



Great Gonerby Parish Council

Highway tree inspection and routine maintenance policy

Background

1. Trees in Lincolnshire are an important conservation and amenity resource and should be preserved but they can present risks to highway users and adjoining property. Between 1999 and 2004 at least 30 people died from tree related incidents in England and Wales, with many hundreds more seriously injured. In April 2008 a bus struck a tree in London causing a branch to break free and kill a pedestrian. With an increasing public expectation of a safe environment in which to live, along with an increasingly active compensation culture, the County Council has a tree inspection policy to mitigate liability.

2. Under general liability, the Council has a “duty of care” with regard to the regular inspection and hazard abatement of its tree stock. This duty is laid down in the Occupiers Liability Acts of 1957 and 1984, the Highways Act 1980, the Miscellaneous Provisions Act of 1976 and the Health and Safety at Work Act 1974. Fines can be unlimited if pursued in the Crown Court. In extreme cases this may lead to officers facing manslaughter charges or civil action by relatives of the injured party. In addition, government circular 90/73: ‘Inspection, Maintenance and Planting of Roadside Trees’ specifically states:

‘An authority or any person responsible for the safety of a tree is under a duty to have it inspected by a competent person at reasonably frequent intervals so that any indication of disease or possible disease present at the time of inspection can be noted and acted upon.’ and

‘There have been serious accidents over the last few years caused by trees falling on to cars; some of these accidents might have been avoided by regular inspection, proper maintenance and felling where necessary.’

3. In line with the principals of ‘Well-maintained Highways – Code of Practice for Highway Maintenance’, guidance for tree inspections has been modified in light of particular local circumstances and the relative risks and consequences associated with these. The characteristics of the regime, including the frequency of inspection, items to be recorded, and the nature of response are defined by this Policy, which is set in context of Lincolnshire County Council’s overall policy and maintenance strategy. In addition, this guidance has considered the draft British Standards proposals (BS 8516:2008 Recommendations for Tree Safety Inspections).

Policy

4. This document seeks to find a balance between managing the risks associated with highway trees where the Council has responsibility and preserving arboricultural resources. This is to be achieved by maximising the utilisation of the resources that are needed to manage the trees through efficient systems and processes.

5. The primary objectives are to: increase public safety; establish objectives and policy for county council members and officers for trees owned or managed by the county as part of its highway maintenance obligations; establish an inspection regime using a risk-based approach to minimise the risk of personal injury or damage to property arising from the presence of any tree on highway land; and to conserve, protect and maintain the county's tree resources.

6. **Definitions.** The following definitions apply to this policy:

a. **Tree inspections.** . Tree inspections are designed to identify trees that have the potential to cause danger or serious inconvenience to users of the highway network or wider community. Councillors are to inspect all trees whilst walking in the Parish and inform the Clerk in writing if further action is required.

b. **Highway tree.** For the purpose of this policy, a highway tree is any tree planted along the public highway with the potential to fall or cause damage to the highway or adjacent property. As a general rule, hedges, trees growing in the hedgerow and the ditches in front of them, are owned by the adjoining landowner; they are seldom the Council's responsibility. However, trees and undergrowth growing in the highway verge are the responsibility of the Council.

c. **Hazard tree.** In order for a tree to become a hazard, there has to be a target that can be affected by the hazard. The target could be an object, structure, person or anything else in the area. Therefore, a defective tree in the middle of the woods or in an open field, away from paths or public use areas does not necessarily have to be considered a hazard. A hazard tree may have a structural defect that could cause the tree, or a portion of it, to fail. Alternatively, it may be damaging property through the action of its roots or branches. Other hazards could include trip hazards through exposed raised roots, slip hazards from fallen leaves, pedestrian injury from low branches, vehicular damage from branches overhanging carriageways or from ingestion of poisonous fruits by children or animals who may not be aware of the danger.

Public safety and risk management

7. The Council places a high priority on public safety and this extends to the management of its tree stock and trees under its regulatory control. All landowners, public or private, have a duty of care to ensure that they have taken reasonable steps to prevent or minimise the risk of personal injury or damage to property arising from the presence of any tree on the land, or from its breakage (falling limbs) or uprooting (falling tree).

8. Tree risk management involves the process of inspecting and assessing trees for their potential to cause injury or damage to property. In this respect the assessors need to be able to determine what constitutes an acceptable level of risk. There have been

significant advances in decay detection equipment and formulas and guidelines for assessing hazardous trees. Modern techniques and procedures can be used to minimize the risk of damage to property and personal injury associated with tree failure. Trees that surpass the level of acceptable risk are hazards from a programmatic viewpoint. An understanding of trees and their biology is an integral component of any tree risk management programme.

Risk evaluation

9. The perception of safety of acceptable levels of risk is equal to, or sometimes more powerful than, the reality of the condition of a tree and the situation it is growing in. To make objective, science-based decisions on the safety of trees, individual trees and site conditions need to be evaluated for the level of risk that they present.

10. As a target must be present for risk of injury or property damage to occur, the first step is to assess the sites where the Council has tree responsibilities into tree risk zones by target assessment.

11. Whilst the criteria to define tree risk zones is primarily based on public use and occupancy patterns, it is also important to take account of tree resource characteristics; for instance, areas in a moderate hazard category may need a higher inspection rate if they have a high density of problem tree species.

12. **Tree risk zones.** Tree risk zones are defined in the following table:

Risk zone category	Definition
High	Public and pedestrian areas of town/city centres with individual trees with high-risk characteristics such as standing dead trees or those with poor condition ratings, severely storm damaged trees, trees that visually obstruct traffic signs or signals, tree roots causing severe pavement buckling. Stretches of road network where there is a high density of large diameter, mature or problem tree species.
Moderate	Strategic high volume traffic routes or pedestrian areas where the potential for falling branches could cause injury/harm or major network disruption; including bus routes where height clearance is an issue.
Low	Low use roads and public footpaths where the potential for injury/harm or disruption is minimal Areas without larger diameter, mature or problem trees

Tree Inspections

13. A programme of inspections will be undertaken based on an assessment of risk, hazard and a prescription of remedial action.

14. Trees in high-risk zones will be inspected using professionally trained arboriculture staff. These inspections will assess the condition of the trees and identify any potential faults, diseases or other problems. Where these are discovered, their effect on the trees' health and stability will be evaluated and, if deemed necessary, remedial work will be undertaken. All inspections will be carried out in accordance with visual tree assessment techniques as described in Mattheck & Boeroler 1994.

15. Trees in moderate and low risk zones will be routinely inspected by Highway Safety Inspectors as part of the County's highway safety inspection regime. These inspections will be augmented by basic or layman's inspections: Councillors scanning the trees for obvious hazards.