

**Rotherham Metropolitan Borough Council**

# **TREE MANAGEMENT PROTOCOL & GUIDANCE**

**November 2023 (Version 15)**

**Date for review October 2026**

## VERSION CONTROL RECORD

Date	Version	Record of Amendments
November 2022	10	Addition of Tree Planting Consultation Framework at Appendix 2
18 <sup>th</sup> November 2022	11	<p><b>Section 1.1 Introduction</b> Removal of paragraph: <i>“This guidance does not seek to guide the management of woodland trees recognising that woodlands are natural settings which require the presence of dead wood for the benefit of healthy ecological systems. Trees in woodlands will continued to be managed according to good woodland (silvicultural) practice.”</i></p> <p>2.2.2 Addition of a timeframe for woodland inspections</p> <p>New <b>Section 2.2.4 Woodland Trees</b> added with new paragraphs on the risk assessment process, commitment to carry out tree surveys, categorisation criteria and reference to earlier section (2.2.3) on the prioritisation of tree works.</p> <p>New <b>Section 2.2.10 Trees on School Land</b> added</p> <p><b>Contents Page</b> and <b>Numbering</b> updated to take account of the above.</p>
6 <sup>th</sup> February 2023	13	<p>Update to Appendices to include - <b>Appendix 1 Classification of Urban Parks for Tree Surveys</b></p> <p>Update to <b>Section 2.2.3 Prioritisation of Tree Works</b> to incorporate National Guidance on threat and risk levels</p> <p>Update to <b>Section 2.3.3 Service Requests</b> to include the Council’s Corporate target for service responses of 10 days.</p> <p>Update to <b>Section 2.2.10 Trees on School Land</b> to incorporate advice and links to national guidance</p>

<p>13<sup>th</sup> September 2023</p>	<p><b>14</b></p>	<p>Update to Section <b>2.2.3 Prioritisation of Tree Works</b> to increase categories for action from 3 to 6 and to add in the principles of Quantified Tree Risk Assessment (QTRA) as a basis for decision making.</p> <p>Update to <b>2.2.12 Trees on Housing Land</b> to allow works to trees in Council House gardens to be paid for by the Housing Service.</p> <p>Updates to page numbering</p>
<p>16<sup>th</sup> October</p>	<p><b>15</b></p>	<p>Updated 2.2.1 with information on officer training as per advice from Treeconomics</p> <p>Updated 2.2.5 to set out actions taken by the Council if a tree is an imminent danger to people or property and it is on private land.</p> <p>p.15 addition of the updated risk matrix</p> <p>p.24 additional explanation as to the value of the CAVAT system</p> <p>p.26 section on tree planting. Removal of tree planting targets as these will be included in the new Tree Planting Strategy (due for publication in January 2024)</p> <p>Section 2.3.3 – clarification that the service will prioritise customer enquiries which relate to health and safety issues</p>
<p>7<sup>th</sup> December 2023</p>		<p>Updated to take account of feedback from Gallagher Bassetts.</p>

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## 1. Introduction

### 1.1 Purpose

Rotherham Council's Tree Service is responsible for the care and management of the Council's tree stock across a range of landscapes including Highways and pavements; Housing and social care owned land; Parks and green spaces and Woodlands.

This guidance is intended to direct the management of Council-owned trees in urban settings including those in woodlands which impact on residential and industrial areas. The guidance will apply to a number of Rotherham Council departments including Asset Management, Green Spaces, Highways, Planning and Housing.

This guidance seeks to:

- Promote the importance and value of trees across a range of settings.
- Set out guiding principles and technical arrangements for the care and maintenance of the Council's existing tree stock.
- Guide the Council's contribution to the proactive planting of new trees, woodlands and hedgerows, contributing to woodland creation for improved biodiversity and supporting measures to tackle the climate emergency.
- Provide a practical framework for elected members, officers and residents in considering the importance and impact of trees and woodlands when responding to common issues.
- Make clear the roles and responsibilities of all parties and establish values in accordance with the Council's Climate Change Strategy and Green Spaces Strategy.

Whilst the Council works with many partners and tree owners this guidance relates only to the care and management of its own tree stock.

## 1.2 Strategic Context

This guidance contributes to other strategic plans which guide the work of the Council and its partners.

This guidance contributes to the delivery of the following themes within the Council Plan:

- Thriving Neighbourhoods – supporting engagement with local residents ensuring that high quality urban environments remain cared for and protected.
- Better Health & Wellbeing – contributing to improved mental health and wellbeing and safer, more attractive environments for physical activity.
- Hope & Confidence – supporting residents to feel more connected to their community and local environment.
- Cross-cutting strand: Climate Impact – the arrangement for proactive tree planting outlined in this guidance will contribute to the Council's Carbon Reduction plans.

On 30<sup>th</sup> October 2019 the Council joined many across the world and declared a Climate Emergency. Following this declaration, a Climate Emergency Action Plan was agreed which included the following actions for the Council's Tree Service:

- Develop data on trees and carbon capture potential
- Develop and deliver a Tree Planting Strategy

This guidance will underpin these areas of work.

On Monday 10<sup>th</sup> June 2019, Cabinet endorsed the new Cultural Strategy for the borough. With an overarching goal to 'get more people, more active, creative and outdoors, more often' the strategy outlines seven 'game-changing' themes including four spatial priorities:

- Vital Neighbourhoods
- A Vibrant Heart
- Adventures in Rother Valley
- A Great Place Wentworth & Dearne

The strategy sets out ambitious plans to increase participation in outdoor activities developing routes for walking, running and cycling, encouraging residents to become active volunteers. This guidance will support the delivery of the Cultural Strategy by guiding the delivery of engagement programmes and opportunities to

revitalise landscapes, waterways, heritage sites and woodlands as places for play, learning and active participation.

