

# TREE MANAGEMENT



# COMMON AND STATUTE LAW

Occupiers Liability Acts 1957 & 1984 impose a 'duty of care' on landowners to ensure the safety of visitors on their land.

Health & Safety at Work Act 1974 places a duty of care on employers to protect their employees and others on their premises including contractors and members of the public

Site Managers should therefore ensure that systems are in place to minimise risk to site users and visitors.

# **NATIONAL TREE SAFETY GROUP (NTSG)**

**Multi-Disciplined Organisation**

## **Common Sense Risk Management of Trees**

**Balanced Approach Proportionate with Level of Risk**

# INSPECTION STANDARDS

## 3 Tier Approach

**Informal observations** put forward by members of the public, site officers, etc

**Formal Inspections** – carried out periodically by staff who regularly frequent sites as part of their routine work. Basic tree inspection training should be provided for such staff.

**Detailed Inspections** – carried out by appropriately qualified and knowledgeable arboricultural specialists. Such inspections are carried out at regular intervals which dovetail with the programme of formal inspections and are commensurate with the level of risk identified at a given location.

# TREE OWNER RESPONSIBILITIES

- Full responsibility for the tree is with the land owner (or tenant/site manager)
- Risk Assessment
- Formal Inspections
- Detailed Inspections
- Identify Remedial Work
- Action Works
- Inspection and Maintenance History
- Site Management



# LITIGATION

## WITNEY v CAVANAGH

A large parish council owned tree on an open space fell on to a road across a parked bus

The parish council arranged for the tree to be inspected by a local tree surgeon every three years

The tree injured the driver of the bus

Despite the inspection regime, the judge ruled the parish council to be negligent stating that 3 years was too infrequent for a tree of this nature – an 18 month frequency was suggested

The decision was upheld on appeal

# TREE RISK ASSESSMENT

## **High Risk – Inspection frequency of 18 months**

Large Trees

Trees with noted defects

Areas of high use (e.g. Entrances, Playgrounds, Thoroughfares. etc)

## **Moderate Risk – Inspection frequency of 3 years**

Large/Medium Sized Trees

Trees with no noted defects

Areas of periodic use (e.g. cemeteries, churchyards. etc)

## **Low Risk – Reactive Inspections after Severe Weather**

Small Trees

Healthy trees with no noted defects

Areas of low use (e.g. woodlands)

# Leicestershire County Council

- Actively manages trees on land holdings e.g. highway extent, park, farm, school.
- The “local highway authority” - duty of care for highway users (privately owned trees).
  - Highways Act 1980: Section 154
- Tree numbers:
  - 312,000 trees across LCC managed land
  - 400,000 private trees within falling distance of highway
- Tree Management Strategy & Action Plan



# Town and Parish Councils

- Often responsible for trees on land holdings; e.g. open space, play parks, woodlands, allotments...etc.
- Tree Wardens
- Certain powers of enforcement - **Local Government (Miscellaneous Provisions) Act 1976: Section 23 'dangerous trees'**.
  - Refers to the "local authority" - PC/TC or district council
  - Private trees affecting a third party property (not the highway)
  - Enforcement and/or carry out work and seek recompense from land owner
  - Not in common use

## A High Risk Tree ?



# Ash dieback

- Fungal pathogen (*Hymenocyphus fraxinea*), often referred to as Chalara or ash dieback.
- Present in UK from 2011, possibly longer.
- First recorded incident outside of a nursery was in Leicestershire (May 2012).
- LCC working closely with the Tree Council and other local authorities.
- Ash dieback “Tool kit”.
  - Tool kit for Tree Wardens.



# Ash dieback



# Ash dieback - impact

- Ash is a common species to UK and Leicestershire
- 900 species associated with ash (600 endemic)
- Full impact on UK is yet to be discovered
  - Could cost UK economy £15 billion (Woodland Trust)
- Anticipated 75% mortality rate
- But 25% could be resilient or resistant
  - First trial planting of UK resistant stock Nov 19



# FORESTRY AND ARBORICULTURAL TEAM

ADVICE ON TREE MANAGEMENT AND POLICY

DETAILED SPECIALIST INSPECTIONS

DEDICATED TREE MANAGEMENT SOFTWARE WITH DIGITAL MAPPING

INDEPENDENT ADVICE BASED ON TREE HEALTH/SAFETY

RISK AND HAZARD ASSESSMENT

SPECIFICATION OF REMEDIAL WORKS

MAINTENANCE OF INSPECTION AND WORKS RECORDS

PROVISION OF ON-GOING ADVICE

BASIC TREE INSPECTION TRAINING FOR SITE STAFF

# Tree Management Package

- LCC looking for expressions of interest from PC/TC – A formal tree management service.
- Package currently offered to LCC schools and academies:
  - Annual subscription, based on tree numbers
  - Three year cyclical survey
  - High risk trees identified and inspected every 18 months
  - Access to procured tree work contract (no obligation)
  - Advice and reactive work after storm event
  - Advice on nuisance management
- Tree planting and woodland creation schemes, woodland management and grant funding opportunities also being considered.
- If the answer is yes then please contact:
  - Stewart Marshall: 0116 305 6924. [stewart.marshall@leics.gov](mailto:stewart.marshall@leics.gov)
  - Customer Services: 0116 305 0001. [CSCParishes@leics.gov.uk](mailto:CSCParishes@leics.gov.uk)



# THE END – any questions?

