



Rugby Borough Council Tree Policy

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1.0 Policy Framework

1.1 National Policy

The National Planning Policy Framework (produced by the Ministry of Housing, Communities and Local Government in 2011) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system to perform a number of roles focused on the protection and enhancement of the natural environment.

1.2 Local policy and Rugsbys vision for the future of trees

The Council is committed to sustainable development and improving the environmental wellbeing of the borough, through the services that we provide and by reducing the adverse effects of our own actions.

Our Corporate Strategy commits us to enhancing our open spaces and making them places where people want to be. This commits the Borough Council to;

- Look after our green spaces and create new ones in quality developments
- Manage and use green spaces creatively to benefit biodiversity, health and wellbeing
- Involve residents in caring for their green spaces.

The declaration of the recent Climate Emergency and the emerging action plan will have a significant impact on this Strategy. (see section 4)

1.3 Policy Statement

The Council aims to raise the profile, value and appreciation of trees in the borough, to improve understanding of tree issues and manage expectations. We will: manage and enhance the urban tree stock in accordance with good arboricultural practice; improve the protection given to trees to ensure the character of localities is preserved; raise the level of tree cover to realise the many benefits of trees and to mitigate against the effects of climate change; minimise the incidence of tree-related subsidence; and improve the handling of insurance claims; reducing the inconvenience caused to residents and the financial implications for the Council. The council recognises that it must seek to achieve these aims in the context of financial constraints. Wherever possible, we will take up opportunities to seek external funding to support the planting of new and replacement trees. We aim to be open about this reality in our relations with the residents we serve.

2. Introduction

Rugby's trees are of considerable cultural, aesthetical, and biological asset within the borough with numerous public benefits including:

Improved visual amenity

Increased biodiversity

Air quality, including Carbon dioxide (CO₂) and Nitrogen dioxide (NO₂) absorption

Rainfall interception and decreased surface run-off

Heritage associations

Social and economic factors

Mitigating the effects of climate change

Providing shade during hot weather

Providing a local source of fruit

Providing an attractive landscape / public realm

Rugby borough benefits from a diverse arboricultural resource, both in its urban and rural areas, for the enjoyment of all.

The council intends to manage its trees so that they make a positive contribution to the locality, are reasonably safe and do not cause excessive nuisance. Equally we wish to see more people benefit from the presence of trees by ensuring a more equal distribution of tree cover across the town and wider borough.

Trees are dynamic organisms where health and condition may fluctuate, especially in densely populated areas. It is therefore important that a management program is in place to ensure that Rugby Borough Council meets its duty to take reasonable care of its tree stock through regular tree inspections and implementation of tree works where identified.

Rugby Borough Council is responsible for tens of thousands of trees across 162 Parks and open spaces and housing sites along with 4 cemeteries and a Crematorium. Rugby Borough Council are not responsible for trees located within Warwickshire County Council street verges.

Trees in private ownership are the responsibility of the private landowner.

3. Purpose

The overall aim of the tree policy is to ensure that the Council's tree stock is retained, enhanced and increased in the most proactive manner whilst ensuring the health, safety and well being of the public and property.

This policy is intended to provide direction and ensure a consistent approach to trees in a number of key areas, including:

- The management and inspection of trees on Council owned land, including tree planting
- Advice and guidance in relation to requested remedial tree works.
- Vandalism and antisocial behaviour
- The Council's management of trees in relation to planning applications

- Tree preservation orders (TPOs)
- Hedgerow regulations and management

4. Climate Emergency

Rugby Borough Council declared a climate emergency at a meeting of the Council held on Thursday 18 July 2020 and follows the United Nations Intergovernmental Panel on Climate Change 'Special Report on Global Warming' (2018) and The Committee on Climate Change's report 'Net Zero – the UK's contribution to stopping global warming' (May 2019).