In March 2018 Rotherham Council adopted the Rotherham Joint Health & Wellbeing Strategy which is a statutory document setting the overall framework for health and care in Rotherham. This guidance will contribute to the following objectives of this framework:

- Develop high quality and well-connected built and green environments.
- Increase the number of residents who feel safe in their community.
- Reduce crime and antisocial behaviour in the borough.
- Increase opportunities for people in Rotherham to use outdoor spaces for improving their health and wellbeing.

In August 2021, Rotherham Council adopted its first Tree Management Protocol and Guidance. Having worked with this protocol for two years, this updated version takes account of learning from officers, and advice from specialist tree consultancy Treeconomics and the Council's insurers, Gallagher Bassetts.

### 1.3 Legal Responsibilities

Under the Occupiers Liability Act (1957 & 1984) all local authorities have a duty of care to ensure they have taken reasonable steps to minimise the health and safety risks resulting from trees under their care and management.

Alongside this act there is a range of other legislation related to ensuring the appropriate care of tree stock which includes:

- Health and Safety at Work Act 1974
- Highways Act 1980
- Wildlife and Countryside Act 1981
- New Roads and Street Works Act 1991
- Managing Health and Safety at Work Regulations 1999
- Working at Height Regulations 2005
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010

To comply with the above regulations a regular programme of proactive tree surveys is required. This guidance aims to set appropriate guidelines and timescales for



proactive tree surveying and management which meet the requirements of the above legislation and the statutory responsibilities of the Council.

The legislation does not require owners to maintain their tree stock to absolute safety, allowing for natural cycles to take their course, but does require the Council to have undertaken an appropriate and balanced risk assessment in each case and where necessary, take reasonable and proportionate measures to control the risk.

The principles and guidance set out in this guide will comply with all outlined legislation and support the Council to deliver on its statutory responsibilities.

This protocol is underpinned by the following industry guidance:

- *'Common Sense Risk of the Management of Trees - Guidance on Trees and Public Safety in the UK for Owners, Managers and Advisors'* – (2011) as published by the National Tree Safety Group (NTSG).  
<http://ntsgroup.org.uk/>
- *'Management of Risk from Falling Trees or Branches (SIM01/2007/05)'* (2007) as published by the Health and Safety Executive.  
[http://www.hse.gov.uk/foi/internalops/sims/ag\\_food/010705.htm](http://www.hse.gov.uk/foi/internalops/sims/ag_food/010705.htm)

## 2. Rotherham Metropolitan Borough Council's Tree Management Protocol & Guidance

### 2.1 A Guide to Trees & Woodlands in Rotherham

By caring for its tree stock and proactively planting new trees, woodlands and hedgerows the Council is making a meaningful and lasting commitment to the health and wellbeing of future generations in Rotherham.

An estimated 70% of Rotherham is considered to be 'green' with trees and woodlands making a huge contribution to its natural environment. Proactive surveying is currently underway to audit the borough's tree stock which includes an estimated 50,000-80,000 individual trees in non-woodland settings and a woodland estate that covers 51 woodlands over more than 48 hectares of land.

Trees have many benefits for both the community and climate, ranging from lifting our mood and supporting better mental health to cleaning our air, removing harmful toxins, pollutants and storing carbon.

The community benefits of trees and woodlands include:

- Helping to reduce stress levels through the prevention of noise pollution which has been linked to stress related illnesses over time.
- Helping to reduce minor crimes and antisocial behaviour, promoting a greater sense of safety, community cohesion and local civic pride.
- Providing a source of fruit and nuts for people and wildlife throughout the year with Community Orchards linked to improved health and social outcomes.
- Reducing recovery times from illness and boosting mental health, providing visual interest, marking the changing of the seasons, softening harsh building lines and screening unsightly areas.
- Economic benefits include increased property values where trees and parks are prevalent.

The climate benefits of trees and woodlands include:

- Reducing CO<sub>2</sub> in the atmosphere by accumulating carbon and other pollutants which reduces the number of greenhouse gases in the environment.

- Increasing biodiversity and habitats for a diverse ecology of insects, birds and mammals that rely on trees for food and protection.
- Reducing flood risk by absorbing and intercepting water flows and improving soil quality by improving water holding capacity, preventing erosion and landslides and also reducing the stress on storm water drains.
- Reducing heating and cooling requirements providing shade in Summer and shielding harsh winds in Winter months.

## 2.2 Protocol & Guidance for Effective Tree Management

This section of the Tree Management Protocol & Guidance details how the Council will respond to a range of scenarios related to the care and management of its own tree stock and outlines protocols and guidance for these eventualities.

### 2.2.1 Standards, Quality Assurance and Officer Training

The Council is committed to the highest standards of care and maintenance in its tree stock. Only tree works that are intended to improve the health and safety of the tree and are in accordance with good arboricultural practice will be carried out. Each tree works recommendation will be created following an inspection by a professionally trained arboriculturist and be specific to that tree. All tree works will be undertaken to the current version of '*British Standard BS 3998 Tree Work – Recommendations*'.

Many older practices, such as 'lopping', 'topping' and some forms of pollarding of healthy trees are no longer considered good practice due to the harm they cause to a tree's health, structural safety, and natural appearance. These will not be carried out by the Council unless the trees are to be managed for wildlife habitat or where it can be demonstrated to be in the interests of the long-term management of the tree.

