DRAYTON PARISH COUNCIL

HAZARD RISK POLICY STATEMENT
&
TREE MANAGEMENT POLICY

1. AIM

Drayton Parish Council recognises that it has a duty of care to people and property from potential hazards and risks from trees under its control.

By adopting a Tree Hazard Risk Policy, it ensures the organisation is compliant with its legal obligations in so far as reasonably practicable.

2. INTRODUCTION

This policy statement has been prepared in conjunction with Treecare Consultants Ltd to provide a public statement of the Council's approach to inspection, hazard risk assessment and prescribed maintenance of its trees and woods in relation to the Occupiers Liability Act 1957 and 1984.

3. LEGAL FRAMEWORK

There is an obligation of reasonable safety owed by site owners to persons on or adjacent to the site under the Occupier's Liability Act 1957 and revised in 1984. The owner of the land may be held liable for any physical harm to persons or property arising from an incident that was both reasonably foreseeable and reasonably preventable in that situation.

In order for an owner to foresee and prevent harm arising from tree failure, it is necessary to subject the trees to 'regular inspection' by a competent person who has specific training, experience and knowledge to identify tree defects and interpret the significance to public safety. This should take the form of a formal 'Tree Hazard Risk Assessment'.

4. OBJECTIVES OF A TREE HAZARD RISK ASSESSMENT

There are four compelling reasons to implement a Tree Hazard Risk Policy and have a structured program for tree inspections.

Provide documented evidence that a property owner/occupier is compliant with their legal obligations to provide an adequate 'duty of care' for visitors and users of the property.

Reduce the risk of harm to people or property to as low as reasonably practicable by managing the trees effectively. This involves identifying potential tree hazards, ranking them according to their severity in relation to a target and prioritising action to achieve a tolerable level of risk.

Provide a pro-active and prioritised management plan to aid budgeting and allocation of resources. Identify tree defects and ameliorate them by prescribing remedial maintenance. This will extend the safe useful life expectancy of the trees and preserve the important natural amenity and wildlife habitats provided by them.

5. POTENTIAL TREE HAZARDS

In recent years there has been an average of around six tree related deaths annually, which is a chance of 1 fatality per 10 million of the population. Compared with other daily risks such as industrial or traffic accidents, this figure is broadly acceptable and tolerable in comparison.

Risks from trees will increase slightly in highly populated and urban areas where there is a high concentration of people in close proximity to trees. Nonetheless, when they occur, tree related accidents can be very traumatic and tragic for those involved. They also tend to get high profile coverage in the media, leading to a disproportionate apprehension of trees. This apprehension can result in unnecessary tree removal and over zealous tree pruning.

A tree's shape and form is governed by the laws of mechanics, the same as any structure, but trees are also dynamic and lay down tension and compression wood to compensate for weight and wind loading. They also produce reaction wood in response to decay or structural weaknesses. In fact, trees have evolved to have excessive mechanical safety factors in order to cope with extreme weather conditions.

Trees are also naturally shedding organisms and regularly drop twigs, branches and occasionally limbs as part of the natural growing process. A tree's structural integrity can also be compromised by natural faults and biological factors such as fungi, bacteria and viruses which influence wood strength at a cellular level. They can also be impacted by environmental influences such as wind, flooding, pollution, compaction, physical impact etc.

The signs of possible structural weakness are usually evident from external inspection by a trained and experienced person who can evaluate the potential hazard risk and prescribe remedial action.

6. POLICIES

The tree population within all of Drayton Parish Council's land is recognised as a vital natural resource for amenity, wildlife habitat, shelter and screening. It is also recognised as an intrinsic part of the surrounding landscape.

Drayton Parish Council has engaged Treecare Consultants Ltd to devise and manage a systematic and pro-active strategy for tree hazard risk assessment at all locations owned by the Parish Council.

Treecare Consultants Ltd are experienced, specifically trained and qualified to carry out tree inspections to a high professional standard. This competency will be updated through continual professional development.

In order for a hazard risk assessment to be effective and affordable, it is important that most of the available resources are directed to the areas where there is potentially the most risk to people or property.

This has been achieved through careful site assessment and consultation, and the site has been compartmented and designated into one of three risk zone categories. Each zone has been

prescribed with a relevant frequency and depth of inspection depending on the risks associated with it.