This recognises the importance of this issue and the role which the Borough Council has in responding to climate change. To demonstrate this the Council has committed to be carbon neutral by 2030, along with, calling on Central Government to provide the powers and resources to enable Rugby Borough Council to help deliver the UK's carbon reduction target.

Trees, hedges and woodland clearly have a major part to play in this commitment.

5. Management and inspection of trees on land owned by Rugby Borough Council

The Council is responsible for the management of trees on upwards of 162 sites containing tens of thousands of trees on public open spaces, cemeteries, or housing land. Trees which the Council is responsible for are routinely inspected every 3 to 5 years.

Tree inspections are carried about by a qualified Arboricultural Officer and Tree inspector. The aim of tree inspections is to assess the condition of the trees in relation to its site context and frequency of use. Tree inspections are carried out using a web-based computer management program where data is recorded, and any subsequent tree works recommendations which are highlighted are programmed to be carried out and sent to the tree works contractor to be undertaken according to the level of priority and urgency.

4.1 Examples of where tree works will take place will include the following;

- Annual removal of basal growth from 700 limes located around the urban area.
- Pruning of lower branches (crown lifting) to facilitate access of pedestrians and vehicles.
- Crown reduction to lessen the sail area of a defective tree to lessen the chance of stem/branch failure.
- Removal of dead or dangerous trees.
- Removal of major dead wood (where it poses a health and safety threat*).
- The removal or pruning of trees where its relationship to a property causes excessive problems, for example tree canopy is growing in to the side of the property and causing direct damage.

- Stump removal to facilitate new planting. Stumps maybe left en-situ and poisoned in areas where they are not deemed a trip hazard.
- * It is important to acknowledge the retention of dead wood is important in that it is as valuable as live wood for wildlife as long as there is no safety threat.

6. Tree Planting & Felling

The council is committed to maintaining and increasing the tree cover across the district. The Council will, subject to resources, encourage additional new tree planting throughout the borough. Planting will normally have priority in areas lacking trees and/or deficient in open green space, but the Council encourages new trees on all its sites and welcomes all requests and suggestions from the public.

Any increase in the borough's tree population will assist the authority in dealing with the effects of climate change and provide a greater resource for residents and visitors.

Through new tree planting the Council will seek to diversify the species mix within sites, to ensure a balance of amenity and wildlife value and mitigate the risks that monoculture and climate change present for tree management. The role of trees is more important than ever in mitigating the effects of climate change, which itself presents a threat to tree health. In recent years we have seen the rapid spread of pests and diseases internationally and the threat to trees is becoming greater. Examples include horse chestnut leaf miner, and ash dieback.

The spread of new species-specific diseases to the UK emphasises the importance of species distribution.

To ensure the continuity of the borough's urban tree stock the Council will seek to increase the variety of species within each site. Without this diversity some areas of the borough could be at risk of losing their tree cover altogether.

New trees are planted where appropriate (including the introduction of urban woodland planting) and planted 2-4 metres tall which make an immediate impact and are more resilient to vandalism.

Tree felling is seen as a 'last resort' operation and will only be carried out when deemed necessary by the Arboricultural Officer, for example for those trees deemed to present an

unacceptable health and safety risk. We therefore have a presumption in favour of retention of trees except where there are overriding arboricultural or health and safety considerations

Where trees are removed we advocate the planting three or more trees for every tree removed, preferably as close to the site of the original tree as possible

As part of good arboricultural management the removal of trees will be carried out when the removal will benefit the long-term development of adjacent better quality trees i.e. woodland and copse management. Furthermore, formative pruning may be carried out following the Arboricultural Officer's inspections.

Tree planting is essential to ensure sustainability and to maintain or increase the tree population

7. Communication and Publicity

The Council strives to increase the level of public awareness of our tree resource, by encouraging proactive communications on tree related matters.

Where it is proposed that major defective trees (i.e. those which are likely to cause public interest) are removed these will always be publicised and ward councillors will be given an opportunity to comment.

