

Iwerne Courtney & Stepleton Parish Council

Subject: TREE SAFETY INSPECTION/ASSESSMENT POLICY

Issue Date: July 2012

1st Review Date: November 2015 (ratified and adopted May 2016 Item 8b2)

2nd Review Date: (to be set by Parish Council at 18 May 2016)

1. POLICY STATEMENT

1. Iwerne Courtney & Stepleton Parish Council acknowledges and accepts that it has a statutory duty of care to all members of the public visiting, working or abiding in areas of publicly or privately owned land or property that has a common boundary with land that the Council has a responsible for; either by direct ownership or any lease of tenant agreements. Persons must not be put at or exposed to unacceptable levels of risk as a result of any failure by the Parish Council. People with good local knowledge and familiarity with local trees who are not tree specialists, but rather those closely associated with an area or property, such as the owner, gardener, other employee or agent, who understands the way the property is used (areas most and least frequented) and the extent of the danger, should a tree be found that is clearly falling apart or uprooting. **Reports of problems by Parish Councillors or members of the public are a fundamental part of informal observations and should be acted upon.**

1.1 The Duty Owed

This can be stated in general terms as being a duty to take reasonable care for the safety of those who may come within the vicinity of a tree. the courts have endeavoured to provide a definition of what amounts to reasonable care in the context of tree safety, and have stated that the standard of care is that of "the reasonable and prudent landowner". the tree owner is not, however, expected to guarantee that the tree is safe. they have to take only reasonable care such as could be expected of the reasonable and prudent landowner. A tree owner owes the duty owed under the tort of nuisance to the occupier of neighbouring land. the duty, however, is no different to the general duty owed under the tort of negligence.

It is the duty holder's fundamental responsibility, in taking reasonable care as a reasonable and prudent landowner, to consider the risks posed by their trees. the level of knowledge and the standard of inspection that must be applied to the inspection of trees are of critical importance. it is at this point that the balance between the risks posed by trees in general terms, the amenity or other values of trees and the cost of different types of inspection and remedial measures becomes relevant.

- 1.2 The accompanying tree risk inspection/assessment procedure and methodology has been prepared in order to enable the Parish Council to comply with and discharge both its statutory and moral obligations to ensure, in so far as is practicable, the safety and well being of those it has a duty to protect and care for.

2. GENERAL

- 2.1 This document therefore aims to identify and set out the minimum levels of inspection, the frequency and the record keeping necessary to meet and discharge these duties and obligations. It is to be reviewed, and amended if necessary or required, by the Parish Council on an annual basis.
- 2.2 The regular inspection of trees in public places and or adjacent to buildings or work places is vital in determining whether they represent a significant or unacceptable level of risk to life or property. Trees can become vulnerable to disease, decay and damage during their life, all of which may increase the potential for failure of part or the whole tree. As trees age they may deteriorate structurally and become more likely to shed limbs or fail in strong winds, storms or other adverse weather conditions and therefore they're potential to cause harm can increase.

Whatever their condition many trees are often uniquely valuable as a habitat for a wide variety of wildlife and form an essential part of the local landscape, especially within the village. The general principle is that every effort is to be made to ensure the life of any of our trees' is prolonged, provided its safety can be maintained. Remedial action is only carried out where there is an identifiable level of risk to life or property that is judged to be unacceptable. This might mean removing the whole or just a part of the tree, or restricting public access to the risk or 'target' area. The National Tree Safety Group (NTSG) argues that it is reasonable that sufficiently large organisations that own or manage trees develop a management strategy (in line with practice in other sectors). this strategy may strike a balance between risks present and benefits accrued. an organisation that publishes and maintains a tree strategy or management plan, part of which includes information on their risk management plan for the trees they own, is much better placed to demonstrate they have fulfilled their duty of care.

The Standard of Inspection

The courts have not defined the standard of inspection more precisely than the standard of "the reasonable and prudent landowner". However, there is no clear and unambiguous indication from the courts in regard to the extent of the knowledge about trees a landowner is expected to bring to tree inspection in terms of type and regularity of inspection.

Responsible Management

Landowners who already sensibly manage their trees can be reasonably content that there is no need for any radical change driven by a fear of the law. No tree can be guaranteed to be safe. As long as we retain trees, we cannot achieve zero risk. A disproportionate response to the actual risks posed by trees leads to unnecessary intervention, particularly alongside roads and public places. Disproportionately responding to risk it runs the risk of diminishing the landscape and depriving the whole community of the enjoyment of trees and their wider benefits.