**Training and Continuous Professional Development:** In order to maintain the professional knowledge and competencies of officers in the Tree Service, and keep abreast of industry developments, the Council will ensure that all officers have the Professional Tree Inspectors (PTI) accreditation. In order to ensure that frontline staff in Green Spaces and Highways are able to make adequate risk assessments and referrals for trees across the borough, and particularly in Green Spaces sites and on major highways, all rangers and Highways Inspectors will undertake the

basic Visual Tree Inspector Training. In addition, the Council will maintain its corporate membership of the Association of Tree Officers and work with Association of Public Sector Excellence (APSE) and other industry leaders.

### 2.2.2 Proactive Tree Surveys

The Council's Tree Service will undertake a proactive programme of tree surveys documenting the location, condition, and the surrounding environment of trees in its ownership. This process will help the Council to identify any health and safety risks, manage and control the spread of any diseases, and gain a better understanding of biodiversity across the borough.

Tree surveys are risk based and will depend on a number of factors including the location and environment of the tree and the potential risk of harm to the tree or issues arising from the proximity of the tree to busy areas such as road junctions.

The table below is offered as a guide only. A specific classification for Tree Surveys which meets the statutory requirements for tree management and is realistic within the resources of the team is included as Appendix 1 to this guidance.

<b>Tree Location</b>	<b>Visual Tree Survey</b>	<b>Full Survey</b>
Primary Destination Parks: Clifton, Thrybergh and Rother Valley	Monthly	Three years
Highways (A and B Class)	1, 3 or 6 months (based on highway risk)	Three years
Residential Street Trees	6 months	Five years
Urban Parks (set out in Appendix 1)	Monthly	Five years
Other Green Spaces e.g., local parks and recreation grounds	Biannually	Five years
The standards for Woodlands (See also section 2.2.4) set out below:		
High Priority Zones in Woodlands	Annually	Five years
Medium Priority Zones in Woodlands	Biannually	Seven years
Low Priority Zones in Woodlands	Every three years	Ten years

The Council's Tree Service is currently working towards establishing a full audit of its tree stock (approximately 10,000 surveys per year). Tree surveys will adopt the Visual Tree Assessment (VTA) method to identify signs of poor health, biomechanical weaknesses and disease. Each survey will identify and document:

- Any negative conditions such as deterioration, decay, or disease
- Appropriate remedial tree works which will be allocated a timescale depending on the risk.
- Surrounding environments including wildlife and habitats and any key features such as, large volumes of traffic, buildings, and bus stops.

A tree population is an ever-changing resource. As trees grow, die, and are replaced, their impacts on their surroundings evolve dramatically over their life cycles. The results of the surveys will be held on the Council's Tree Service system, in order to monitor environmental changes over time.

### 2.2.3 Prioritisation of Tree Works

Although trees provide huge benefits to communities and climate, they can at times also pose great risks to health and safety from damage to property, injury to people or wildlife or, in the most extreme cases, death. There are also many competing pressures placed on the Council's tree stock, from contributing to the climate change agenda and managing pests and diseases to increased competition for space in our town and villages.

It is important to note that the health and safety risk posed by trees is relatively low. National Guidance states:

- a. Health and Safety Executive (HSE) View  
*"Each year between 5 and 6 people in the UK are killed when trees or branches fall on them. Around 3 people are killed each year by trees in public spaces. Thus, the risk of being struck and killed by a tree or branch falling is extremely low (in the order of one in 10 million for those trees in or adjacent to areas of high public use). However, the low level of overall risk may not be perceived in this way by the public, particularly following an incident."*
- b. National Tree Safety Group (NTSG) is an industry peer group formed in 2007 and drawn from across local authorities, arboriculturists and tree surgeons to inform best practice. In lieu of nationally adopted guidance, the

group have come together to “develop nationally recognised guidance on tree safety management that is proportionate to the actual risk from trees” and has produced the ‘Common Sense Risk Management of Trees’ guidance. The guidance quotes the same statistic of one in 10 million and other further comparisons on risk of personal injury from tree failure: *“So far as non-fatal injuries in the UK are concerned, the number of accident and emergency cases (A&E) attributable to being struck by trees (about 55 a year) is exceedingly small compared with the roughly 2.9 million leisure-related A&E cases per year, footballs (262,000), children’s swings (10,900) and even wheelie bins (2,200) are involved in many more incidents”*

In order to maintain a healthy tree stock, the Council operates an annual maintenance programme based on works that have been identified through the proactive tree surveys. Works will be prioritised based on a risk assessment using Quantified Tree Risk Assessment (QTRA) principles.

The Quantified Tree Risk Assessment (QTRA) system applies established and accepted risk management principles to tree safety management. The system moves the management of tree safety away from labelling trees as either ‘safe’ or ‘unsafe’ and thereby away from requiring definitive judgements from either tree assessors or tree managers. Instead, QTRA quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with the value the tree creates and operate to predetermined limits of tolerable or acceptable risk.

By quantifying the risk from tree failure as a probability, QTRA enables the service to manage the risk in accordance with widely applied and internationally recognised levels of risk tolerance. QTRA further provides a decision-making framework which considers the balance between the benefits provided by trees, levels of risk they pose, and costs of risk management.



### QTRA Advisory Risk Thresholds

Thresholds	Description	Action
1/1 000	Unacceptable Risks will not ordinarily be tolerated	Control the risk
	Unacceptable (where imposed on others) Risks will not ordinarily be tolerated	Control the risk Review the risk
1/10 000	Tolerable (by agreement) Risks may be tolerated if those exposed to the risk accept it, or the tree has exceptional value	Control the risk unless there is broad stakeholder agreement to tolerate it, or the tree has exceptional value Review the risk
	Tolerable (where imposed on others) Risks are tolerable if ALARP	Assess costs and benefits of risk control Control the risk only where a significant benefit might be achieved at a reasonable cost Review the risk
1/1 000 000	Broadly Acceptable Risk is already ALARP	No action currently required Review the risk

Using QTRA, the target upon which trees could fail, for example people, premises and highways are assessed first. By valuing the Target first, the tree owner and the risk assessor are able to determine whether or not, and to what degree of rigour, a survey or inspection of the tree is required. Where necessary, the tree is then evaluated in terms of its size and probability of failure. Ranges of value for Target, Size, and Probability of Failure are entered into a QTRA calculator which generates a traffic light colour-coded risk of harm. The tree owner can then compare the risk to advisory levels for risk tolerance.

