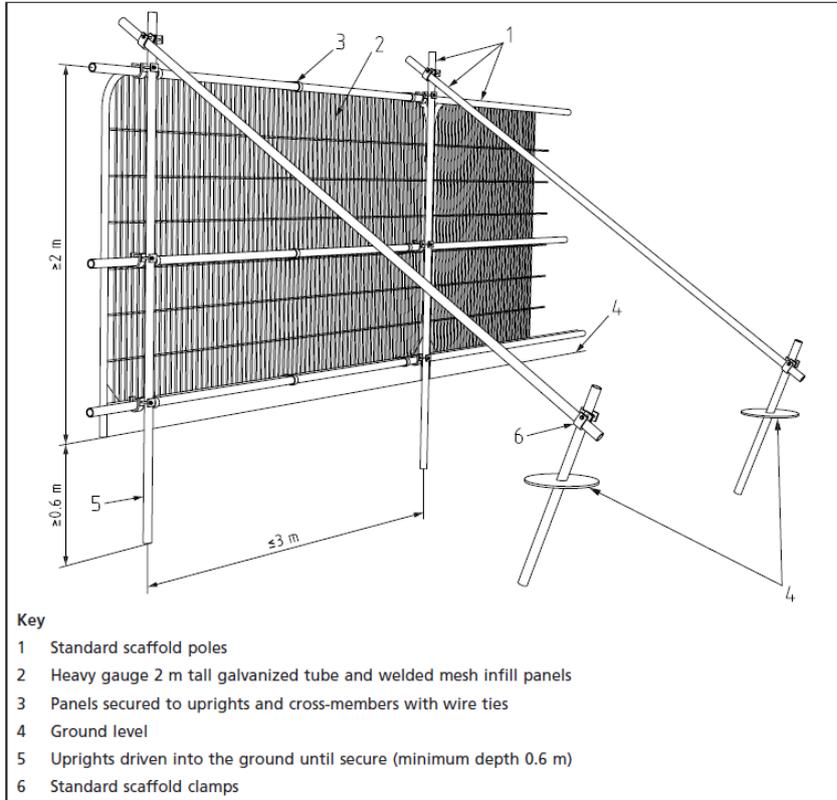
Appendix B.

RUSHCLIFFE BOROUGH COUNCIL			
CONSERVATION AREA TREE NOTIFICATIONS AND TPO AMENDED TREE EVALUATION SHEET			
Location of Tree			
Species			
1. Aesthetic Quality		3. Condition	
Excellent , large/mature, good examples of the species, balanced, can also include veteran trees which may be retrenched.	4	Excellent . No obvious defects, trees with 50+ useful life ahead.	4
Good , medium sized or early mature trees with good shape and high potential.	3	Good . Minor defects to be expected with age of the tree. 25+ year useful lifespan.	3
Fair , semi mature trees with good form. Larger trees with poor shape	2	Fair , some defects which do not require the removal of the tree or could be rectified through pruning. 10+ year useful lifespan.	2
Poor . Young trees. Suppressed. Poor past pruning.	1	Poor , structural defects which will limit ability of tree to be retained. Less than 10 years useful lifespan.	1
Unightly . Poor form, affected by past failure or dieback.	0	Dying/Dead .	0
2. Impact on public amenity if removed		4. Proximity and effect on buildings	
Very severe adverse impact . Large trees in prominent locations, visible from wide area or distance. Screen unsightly structures.	4	Able to grow to full mature extent without the need for pruning to control size.	4
Severe adverse impact . Large trees clearly visible but not prominent, medium trees in prominent locations.	3	Able to grow to reasonable maturity without significant impact on properties, some loss of light could be experienced. Tree proportional to the size of garden it is located in.	3
Moderate impact . Medium trees visible but not prominent, small trees in prominent locations.	2	Spread will eventually affect properties with nuisance impact – shade, debris, soil depletion across entire garden.	2
Little impact or no change . Removal may open up positive views of trees or buildings which will mitigate loss. Trees long way from public viewpoints, obscured or very limited public viewpoints.	1	Will eventually affect buildings with structural implications.	1
Improvement (or not visible to public).	0	Buildings already affected.	0
All views are from public vantage points, future amenity can be taken into account.			
Total Score Category 1-4 above		Maximum possible total 17	
Health and Safety Score (see below)		A tree with a score of 11 or above will be considered for a TPO although a score of 0 or 1 in any category will negate this.	
Wildlife Score (see below)			
Total			
HEALTH AND SAFETY			
This scoring system does not take into account damage or injury which could be caused if a tree located close to buildings, gardens, roads, or places of public access should fall or shed branches. Regardless of the tree's condition or type this possibility must be considered. This assessment is inevitably subjective and should be based on the trees at the current time and remember trees owners have a general duty of care but must err on the side of caution. The scores below should be subtracted from the above scores and could be the deciding factor in borderline cases.			
Damage to property or physical injury not likely			0
Limited structural damage possible, low use areas where the public or residents will not be present for long periods of time.			1
Trees overhang or dominate properties or roads where there is high public use or car parking throughout the day.			2

Wildlife/Heritage	
Ancient, heritage or native species appropriate to local landscape character.	1
Non-native trees outside of conservation area.	0
Non-native trees in conservation areas, unless it is a heritage or ancient tree.	-1

Appendix C.

Fencing in accordance with BS5837.



Appendix D.

Alternative Tree Protective Fencing.