Legal Requirements

The law requires only that people should take reasonable care to avoid acts or omissions, which cause a reasonably foreseeable risk of injury to persons or property. The generally agreed standard to be achieved is that of a reasonable and prudent landowner.

Defendable Practice

Defendable management is consistent with a duty of care based on reasonable care, reasonable likelihood and reasonable practicability. Landowners and managers who know how important their trees are tend to take an interest in them; including their setting and how people use their land and the benefits that trees bring. It is reasonable that decisions regarding tree safety are considered against a background of the general low risk from falling trees. Being reasonable involves taking actions proportionate to the risk.

Reasonable tree management has both reactive and proactive elements. While the owner or manager may need to react to events involving dangerous trees as they arise, it is also prudent to have forward-looking procedures to keep tree-related risks at an acceptable level. These procedures need not be complicated and may be incorporated into a tree strategy or management plan where applicable.

- 2.3 It is the responsibility of the Parish Council to ensure that those who are suitably trained, qualified and competent in the undertaking of this process only undertake the implementation of this policy.

3. TREE INSPECTION/ASSESSMENT METHODOLOGY

Definitions

- 3.1 The following definitions are used to define the following terms in the context of their use in this policy statement and any accompanying documents and appendices that may be included or added at a later date.

- **Competent Person** - A competent person is anyone who has received a level of training appropriate to the level of tree assessment/inspection being undertaken. However, a competent person must be able to recognise when a higher level of expertise would be necessary or appropriate.
- **Hazard** - The potential to cause damage or harm.
- **Risk** - The likelihood of a hazard resulting in damage or harm.
- **Target** - The area around the tree in which damage or harm is likely should failure occur.
- **Tree** - Defined as woody perennial plant with a self-supporting stem or trunk, which may divide into two or more stems arising above ground, reaching an overall height of at least 4 metres. (Woody plants with multiple stems less

than 75mm, when measured between 1.3 – 1.5m above ground level, arising at or below ground level and which are less than 4 meters in height are categorised as shrubs for assessment purposes)

- **VTA** – Visual Tree Assessment undertaken from ground level and which does not make use of either aerial or climbing inspections nor the use of any decay detection or diagnostic equipment.

3.1.1 For a programme of tree inspection/assessment to be manageable, it needs to be directed to areas where there is potentially most risk to people and property. This is usually achieved by identifying “Risk Zones” which reflect the intensity of the use of the immediate locality and the proximity of trees to neighbouring buildings or structures, e.g. areas adjacent to public highways are likely to be judged as a ‘higher’ risk zone than areas where the public go infrequently.

3.1.2 These zones reflect normal usage but must be evaluated regularly as the level or patterns of usage may change over time.

3.1.3 The Council’s tree inspection/assessment programme consists of the following key stages:

- Hazard identification and assessment
- Assessment of risk associated with the identified hazard
- Assessment of risk associated with the likely target area
- Recommendations and instructions for remedial action
- Implementation of remedial action and assessment of its effectiveness

4. HAZARD IDENTIFICATION AND ASSESSMENT OF RISK FROM TREES

Appropriately trained and competent person can only carry this out. However even lay people (and grounds maintenance contractors) can provide an initial level of assessment, but if doing so they must be able to recognise their own limitations and if or when in doubt know who to report any concerns to.

4.1 There are many physical or psychological conditions, which might lead to the deterioration in the condition or structure of a tree and therefore the knowledge of the propensity of some species to break up, or decay more rapidly than others is crucial. Where a particular tree is identified as being potentially hazardous action to reduce or remove the potential hazard should be determined. This may involve surgery to the tree, the trees complete remove, the used of artificial or mechanical aids (bracing or propping, etc.) or alternatively, it may be possible to reduce the risk by altering the use around the tree in question (for example, excluding public access).

4.2 In practice only visible defects are likely to be identified however some signs and symptoms of internal problems are also detectable during a visual assessment/inspection as is the physiological condition of a tree. More detailed techniques that make use of a range of decay detection or diagnostic equipment are available to assess a tree’s internal condition but these will not be deployed or used as a matter of course. Rather they will be used only

where and when necessary to assess the extent and significance of any internal decay in important trees or trees in high-risk areas where concern has been expressed by the inspector during normal or routine assessments/inspections.