8. Public enquiries

Trees can be very emotive and can cause conflict with the general public whom may raise issues in relation to perceived light loss, the nuisance of overhanging branches or issues with nesting birds and associated excrement for example.

Rugby Borough Council do receive a considerable volume of public enquires which can result in a strain in resource considering the volume of sites under its management. In 2018 625 public enquires were received in relation to trees on Rugby Borough Council owned land. Enquiries can rise sharply in response to adverse weather events which periodically occur for example wind and snow.

A robust tree inspection regime and tree works maintenance program goes some way to lowering the amount of tree enquiries. Also, consideration to planting the right tree in the right place is vitally important so trees can co-exist successfully with properties in close proximity.

Following an enquiry, a response will be provided within 20 working days of receipt with details of any proposed action.

8.1 Felling or pruning will not be carried out for the following reasons;

- Blocking light
- Television or satellite signals
- Leaf, fruit or nut drop
- Blossom
- Unfounded allegations of subsidence or direct damage
- Perceived threat that the tree is “too big”
- Bird droppings
- Aphids/sap
- Individuals medical conditions
- Residents do not like the tree
- Overhanging branches in resident’s gardens unless proven to be causing direct damage to property (residents have a common law right to prune overhanging branches back to the boundary line only).
- Construction of dropped kerbs or new driveways
- To improve a view
- To remove or reduce incidence of bees, wasps or wild animal.
- Telephone wire in tree

The above list is not exhaustive, but represents a large number of the customer enquiries/complaints that Rugby Borough Council receive. To prune/remove trees for these reasons alone is not sustainable, practicable or beneficial for long term tree management goals.

9. Wildlife and Conservation

Rugby Borough Council must adhere to a number of wildlife and conservation laws for example, The Wildlife and Countryside Act 1981 as amended by the Countryside Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 which places legal obligations on the protection of wildlife species and habitats. Trees and woodlands are important wildlife habitats.

A defective tree with decay cavities can provide a good habitat for birds and bats as well as many other microorganisms. Therefore, it is important trees are checked prior to removal especially if there is potential for bat activity etc. Bats and their ‘roost’ sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and

Species Regulations 2010, the latter of which deems them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used.

The authority recognises the different levels of risk represented by a defective tree. For a defective tree with higher level of probability of failure its retention may be deemed appropriate in the interests of biodiversity in areas where there is a low frequency of usage e.g. within a woodland setting away from a defined public footpath.

10. Subsidence

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

If it is believed that a property is suffering (or could potentially suffer from) subsidence damage due to the action of trees in council ownership/managed by the council, property owners are advised to contact their property insurer in the first instance to discuss these concerns and agree an appropriate course of action.

Should property owners, wish to make a claim for damages against the council, alleging that a council owned/managed tree is causing subsidence damage, then they should contact the Rugby Borough Council Legal Service Department

11. Trees in the planning system

Rugby has seen significant urban growth in recent years. This can put pressure on existing tree stock. Indeed, many potential development sites contain trees, many of which have the potential to enhance a proposed development. Some may be at risk of removal to facilitate a planning proposal.

Trees are a material consideration in relation to a development proposal and must be assessed in accordance to [BS 5837:2012](#) Trees in relation to design, demolition and construction – Recommendations.

If there are trees established within a site proposed for development the developer is required to consider this within an [BS5837:2012](#) Tree report to include an arboricultural Implications Assessment. Trees established outside the proposed development site and

within 10m of the boundary may also be required to be considered within an Arboriculture Implications Assessment in line with [BS 5837:2012](#).

An Arboriculture Implications Assessment must be undertaken by an individual qualified and experienced in arboriculture and development.

Where trees are agreed to be removed so as to accommodate an approved development the applicant will be required to submit for approval a new landscape scheme. Applications are based on a case by case basis, looking at site context and potential landscaping issues in terms of proposed tree losses, screening, visual amenity and biodiversity. Carefully selected provision of new tree planting can greatly enhance a new development.