High Risk Zone	Significant tress near well used assembly points such as : • Near main roads and pedestrian routes • Next to busy buildings and work areas • Near playgrounds and regular assembly points	Detailed inspection of individual trees. Inspection to be undertaken every two and a half years or as prescribed in tree schedule. Inspection to be undertaken by a Professional Tree Inspector (LANTRA)
Moderate Risk Area	Significant trees in regularly used areas within park grounds, such as: • Open recreational green space areas around playing fields or sports grounds, formal gardens and amenity areas.	Regular inspection of individual trees. Inspection to be undertaken every two and half years or as prescribed in tree schedule. Inspection to be undertaken by a Professional Tree Inspector. (LANTRA)
Low Risk Area	Trees in frequently used areas, such as: • Rarely used pathways, scrub areas, remote tree belts or wooded areas.	Infrequent inspection. Walk through assessment every two and half years where only trees with faults are identified by a minimum of a Level 1 tree inspector (LANTRA)

Individual trees within high risk zones and significant trees within moderate risk zones will be individually tagged and assessed and the data will be recorded on a tree schedule. This tree schedule will be updated following subsequent re-inspection.

The key data recorded will be:

Risk which is the estimated chance or likelihood of a previously identified tree hazard failing in the next coming year. For example a large seasoned piece of deadwood in a tree is less likely to fail than a split and hanging branch which is moving in the wind. Risks range from extremely likely to remote.

The size of the identified hazard part of the tree is also very relevant. A small piece of dead wood may have the same risk of falling as a whole tree with basal decay but the consequences of that failure are very different; ranging from slight injury or damage to possible fatalities or major structural damage.

Target rating relates to the location of the tree and the occupancy and intensity of use of the land surrounding it. Any person, animal or property that is in range of a potential tree hazard is known as a target. For example, a mature tree with a large split limb in a remote woodland would be considered a high hazard but a low risk. The same tree on a busy urban street would be considered a high hazard and a high risk. Target ratings range from low, moderate to high.

Action – Prescribes prioritised recommendations to minimise the risk which can be used as a tree maintenance schedule.

All trees identified as high risk (priority 1) will have the risk reduced to a tolerable level as a matter for urgency. Other necessary remedial work will be prioritised according to the degree of risk identified.
Other maintenance work will be influenced by the availability of funding.

All maintenance work will be specified and must be carried out in accordance with British Standard BS3998:2010 Tree Work Recommendations. All contractors carrying out tree work must be part of Norfolk County Council's Framework for the Maintenance and Cutting of Trees and Hedges.
These are contractors who have demonstrated that they work to industry best practice and have the correct certification and insurance.
The Parish Council work in partnership with the District and County Councils and tree contractors to ensure that working practices are in accordance with current research findings and accepted arboricultural practice, that pruning is of the highest standards and that the correct tools are used for the correct jobs to promote the health and longevity of the existing tree population.

A systematic approach to tree hazard and risk has been adopted and the procedure will be reviewed every 5 years.

This approach adopted for management of trees and risk assessment of hazards arising will ensure improved management through continuity and will assist the Council in providing a consistent and professional service to the community; where requests for works are not warranted under our primary duties for tree works, they will not ordinarily be considered.

Guidance is given below:

Felling

No live tree is to be cut down without seeking agreement from the Parish Council's tree consultants and/or a tree officer from the District Council office. Drayton Parish Council will retain trees for as long as possible where it is safe to do so and will avoid felling trees unless it is absolutely necessary. Each case will be carefully judged on its merits. Tree felling will not be permitted for individual healthy trees of amenity value unless there is very clear justification for the work.

Felling is unlikely to be recommended in the following circumstances

- *To improve television or internet signals*
- *To improve the energy capture of solar panels*
- *To allow more light into properties*
- *Due to nuisance caused by honeydew from aphids*
- *Due to nuisance caused by falling leaves, flowers or fruit*
- *Due to nuisance caused by pollen*
- *Due to nuisance caused by bird droppings*
- *Due to minor structural damage to non supporting structures such as garden walls*

- *Where tree roots have entered sewers (tree roots rarely break drains, but roots will enter*
- *a broken or damaged drain)*
- *To allow the construction of a new access or driveway to a property*
- *If the tree is considered by a member of the public to be too big or too tall*

The following are situations where felling may be recommended:

- *A dead, dying or dangerous tree that is a danger to public safety.*
- *A tree causing an obstruction to a public highway, public right of way, access to property or footpath, where the obstruction cannot be overcome by pruning the tree or other reasonable measures.*
- *A tree causing a legal nuisance to an adjoining property, where pruning would not address the problem. A "legal nuisance" is one that is actionable in law and a tree cannot be a "legal nuisance" to its owner. Felling is acceptable only when the nuisance is severe and where pruning would not remedy the problem.*
- *A tree which is shown to be a major contributor to soil shrinkage and serious structural damage to buildings, where pruning alone would not provide a solution. Damage to walls or paving is generally relatively minor and removal of the tree would not necessarily be acceptable. Structural problems must always be carefully investigated, particularly where there is the possibility of a potential claim against the Council. Private owners who consider that Council owned trees are causing damage to their property will be expected to provide an independent Structural Engineer's Report that demonstrates that a particular tree is causing damage.*
- *A tree which is clearly of a size and species inappropriate to its location*

Replanting

Any tree that is felled must be replaced with one or more new trees of an appropriate species. The number of replacements will would generally follow the rule of a 1 for 1 replacement of young and semi mature trees, 2 for 1 for medium sized trees and 3 or more replacements for mature trees. The new tree or trees do not have to be replaced in exactly the same site as the original. This will depend on the site characteristics and usage and the presence of services above and below ground

Pruning

Pruning trees will not be carried out if it is not necessary, since any cutting can weaken the tree and allow decay organisms to enter exposed and vulnerable tissue. Over-pruning of a healthy tree will usually cause it to respond by producing vigorous new growth. In certain species the harder the pruning, the more vigorous will be the re-growth. Older trees do not tolerate pruning as well as younger ones and substantial pruning can be very damaging particularly in species which are not naturally tolerant of cutting.

Tree pruning will not be permitted where the tree is of high amenity value and there is no justification for the work. Work will also be resisted if the tree has been pruned during the

previous 2 years, unless there are special circumstances. As with felling, each case will be carefully judged on its merits.

The following are situations where pruning works are likely to be recommended:

- *Where tree branches are causing an obstruction to or growing low over a public highway, public right of way, footpath, access to a property, over gardens or open spaces where the public have access. Generally, a minimum clearance of 2.4 metres will be maintained over pedestrian accesses and 5 metres over the highway.*
- *Where trees are causing an actionable nuisance to an adjoining property (e.g. physically in contact with buildings, roofs, walls and fences)*
- *Where it is proven that trees are contributing to soil shrinkage and structural damage to adjacent buildings or other built features, where it is felt that pruning is appropriate to restrict the size and moisture demand of the tree.*
- *Where trees restrict repairs and maintenance of property, or authorised construction work.*
- *Where trees give rise to justifiable fears about the risk of crime or where trees have*
- *provided access and/or cover for criminal acts, vandalism and harassment of local residents.*
- *Trees growing close to and likely to obstruct or interfere with street lighting and other services equipment.*
- *Where trees obstruct highway and other signage or are likely to do so.*
- *Where trees obscure sight lines at road junctions and accesses.*
- *Where trees obstruct essential police or council-monitored CCTV surveillance cameras or are likely to do so.*
- *Where trees need formative pruning to ensure the desired form and to correct structural faults.*
- *Where trees require removal of diseased material and removal or stabilization of dead wood.*
- *Where trees require pruning to remedy storm damage, mutilation or vandalism to make them safe and encourage a good crown structure*
- *Where coppicing or similar silvicultural operations are required to maintain or develop woodland or groups of trees in accordance with an agreed management plan.*

Height Reductions and Topping

Drayton Parish Council will not specify height reductions of trees unless required to ensure the structural stability of a tree that has sustained damage or has root or branch decay that would lead to failure. "Topping" to reduce the height of trees is considered bad practice as it creates large diameter wounds that decay down into the main branch structure. Many species such as beech and birch do not tolerate such heavy pruning and are likely to fall into serious decline or die as a result. If trees survive topping, they tend to produce a large amount of re-growth to restore their energy production through the leaves. The re-growth is often crowded and has weak attachment points and tends to break when it is windy. This

increases the risk posed by the tree and increases the amount that has to be spent on maintenance into the future.

Policy adopted by Drayton Parish Council on 9th November 2017.
Reviewed October 2021