This can also be evaluated using a standard probability/severity risk matrix:

		Minor injuries. No medical treatment required.  No damage to property	Injuries requiring medical treatment.  Minor damage to property	Injuries requiring hospital treatment.  Moderate damage likely minor insurance claim	Injury leading to permanent impairment.  Major damage leading to insurance claim	Fatality  Severe damage leading to multiple insurance claims
		Insignificant	Minor	Moderate	Major	Severe
Expected to occur regularly under normal circumstances	Very Likely	4	3	1	1	1
Expected to occur at some time	Likely	5	4	3	1	1
May occur at some time	Possible	5	4	3	2	1
Not likely to occur in normal circumstances	Unlikely	5	5	4	3	2
Could happen, but probably never will	Very Unlikely	5	5	5	5	3

Numbers relate to categories in the next table.



Given the complex and competing priorities works are RAG rated based on their individual risk assessments, with likely timescales for work set out below:

RAG Rating	Category	Description	Timescale
	1	Urgent or emergency works requiring the removal of immediate danger	24 hours response and works within one month
	2	Foreseeable threat or risk that requires remediation within 3 months	Within three months
	3	Foreseeable threat or risk that requires remediation within 6 months	Within six months
	4	Foreseeable threat or risk that requires remediation within 9 months	Within nine months
	5	Works that would be of benefit to the trees health	When resources allow
	6	Safe & Healthy Trees	No work required

The effective care and management of trees is a statutory responsibility and as such appropriate resources will be made available in order to ensure that the Council both complies with its duty of care in respect of tree safety and that it maximises the potential benefits its tree resource can provide.

#### 2.2.4 Woodland Trees

Rotherham benefits from 52 woodlands covering 1200 hectares. Woodlands are natural settings which require the presence of dead wood for the benefit of healthy ecological systems. Trees in woodlands need to be managed according to good woodland (silvicultural) practice. To this end, the Council will aim to proactively survey the most high-risk areas of woodlands (e.g., areas bordering highways, major paths, entrances) every five years from April 2023.

In order to manage the risks associated with trees in woodlands, the risk assessment process has rated each of the 52 woodlands based on the following criteria. The risks are categorised based on usage and will be managed through a

programme of inspection and intervention where identified. Higher priority woodlands will be inspected more frequently than lower priority woodlands.

<b>HIGH PRIORITY</b>	High recreational use
	Close proximity to property
	No recorded inspection
	A - class highway boundaries
<b>MEDIUM PRIORITY</b>	Medium recreational use
	No immediate target properties
	Inspection completed
	B – class highway boundaries
<b>LOW PRIORITY</b>	Low recreational use
	Remote locations
	Low height trees
	Woodland Management Plan in place

Each woodland is scored in accordance with the above criteria in order to enable a manageable schedule of surveys. To date, this process has identified 22 of the 52 woodlands as high priority before any intervention. Surveys will focus on high use thoroughfares and woodland paths, secondary paths, and perimeters where trees are within falling distance of property, playgrounds, roads or railways.

The risk of a fatality in Rotherham’s woodlands is understood to be very low compared to other causes of fatalities.

The likelihood of a fatality or injury increases with the proximity of trees to highways and other places of high public use. Generally, the highest risk is for car drivers in a storm because they are more likely to be exposed; members of the public are less likely to visit woodlands on foot in stormy conditions. Trees or

branches which fall in dense woodlands generally tend to be caught by other trees.

Trees in woodlands which require work will then be prioritised in accordance with the criteria set out in section 2.2.3 above.

### 2.2.5 Responding to Dangerous or Emergency Incidents

Although proactive tree surveys will identify potential risks there are occasions when unexpected events such as storms, accidents and vandalism mean that trees can pose threats to the health and safety of people or property and potentially become dangerous.

In these instances, the Council welcomes reports from members of the public in relation to potential issues and is extremely grateful for their support. If you feel that there may be a dangerous tree in your local area some of the following signs are a guide to what may constitute an emergency incident:

- a) Has the tree snapped or blown over?
- b) Is the tree rocking at its base, revealing its roots?
- c) Has the tree been uprooted but is being held up by another tree or building?
- d) Has a large branch broken off or is hanging from the tree?
- e) Is the tree blocking a road, footpath, access to property?
- f) Has the tree fallen on to a building or vehicle?

Sometimes these events will have damaged a tree but will not be classed as an emergency as they do not pose immediate threat. Signs that a tree is dangerous but not requiring emergency attention could include:

- a) The tree is dead.
- b) The tree is dying; signs of this include very few leaves in summer or dieback in the crown.
- c) Bark is loose and falling off.
- d) Mushrooms or fungi growing on or near the tree.
- e) Old splits and cracks in the trunk or large branches

Trees requiring immediate/emergency action can be reported by calling 01709 336003 or visiting the Council's website and searching for 'Trees'.

Responses to reports of dangerous trees and emergency works will be made within 24 hours of receiving the report.

If the tree poses immediate threat, it will be removed within 24 hours of the report, if the tree does not pose an immediate threat but the risk is likely to increase it will be managed within one month.