All new landscape schemes must also include an appropriate maintenance programme to include: weed control, watering regime, checking, adjustment and removal of support systems, mulching and replacement of any trees/plants that fail to establish during the initial 5 or 10-year period post planting.

It may be deemed appropriate to protect trees by a virtue of a Tree Preservation Order (TPO) and a considerable volume of TPO's have been served over recent years.

If specific trees are being retained within a development scheme it is important to ensure they are successfully incorporated to ensure tree(s) and the new built form can co-exist with minimal or no direct impact upon each other and as per the recommendations of [BS5837:2012](#).

Some planning applications may be accompanied by a Landscape and Visual Assessment which identify the effects of new developments (i.e. where there will be a change resulting from development) on views and on the landscape itself, looking at the existing landscape character, its sensitivity, condition and its ability to except change. We will assess these as per the Guidelines for Landscape and Visual Impact Assessment (GLVIA) and respond as appropriate, possibly suggesting mitigation planting to lessen the visual impact of a design proposal.

12. Tree Preservation Orders (TPO)

A tree preservation order is used to protect those trees where it is deemed expedient in the interests of visual amenity to do so especially where it is considered that a specific high value tree or trees maybe at risk from removal. For example, a mature tree in good condition which is highly visible from a public place and makes a considerable positive contribution to the character of local area may be considered for a TPO especially if it is at risk from removal as a result of a planning application.

Rugby Borough Council currently administers 410 Tree Preservation orders across the borough. The earliest was made in 1951. Over half of these TPO's have been made in the last 14 years. A TPO may contain one tree or thousands within a woodland.

TPO's are usually made on trees on private land. If a land owner wishes to prune or remove a protected tree they must make an application to the council to do so and await formal written permission.

On average Rugby Borough Council receive 127 tree works applications per annum, including notifications of tree works in conservation areas.

For tree works applications where there are concerns regarding the condition of the tree or there is alleged damage to property, applicants must submit written arboricultural advice or other diagnostic information from an appropriate expert. Similarly, if a tree is implicated in a subsidence claim or other structural damage a report by an engineer or surveyor (to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals) and a report from an arboriculturist must be submitted to support the tree work proposal.

It is an offense to remove or prune a protected tree without written permission. There have been recent cases where Rugby Borough Council have prosecuted because of unlawful removal of trees and will continue to do so if Tree Preservation Orders are violated.

13. Trees in Conservation areas

Conservation areas protect areas of special architectural or historical interest and the Council has extra powers to control development. Rugby currently has 19 conservation areas across the borough which also enjoy diverse tree cover and contribute to the overall character and quality of those areas.

It is an offence to cut down, uproot, top, lop deliberately destroy or damage a tree in a conservation area. Tree owners must give the council 6 weeks written notice of their intentions. This is called a "section 211" notice. The Council then have 6 weeks to decide whether to allow works to proceed or stop the works by placing a TPO on the subject tree(s). A TPO would be made if the impact of proposed tree works/removal are likely to have an adverse impact on visual amenity in the local area.

We will respond to trees in Section 211 notices for works in a conservation area and hedgerow notifications within 6 weeks.

14. Hedgerow regulations (1997)

These regulations intend to protect important countryside hedges from destruction or damage. Land owners whom wish to remove countryside hedge must give the Council 6

weeks written notice by submitting a Hedgerow removal notice. The Council must then decide if that hedgerow is “important” by virtue of its ecological and historical significance.

We will respond to hedgerow removal notifications within 6 weeks.

15. High Hedges legislation (2005)

The high hedges legislation gives the Council powers under the Anti-Social behaviour Act to serve notice on the owners of nuisance hedges where the hedge has been judged to be affecting the reasonable enjoyment of a complainant’s property by assessing the effect of light loss to gardens and windows.