- 4.3 The Council has and will continue to make use of specialist arboriculturist advisers where appropriate (e.g. in particular high risk areas, where the local authority tree officer requires an independent report or where a second opinion is required).

5. FREQUENCY OF ASSESSMENT/INSPECTION

- 5.1 The designated Risk Zone and the position and condition of the individual tree will determine the frequency and method in which the inspection/assessment is undertaken. There is a seasonality link to the undertaking of these assessments. Generally speaking, once leaf fall is complete in late autumn or early winter, bare trees are more easily inspected for dead limbs or other structural problems and defects, with particular notice taken of any dead/dying limbs overhanging highways, etc. Mid-summer inspections will reveal any dieback on branches where leaves have flushed, or failed to flush, and subsequently died.
- 5.2 During late summer, autumn or early winter the presence of fungal fruiting bodies on trees or on limbs in the crown is a criterion for further examination, as this may indicate decay within the stem and/or branches, which may lead to an increased risk of failure.
- 5.3 The frequency of assessment/inspections will be determined by the condition and location of the tree but no tree is to go longer than a 5-year period without assessment/inspection by a competent Arboricultural specialist.

6. RECORD OF INSPECTION

All individually inspected trees are to be specifically identified and recorded during the programme of inspection.

- 6.1 It is imperative that trees that pose a potential risk are documented and recorded. Therefore records of concerns from the general public about individual trees are to be kept along with those of the regular inspection reports/records. The Lombardy Poplar trees now have a Tree Preservation Order No 533- 2015 (Land at the Glebe, Shroton DT11 8PX)(NDDC CLW/July 2015).
- 6.2 Trees that appear sound during the normal inspection process require no individual documentation of their condition other than the recording of the date on which they were assessed or inspected and by whom.
- 6.3 Records are to be retained for a minimum of seven years.

7. DETERMINATION OF REMEDIAL ACTION

- 7.1 A competent person must prescribe any appropriate remedial action. Verification of action proposed and action taken must be recorded by way of a confirmatory letter from the appointed contractor or the person prescribing the works.
- 7.2 The priority for implementing remedial action will depend on the assessment of risk reflecting the combination of both target and hazard.
- 7.3 Once approved by the Parish Council, remedial action must be implemented as soon as possible appropriate to the level of risk posed. All high-risk trees should be dealt with without delay, using the best advice possible. Follow up assessments must be undertaken in those instances where trees have not been removed or felled to determine if the remedial measures taken have been effective.

8. The Glebe Trees

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| T1 | Hawthorn | Play Area |
| T2 | Hawthorn | Play Area |
| T3 | Willow | Brook Cottage |
| T4 | Sweet Chestnut | opposite No 2 The Glebe |
| T5 | Beech | opposite No 3 The Glebe |
| T6 & T7 | Lombardy Poplars subject to TPO 533/2015 | |
| T8 | Willow | opposite No 8 The Glebe |
| T9 | Cedar | opposite No 9 The Glebe |
| T10 | Ash | opposite Wessex Water instalment |
| T11 | Weeping Birch | opposite Wessex Water instalment |
| T12 | Sorbus Aucuparia | Petanque Court |
| T13 | Species unknown | |
| T14 | Sorbus Aucuparia | RHS of stream looking toward JB |
| T15 | Acer | LHS of stream looking toward JB |
| T16 | Crab Apple | RHS of stream looking toward JB |
| T17 | Acer Negundo | LHS of stream below JB |
| T18 | Norway Maple | RHS of stream by Jubilee Bridge |
| T19 | Pyrus Calleryana | beside bus shelter /play area entrance |

References and information material used in the production of this document have been sourced from:

The National Tree Safety Group - www.forestry.gov.uk/safetreemanagement

The Tree Council – www.treecouncil.org.uk

Visitor Safety in the Countryside – www.vscg.org

Management of risk from falling branches – www.hse.gov.uk

Mike Coker, Principal Technical Officer, North Dorset District Council

Charlotte Williams, Tree & Landscape Officer, North Dorset District Council

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Parish Clerk & Glebe Supervisor (as directed by the Parish Council)

