COLLINGHAM *Parish Council*

TREE SAFETY POLICY

ADOPTED 11 MAY 2017

Trees provide a wide range of benefits to society and are living organisms that naturally lose branches or fall. The overall risk to human safety is extremely low, however tree owners have a legal duty of care and should take a balanced and proportionate approach to tree safety management.

Managing risk from trees is the responsibility of the owners and managers of the land on which they grow. The requirement under health and safety legislation is to have a suitable and sufficient risk assessment and to apply measures that are reasonable and practicable. An organisation that publishes and maintains a tree management plan 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 Courts have not defined the standard of inspection more precisely than the standard of 'the reasonable and prudent landowner'. There is no clear and unambiguous indication from the court about the extent of knowledge a landowner is expected to bring in terms of type and regularity of inspection. The law requires only that people should take reasonable care to avoid acts or omissions which cause a reasonably foreseeable risk or injury to persons or property. Being reasonable means taking actions proportionate with the risk involved.

Obvious Defect

Definition of a defect – a defect in the context of the growing environment of a tree is a structural, health or environmental condition that could predispose a tree to failure

An obvious defect is one which the landowner should be aware of. They are likely to be so apparent that most people, whether specialist or not, would recognise them.

Tree Safety Strategy

Keeping records – records including maps provide the basis for safety management reviews and in the rare event of an accident can provide evidence of reasonable tree management. It is not necessary to record every tree inspected. Records should include details of trees requiring treatment and presenting a serious risk. Actions taken and recommendations should be recorded, along with the dates concerned.

Trees within falling distance of roads, railways etc.

It is both the high usage of roads and the speed at which people travel along them that makes this the most likely way that people will be killed by trees. Even in well used areas inspecting and recording each tree is not always necessary. Trees *with structural faults* but valued for their habitat/amenity interests may require specific assessment and management. Trees in a well-used natural woodland or woodland surrounding a housing estate or public park may only warrant an informal or non-onerous prioritised system of assessment to identify trees warranting closer inspection.

Trees in infrequently used areas.

This risk is so low that it is reasonable that these trees receive no formal inspection or visual check. Owners will need to respond to any reports of problems.

Tree Inspections

There are 3 types:

1. Informal observations – undertaken by people with good local knowledge and familiarity with local trees who are not tree specialists. Informal inspections are on-going, a part of daily life.

2. Formal observations – the inspection is not incidental to other activities, ground level checks to identify immediate instability, uprooting or other structural failure. Undertaken by people without tree related qualifications but do have a general knowledge of trees and the ability to recognise normal and abnormal appearance and growth for example fractured branches, rocking root plate. Frequency is determined by prioritising by risk, the decision is the judgement of the owner/adviser applying sensible reasonable behaviour

3. Detailed inspection – should be applied to individual, high value trees diving high-priority concern in well-used areas. Carried out by a competent specialist and usually applied to trees valued for their heritage, amenity or habitat and those suspected of posing a high level of risk