16. Useful work by residents

Some residents have in the past asked how they can enhance the utility of trees, for example by removing low hanging leaves from trees. It is important to remember that there are significant health and safety and legal implications when working on trees and this needs to be carefully considered on a case by case basis. Any unlawful and unauthorised work to any Council owned tree is liable to lead to legal action.

However we are grateful to any resident who can assist with any of the following:

- Apply water to any tree, particularly young saplings.
- Loosen any tree ties that have become too tight.
- Report any pests and diseases
- Sponsor a new or replacement tree

17. Partnerships

We will continue to work in partnership with a number of bodies including;

- Warwickshire Wildlife Trust on a number of sites including the Great Central Way, Swift Valley Country Park, Windmill Spinney, Newbold Quarry and Cock Robin Wood.
- The Woodland Trust and Forestry Commission for the recent planting of new woodland planting across the borough.
- DEFRA
- Groundwork West Midlands
- Conservation Volunteer Trust
- Warwickshire County Council forestry and ecology department
- Birmingham City Council arboricultural services
- Various “friends of” parks groups and volunteers

Partnership work can involve a variety of tasks from trees planting and coppicing to the installation of bat/bird/swift boxes.

18. Action Plan.

Following consultation the following action plan has been developed in line with The Woodland Trusts Tree Emergency Plan.

Action	Timescale	Potential partners
<p>1a. Assess current tree canopy cover. This survey should take account of tree size, age, species diversity, sustainability and resilience.</p> <p>1b. Set a target for increasing tree canopy cover informed by the work above.</p>	2024	WCC, RBC WCC, Woodland Trust, Trees for cities
<p>2. Identify, map and protect ancient woods, veteran trees and others of valued wildlife habitat. Ensure they are on national and local inventories.</p>	2024	WCC RBC Natural England
<p>3. Identify what land we have available for native woodland creation and tree planting. (other public sector organisations schools, housing associations, NHS etc...) to bring forward a comprehensive assessment for the area that includes constraints (such as other priority habitats).</p>	2022	RBC, Woodland Trust. Warwickshire Wildlife trust
<p>4. Understand what contribution existing woodland and trees, and their expansion, will have in meeting our climate change and biodiversity commitments.</p>	2022	RBC, WCC
<p>5. Understand any sources of funding.</p>	Ongoing annually	RBC
<p>6. Ensure we have enough qualified staff, contract or partner resources available to implement our targets</p>	Bi annual	RBC, WCC
<p>7. Commit to planting with United Kingdom sourced and grown trees. (Consider how we can support local production of trees for instance via a local tree nursery.)</p>	2021	RBC, WCC, Woodland Trust, Natural England
<p>8. Commit to procuring UK sourced timber from FSC (sustainable) sources and encourage use of hardwood timber sourced from existing and new woodland in the area.</p>	2021	RBC
<p>9. Actively involve community groups, schools and volunteers in creating and delivering the targets.</p>	2021	RBC, Schools, community groups, Youth Council
<p>10. Implement planning policies to secure delivery of 30% tree canopy cover on all new developments. (Further guidance is available from the WT)</p>	2022	RBC, WCC, Woodland Trust
<p>11. Protect ancient woods and trees, ensure our authority's planners know they must be retained and protected. (Further guidance is available from the WT)</p>	2021	RBC, WCC, Woodland Trust

19. Useful Information source

England's Trees, Woods and Forests' (2007)

<http://www.greeninfrastructurenw.co.uk/climatechange/doc.php?docID=107>

National Planning Policy Framework (NPPF) 2012

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Tree Preservation Order

https://www.planningni.gov.uk/8pp_tree_preservation_order_lores.pdf

Town and Country Planning Act 1990

http://www.legislation.gov.uk/ukpga/1990/8/pdfs/ukpga_19900008_en.pdf

Town and Country Planning (Tree Preservation) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/605/pdfs/uksi_20120605_en.pdf

The Woodland Trust

<https://www.woodlandtrust.org.uk>