If a tree poses an immediate danger to people or property, it is the landowner's responsibility to make safe. If an owner can't be traced, is unknown or refuses to undertake the work, then, under the terms of Section 23 of the Local Government (miscellaneous provisions) Act 1976, the Council can enter land to undertake works in order to remove the danger posed and the landowner will be charged for the cost of any works. In order to be confident that a tree is 'imminently dangerous', the Tree Service Manager will ensure that a second opinion from a second Tree Officer is utilised, in order to avoid unnecessary work. The final decision to use this Act will be approved by the Head of Service, in consultation with Legal Services, where time allows.

#### 2.2.6 Trips & Hazards Caused by Council Owned Trees

The highway, including carriageways, footways, and verges, is regularly inspected by the Council's Highway Service. A team of Highway Inspectors undertake inspections in accordance with Council Policy and associated '*Code of Practice for Highway Inspection and Assessment*'. Should any dangerous defect on the highway be attributed to tree roots, the Council's Tree Service will be consulted to help resolve the issue.

There are a number of ways the Council can repair a footway damaged by tree roots:

- The pavement surface can be re-laid or 'built up'.
- Isolated roots can be pruned.
- Alternative surfacing or engineering solutions can be used to provide an even surface.
- Removal of the tree.

Felling a tree is a last resort and is only deployed where no other solution is available to provide a safe public highway.

### 2.2.7 Pruning & Felling

It is Council policy not to proactively remove healthy trees outside of good arboricultural practice due to the significant contributions that they make to local communities and the climate emergency, and the importance of their natural growth and biodiversity.

Outside of this general policy there are occasions when pruning and removal will be required which include:

- Where trees pose a significant threat to people or property
- Where there is an obstruction to key sight lines at junctions and access points. Standards for visibility vary depending on the speed limit and highway classification.
- In order to maintain clear sightlines at road junctions, and for traffic signals, street signs and streetlights.
- In order to maintain a suitable height clearance over the carriageway (associated with a street, road or highway) and associated foot and cycle paths.
- Trees significantly affected by a disease (e.g., Ash Dieback).
- Instances where a Council tree is touching a building and poses a risk of damage to that property.
- Where the works form part of a wide-ranging consultation process (e.g., approved planning decision, major infrastructure scheme).
- Where the works are in accordance with good arboricultural practice.

In most cases the solution will be for the Council to prune the tree, unless other issues are identified that affect the health of the tree. If pruning is appropriate, the Council will monitor this as part of its proactive surveying and ongoing maintenance programme rather than create an annual schedule for this work.

The above policy is designed to offer clarity for residents, balancing the need to manage and care for trees with the needs of modern life. However, the Council is sensitive to cases where there may be additional factors and therefore there will be some exceptions to the guidance set out above. Examples could include:

- Where overhanging branches are covering 50% or more of a person's garden.
- Where exceptionally large trees are blocking light to a primary room of a house-bound resident.
- Where there are access requirements related to disability needs.

In these exceptional cases a tree survey and risk assessment will be undertaken by the Tree Service and recommendations made to the appropriate Head of Service:

- For trees on Council housing land recommendations will be made to the Head of Housing.
- For trees on adopted public highways land recommendations will be made to the Head of Highways.
- For trees in parks, green spaces and woodlands recommendations will be made to the Head of Operations and Business Transformation.

The aim of this section of the guidance is to seek an appropriate balance between the urgent need to protect our natural environment and the need to ensure the environment is managed in a way that does not adversely affect the quality of life for local residents living in close proximity to trees. Each case is reviewed based on its individual merit and whilst in general trees will not be removed unless for the above reasons pruning works that are at the request of the resident will be considered.

Whilst trees do not over-grow in an environmental sense (they grow as tall as their roots and structures allow) they can be perceived to be overgrown in the context of their setting and begin to overshadow their surroundings. In instances like this a tree survey will be undertaken and provided there is no likelihood of harm to the tree some pruning may be suggested however the timeframe for this will vary as urgent works will take priority.

Where a decision has been made to undertake pruning or felling of Council owned trees this will be communicated to groups including local residents, Ward Members and Parish Councils by issuing site notices, updates via the Council's website and direct communication to neighbouring properties. Although this is the Council's standard policy there may be instances where the threat to public safety requires immediate action and, in these cases, it may not be possible to give advanced notice.

In addition to pruning and felling works undertaken by the Council, residents do have a Common Law right to remove nuisance associated with trees encroaching onto their property. The Common Law right with respect to encroaching trees allows for the cutting back of overhanging branches/roots, which can be reached from within your property, back to but not beyond your boundary line. Although the law allows for this limited pruning it states that you must not:



- Leave the tree in an unsafe condition.
- Cut or remove any part of a tree that does not overhang your property.
- Cause the death of the tree or leave the tree in an unsafe condition as a result of the works you have undertaken.

For residents considering undertaking action under their Common Law right the Council advises that they:

- Consult with or appoint a professional tree surgeon for guidance on how best to prune back encroaching trees.
- Inform the owner of the trees what they plan to do and allow them the option to undertake the works to rectify the issue themselves.
- Determine if the trees are protected by a Tree Preservation Order or if they are in a Conservation Area. If trees are protected, then planning consent will be needed before works can be undertaken.
- Consider disposal of the branches. Legally they do not own those parts of the tree that encroach over their property, and they should make an offer to return any materials, although these do not have to be accepted by the tree owner.

Overhanging branches removed from Council trees under the Common Law right do not need to be returned to the Council, but it is requested that the vegetation should be disposed of responsibly, such as:

- Adding to a compost heap
- Placing in the Council's green waste bin service
- Taking it to your local household recycling centre

For guidance on how to check if the trees are protected and how to make an application please visit the Council's website and search for 'trees' or click on the link: [Apply to work on protected trees – Rotherham Metropolitan Borough Council](#)

#### 2.2.8 Replacement & Replanting Ratio

The Council is committed to increasing its tree cover to contribute to the overall Climate Emergency Agenda. As such where it has been necessary to fell a tree, a replacement planting programme will ensure that an appropriate provision is made for replacement.

For trees that have been felled under the guidance set out in section 2.2.7 *Pruning & Felling* an annual tree replacement programme will be operated by the Council's

Tree Service. The replacement planting programme will be calculated annually based on an assessment of the released carbon as a result of that year's removals. On average the Council expect this to provide a ratio in the region of three replacement trees for each tree felled as a result of health and safety and good arboricultural practice.

An annual planting programme will be created to ensure that enough replacement trees will be planted to help replace the lost carbon from felling. Replacement planting will be based on:

- choosing species that are suitable for site specific conditions including available space, with more beneficial larger species preferred.
- prioritising areas lacking in trees and/or deficient in open green space but the Council encourages new tree planting on all its sites capable of supporting trees and welcomes all requests or suggestions from Council departments and members of the public for new planting sites.
- principles set out in '*British Standard 8545 – From Nursery to Independence*' in the landscape.

This programme will ensure that the Borough's tree population is re-stocked annually to allow the Council to create a diverse age and species range, which is recognised as being best practice for guarding against tree pathogens and creating a healthy tree population. It will also allow the Council to meet its commitments to be carbon neutral by 2030 and to increase the benefits provided by trees.

For trees that have been removed following conflict resolution the costs for replacement will be met by the third party. For more information refer to section 2.3. of this protocol.

The Council will use the most current industry recognised '*Capital Asset Value for Amenity Trees*' (CAVAT) system to assess the value of a tree at the point of removal which calculates its worth in terms of amenity value. The benefits of the CAVAT system are that it provides a method for analysing trees as public assets, rather than liabilities. It's designed to not only be a strategic tool, and aid to decision-making in relation to tree stock as a whole, but also, to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. The table below sets out a replanting ratio and estimated cost depending on the value of the tree at the point of removal for conflict resolution scenarios.



CAVAT Value	Tree Replacement Ratio*	Estimated Cost per Tree
Less than £10,000	Replacement with 5 heavy standard trees or equivalent	Prices range from £300-£500 per tree estimated average cost £2,000+VAT
Between £10,001 and £25,000	Replacement with 10 heavy standard trees or equivalent	Prices range from £300-£500 per tree estimated average cost £4,000+VAT
More than £25,001 - £50,000	Replacement with 20 heavy standard trees or equivalent	Prices range from £300-£500 per tree estimated average cost £8,000+VAT
Trees with a CAVAT value above £50,000 will not be removed as a result of conflict resolution.		

\*The type and size of tree for the purposes of replanting will depend on the area and external factors such as likelihood of vandalism, natural environment and proximity to buildings, as such the type and size of tree replanted will vary.

### 2.2.9 Proactive Planting & Woodland Creation

The Council is committed to proactively responding to the global climate emergency and as such a detailed Tree Planting Strategy and Programme will be developed as an Appendix to this guidance by January 2024.

Towns and cities around the world are turning to proactive planting and woodland creation in the fight against the climate emergency, however some planting schemes can cause more harm through secondary environmental impacts (e.g., growing trees that have to be imported in, or travel long distances).

Rotherham's Planting Strategy & Programme will follow the ten principles below as set out from research undertaken by the *Royal Botanic Gardens, Kew*:

1. Protecting existing forests and tree stock first – it is the Council's policy not to remove healthy trees unless for the reasons outlined in 2.2.7 *Pruning & Felling*
2. Placing local people at the heart of planting programmes – local residents gain the most benefit from their tree stock, so ensuring that residents value and care for this resource is vital.

3. Maximise biodiversity recovery – planting programmes should guard against climate change, improving conservation and providing economic and cultural benefits.
4. Selecting the right location for new planting - planting in areas that were historically forested but have become degraded, rather than using other natural habitats such as grasslands or wetlands which will cancel the gain made from tree planting.
5. Valuing natural regrowth - letting trees grow back naturally can be just as valuable as planting new trees.
6. Selecting the right species for the area – using a variety of native species found in the local area alongside fewer rarer species avoiding invasive species.
7. Making sure new trees are resilient to the climate – using tree seeds that are suitable for the local climate and how that might change in the future.
8. Planning ahead – allocating time to sourcing seeds or trees, working with local people
9. Learn by doing – start with small-scale trials combining scientific and local knowledge should take place before planting large numbers of trees.
10. Equitable distribution - the sustainability of tree re-planting rests on a source of income for all areas of the borough not just the wealthiest

Rotherham Council aims to increase the borough's tree cover in line with national targets to help tackle the twin threats of climate change and ecological destruction, while increasing tree related benefits. This will be achieved through identifying locations in the borough that are suitable for trees and either carrying out tree planting or allowing natural colonisation (re-wilding) to take place.

The impact of trees and woodlands and the contribution they make to the environment and fight against climate change can be measured in a number of ways and have a number of complex and interdependent factors.

Rotherham Council will focus on hectares of woodland created as its main indicator of climate change in relation to trees for the following reasons:

- National metrics for woodland measurements are focused on hectares rather than trees planted allowing Rotherham to clearly demonstrate its contribution to national programmes.
- Woodlands are planted with whips (50-100cm tall saplings) with the intention that less than half of them make it to maturity as part of the natural cycle.

- Woodland planting can be carried out at different densities; therefore, tree numbers are not indicative of quality of habitat or increased climate benefits.
- Focusing on planting excludes the contribution of managed re-wilding which has many climate benefits including being carbon neutral, improving biodiversity, and reducing the need for resources to manage growth.

The Government are committed to increasing tree canopy cover to 16.5% by 2050. Targets for tree planting are set out in the Council's Tree Planting Strategy.

#### 2.2.10 Trees in School Grounds

Trees located in school grounds are at an elevated risk owing to their proximity to high density of children and a higher than normal risk of ground compaction and damage from children's interactions with them.

The management of risk within all schools, Local Education Authority (LEA) maintained, Academies and Private Finance Initiatives (PFI), is the delegated responsibility of the Head Teacher and guidance to schools is that they are expected to ensure that their trees are inspected by a suitably qualified and experienced person on an annual basis. The inspections will also outline any remedial / maintenance actions required.

Schools supported by the local authority will be guided to the Council's own Tree Service to undertake the inspections, but this service will be provided at cost to the school.

Academy Trusts will be able to contract with the Council's Tree Service should they wish to take advantage of this service.

Government guidance for schools' states that:

*If you have trees on your site, you will have responsibilities under HSWA and the Occupiers' Liability Acts 1957 and 1984. You should carry out routine inspections reflecting the level of risk and following any potentially damaging activities or weather.* Further guidance for schools can be found here:

[Good estate management for schools - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/good-estate-management-for-schools)

### 2.2.11 Trees on Housing Land

Trees located in a tenant's private garden of their Council home (both front and rear gardens) will be managed on a reactive basis as and when such issues arise. Under Part 1. Section 18 of the Council Tenancy Agreements:

*“(d) Tenants are responsible for the maintenance of any trees in the garden of the property; however, you must ask for permission to remove or cut down any tree in your garden.*

*“(e) You must not plant any tree or shrub which may cause damage to your or your neighbours' properties.”*

Whilst some care and maintenance of trees (e.g., removal of small overhanging branches and works that can be carried out with standard garden secateurs) by tenants is permitted, the Council's Tree Service must be notified if larger works are required and permission must be sought for crown lifts, reductions and fells. The tree's health, structure and safety will be assessed by the Council's Tree Service and any approved works will be to maintain the tree's health and in relation to the guidance set out in this document.

Whilst the Council may provide permission for works to be undertaken the tenant remains responsible for the maintenance of any trees within the boundary of the property and as such will be responsible for arranging for the work to be undertaken by an appropriately qualified arboricultural specialist and disposing of any debris appropriately.

Where the cost of tree works is disproportionate to the value of the tenancy, the Housing Service Manager may direct that Housing Service funding may be used to pay for works to trees in tenant's gardens.

### 2.2.12 Crossovers & Drop Kerbs

Approvals for crossovers and drop kerbs are assessed by the Council's highway service on a case-by-case basis and take into account all other environmental and access factors including the proximity to existing trees. When locating a new crossover, a minimum distance is required between the edge of the crossover and the base of the tree stem.

- For trees growing in the pavement this will be 600mm or twice the diameter of the tree (measured at a height of 1.5m) whichever is the greater.
- Where trees are growing in verges the construction should follow the principles and recommendations of BS5837:2012 (Trees in relation to construction).

These restrictions are essential to ensure a minimum distance around trees in order to prevent damage to their health and an increasing level of protection for larger trees and those growing in open undisturbed ground.

If the proposed crossover meets the minimum requirements as set out above, then excavations will be required to assess the underlying root system prior to approval. As per the '*National Joint Utilities Group: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG 4, 2007)*' there will be no severance of roots greater than 25mm without the permission of the Council's Tree Service. Minor root pruning will be considered by the Tree Service on a case-by-case basis.

Applications are likely to be refused if:

- root severance is deemed unacceptable e.g., would affect the long-term health of the tree.
- the installation of a drop kerb is likely to adversely affect the health of the tree.

The Council will only consider removing a tree if the outcome follows good arboricultural practice. When this is undertaken to facilitate a crossover, the applicant will cover all costs and compensate for the amenity loss of the tree. The compensation for amenity will be calculated using the most recent 'Capital Asset Value for Amenity Trees' (CAVAT) valuation system with the value of the tree recuperated.

### 2.2.13 Damage to Property

Trees can cause damage to property either directly, as a result of overhanging branches or the collapse of a tree, or indirectly through root growth causing disturbance to foundations or subsidence caused by the fluctuations in water levels affected by trees.

For residents who believe that a Council-owned tree has caused direct damage to their property please contact the Council's Insurance Department which will investigate this claim. The email or letter should include:

- Full contact details for the property owner
- The date of the incident
- The exact location of the tree
- A description of the circumstances surrounding the incident and the extent of damage to the property.

Where a resident feels that a Council-owned tree has caused indirect damage (e.g., subsidence, heave) to their property, they are advised to contact their own insurer in the first instance. The Council's Tree Service will review and assess all claims however the property owner must provide evidence of the damage at their own cost.

For residents wishing to raise the issue of indirect damage a full list of evidence required can be found at Appendix 3.

In the case of other structural damage to garden walls, drains, paving, driveway surfaces, or other structures, technical evidence submitted by a qualified engineer, building/drainage surveyor or other appropriate expert is required to assess the issue.

Please send all correspondence to [insurance@rotherham.gov.uk](mailto:insurance@rotherham.gov.uk) or post to Insurance Section, Wing C, 3rd Floor, Riverside House, Main Street, Rotherham, S60 1AE

#### 2.2.14 Damage & Vandalism to Council Owned Trees

Trees are an important asset to the borough and its residents. They are vital in the response to the climate emergency. The Council does not accept alterations and modifications of any kind to its trees without prior permission, this includes pruning, felling. Additions such as rope swings will be removed for health and safety reasons. Where Council owned trees are threatened with damage or unauthorised removal the Council will protect trees under the legislation '*The Town and Country Planning Act*'. The Council will prosecute anyone found to be damaging or pruning its trees without permission and will seek the maximum penalty.



For cases where damages and compensation are agreed the Council use the industry approved CAVAT system to calculate the appropriate cost of replacement value of any trees that have been significantly damaged. The Council will seek the full CAVAT value for any trees damaged due to vandalism.

#### 2.2.15 Trees in Private Ownership

The duty of care to ensure that a tree does not pose a risk to people, or property is with the tree owner and not the local authority. The Council is not insured to give professional advice or undertake work relating to trees in private ownership.

If a tree owner requires advice on the management of their trees it is recommended that they contact a suitably qualified and competent tree surgeon or consultant. The Arboricultural Association provides a vetted list of appropriately trained and insured tree professionals to support with the care and management of trees in private ownership.

The Council has no authority to intervene regarding private disputes relating to trees however it recognises that some of its more vulnerable residents may need to be supported to initiate discussions with their neighbours. In cases where a resident is vulnerable (either through age or disability) initial enquiries will be made via the Council's Community Protection Service to support a reconciliation between both parties. This is a discretionary service, and it is recommended that all other disputes relating to trees in private ownership should be mediated via the Citizen's Advice Bureau.

Section 2.2.5 sets out the actions that the Council will take if a tree on private land is deemed to be an imminent danger.

### 2.3 **Community Engagement**

#### 2.3.1 Volunteering, Corporate Wellbeing and Planting Programmes

Volunteering in your local area is a brilliant way to give back to your community, meet new people, and enjoy the beautiful natural environment on your doorstep. In line with the Council's '*Valuing Volunteers Guidance 2021*', services across Green

Spaces offer a number of activities for residents to volunteer in their local community.

With regards to trees and woodland opportunities these could include:

- Becoming a Tree Warden by ‘adopting’ a tree or group of trees in your local area and supporting the Tree Service to undertake regular tree surveys, document the local wildlife and respond to any changes in the health of those trees.
- Join a Woodland Management Group and take part in regular environmental days including litter picks, tree surveys and tree planting.
- Sign up your school for a planting day in your local area, helping to either plant new trees or care for and maintain existing trees in your local area.
- Book a Corporate Wellbeing Day with our teams, which including tree planting, environmental management and caring for natural habitats.

The above activities are supported and organised by qualified professionals who have responsibility for Council owned trees and properties. We ask that anyone interested in volunteering opportunities contact the Council in the first instance and do not undertake projects on Council owned land or property without Council permission. To find out more about these opportunities please email the Tree Service at [Trees@rotherham.gov.uk](mailto:Trees@rotherham.gov.uk).

### 2.3.2 Common Issues & Enquiries

The Council’s Tree Service receives more than 1,500 enquiries and service requests relating to trees each year. Unfortunately, the service is not able to undertake site visits for each request and often many of the requests raise common issues relating to managing the impact of trees in urban environments. A list of Frequently Asked Questions (FAQs) and suggested advice for how to reduce issues and common enquiries related to trees can be found at Appendix 4.

### 2.3.3 Service Requests & Conflict Resolution

The Council has a corporate target for responding to all service requests and enquiries within 10 days, which the Tree Service will aim to operate within. Where enquiries are more complex an acknowledgement of the enquiry will be sent within this timeframe with an estimated timeline for a more detailed response.



The Tree Service aims to support a speedy and amicable resolution to service requests but accepts that trees can be an emotive subject for many, and this may not always be possible. This area of the guidance details how service requests are managed and conflicts will be resolved should they arise. **Priority will only be given to health and safety related work.**

#### **Stage 1: Service request received**

- Desk based assessment of issues is carried out – guidance leaflet and advice for resident issued where no danger posed.
- Site visit and further investigation where records show a potential issue.



#### **Stage 2: Request returned for further discussion**

- The resident may not be satisfied and requests a site visit or a site visit at Stage 1 has revealed concerns
- Site visit and discussion with residents and third-party advisors (tree officers, housing, highways, social services where appropriate) recommends a course of action.
- If the action is within the guidelines it is added to schedule of works based on its level of urgency and individual risk assessment
- If the action is outside of the guidelines recommendation will be made to the appropriate Head of Service for approval
- Outcome communicated to resident, Ward Members and portfolio holder



#### **Stage 3: Issue is unresolved**

- Resident remains dissatisfied with the outcome of the investigations and mediation is required
- Case is referred to the appropriate Assistant Director in consultation with portfolio holder.



#### **Stage 4: Referral to Council Complaints Service**

- Resident remains dissatisfied with the outcome of the final decision and is directed to Council's Complaints Service

#### **2.3.4 Member Casework**

The Tree Service will support Ward Members to respond to casework and resolve issues using the above process. On occasion a resolution to conflict may be sought through ward budgets, where those works are still within this guidance.

Where the works identified are classified as Red (*see section 2.2.3 Prioritisation of Tree Works*) the service will meet the cost of these works. Where works are classified as Amber or Green and Members wish to expedite this work the costs will be met from ward budgets.

### **3.Ash Dieback**

The Ash Dieback (ADB) emergency was added to the Council's Corporate Risk Register in 2020. The Council is responding to the Ash Dieback emergency through a programme of proactive surveying and remedial works; however, the scale and impact of the disease warrants its own detailed strategy. This is attached at Appendix 5.

### **4.Review**

This Council's Tree Management Protocol & Guidance will be reviewed on a three-year cycle to ensure that it is in line with the latest research and legislation on this subject and to take into account advancements in technology, Council plans, priorities and budgets. If you would like the Council to consider any comments as part of the review process these can be emailed to [trees@rotherham.gov.uk](mailto:trees@rotherham.gov.uk).

Disclaimer

This guidance will be applied in all cases. The Council will not accept donations or private funding to act outside of this guidance.