# Tree Management Policy

## 1 Policy Statement

1.1 This Policy has been written using guidance published by the National Tree Safety Group (NTSG) who are recognised by DEFRA (Department for Environment, Food and Rural Affairs). It outlines how Hagley Parish Council (HPC) will manage its tree stock as a reasonable and prudent land owner.

1.2 It sets out the purpose, principles and key roles and responsibilities within Hagley Parish Council for tree management to provide a green and safe environment for our residents and visitors. All staff, council members, volunteers and contractors working on behalf of Hagley Parish Council must ensure we deliver the best possible service and are expected to comply with the principles of this policy and any associated procedure.

1.3 Hagley Parish Council adopts the five key principles established by the NTSG for considering and managing tree safety in the public interest: -

- Trees provide a wide variety of benefits to society
- Trees are living organisms and they naturally lose branches or fall
- The overall risk to public safety is extremely low
- Tree owners have a legal duty of care
- Tree owners should take a balanced and proportionate approach to tree risk management.

1.4 Hagley Parish Council accepts the NTSG recommendations to land owners to:

- **Maintain a reasonable and defensible system of inspection and maintenance** appropriate to local circumstances.
- Ensure that staff and contractors are familiar with the NTSG guidance, including the need to keep risks **as low as reasonably practicable**.
- Take **timely action** where trees present a foreseeable material risk to the public/property while continuing to protect and enhance the wider benefits that trees provide.

In the context of tree-related benefits, this entails accounting for the value of a specific tree or a given set of trees through their contribution to the environment, their surroundings and, more broadly, to society and the ecosystem. Looked at in this way, trees are both a 'benefit generator' and also a 'risk generator'. Assessing and balancing the benefit with the risk requires understanding the values and outcomes that are desired in the local circumstances. At some level, this process depends on identifying priorities and making assessments in light of personal knowledge and experience. As trees age and grow, the benefits they contribute increase. But also, in later life, the same qualities tend to contribute to an increased likelihood of structural failure. Managing such trees to safeguard the benefits accrued over time, while reasonably managing the safety risk, calls for a strategy that involves compensatory decisions for the duty holder at various times throughout the lives of their trees.

1.5 Defendable management should be consistent with a duty of care based on reasonable care, reasonable likelihood and reasonable practicability. Hagley Parish Council knows how important its trees are and takes an interest in them, including their setting and how people use their land and the benefits that trees bring. Decisions regarding tree safety will be considered against a background of the generally low risk from falling trees and involves taking actions proportionate to the risk. Reasonable tree management has both reactive and

proactive elements. While HPC may need to react to events involving dangerous trees as they arise, it is also prudent to look forwards to keep tree-related risks at an acceptable level.

1.6 A tree is defined as either a tree covered by a preservation order, a group of trees of any type that have an impact on the landscape, or any woody perennial plant which can attain a stature of 6 metres or more on a single stem.

1.7 The Hagley Parish Council tree stock is located on the following land: -

- Hagley Recreation Ground (not including the community centre grounds and car park).
- Shopper's Car Park
- GP Patients Car Park
- Victoria Passage
- Allotments at Church Street
- Hagley Cemetery
- Cemetery Drive
- War Memorial ground

(Management of the tree stock at Sweetpool Nature Reserve is not included in the responsibilities assigned to Hagley Parish Council in the licence held with Bromsgrove District Council).

## 2 Statutory and Regulatory Context

Under both criminal and civil law, Hagley Parish Council has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch. The criminal law gives rise to the risk of prosecution in the event of an infringement under the Health and Safety at Work Act 1974 (HSWA). The civil law gives rise to duties under the Occupier's Liability Acts (OLA) (1957 and 1984) with potential liabilities in the event of a breach of those duties.

The Health and Safety at Work Act 1974 Section 3(1) states that 'It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risks to their health and safety'. This places a duty to protect people other than those at work from risks to their health and safety arising out of or in connection with the activities of people at work.

The Management of Health and Safety at Work Regulations 1999 (MHSWR) specifies that 'every employer shall make a suitable and sufficient assessment of the risks to the health and safety of his employees to which they are exposed whilst they are at work; and the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking'.

The HSE approach focuses on the sensible and proportionate control of real risks. The courts have made it clear that: 'when the legislation refers to risks, it is not contemplating risks that are trivial or fanciful…' but rather 'material risk to health and safety, which any reasonable person would appreciate and take steps to guard against'.

Where this policy refers to risk it is intended in the above sense of 'material risk'.

The employer does not have to take measures to avoid or reduce the risk if they are technically impossible or if the time, trouble or cost of the measures would be grossly disproportionate to the risk. The law requires what good management and common sense would lead employers to do anyway: that is, to look at what the risks are and take sensible measures to tackle them.

In addition, a balanced and reasonable approach will avoid excessive interventions that result in the removal or reduction of trees, which in turn introduce the inherent risks to operators who carry out tree felling or pruning.

Those who control tree management require a clear appreciation of their legal duties. However, a tree management strategy needs to consider both the reasonable control of risks from tree failure along with other factors. Other broader concerns, such as climate change and flood mitigation, public health and well-being, along with consideration of tree pests and diseases, ecology, landscape and aesthetic value, may also be taken into account. The decision-making objective is to adequately protect individuals from harm while avoiding unnecessary loss of benefits.

## 3 Policy Outline

3.1 To maintain the tree stock on land owned or managed by Hagley Parish Council, in a healthy condition, with particular attention to the Health and Safety of the public and property.

3.2 To manage the tree stock effectively, prevent reduction in the tree canopy and maintain and promote biodiversity across the sites.

## 4 Tree Survey and Inspections

4.1 Hagley Parish Council uses a simple formal inspection completed annually, through ground-level visual checks undertaken by a qualified and insured arboriculturist. These are simply called Visual Tree Assessments and involve a non-detailed observation taking account of health and stability features and rapid changes in condition, noting variations from generally held acceptable norms, and may prompt further, closer inspection. This provides a useful, cost-effective means of identifying clear and present signs of obvious disease & defects (such as uprooting or other serious structural failure). This is an important means of identifying when further action is needed, including immediately restricting public access, tree surgery or further detailed inspection. A report is produced that records the findings and prioritises recommended work according to the level of material risk. The risk will be measured in accordance with the trees' relation to people or property (zones).

4.2 Definition of defect is 'A condition or feature that would predispose a tree, or part of a tree, to structural failure'.

4.3 From this survey a program of works will be produced for any remedial / recommended works taking urgent works as a priority.

4.4 The tree surveys, any ad-hoc inspections and all follow on works to trees will be carried out by qualified and accredited arboriculture specialists to British Standards.

4.5 Works to trees will be carried out on a priority basis as determined by the arboriculture specialist's recommendations and will:

- Address any immediate Health and Safety risk, hazards or threats.
- Minimise the risk of accidents and incidents.
- Ensure that the tree stock continues to be healthy and sustainable.
- Ensure the requirements of local authorities in respect of Tree Preservation Orders (TPOs) and clear public highways and footpaths are met.
- Limit the risk of disease being introduced or spread within the tree stock.

## 5 Safety and Responsibility

5.1 Hagley Parish Council has a duty of care to minimise the risk of dangerous trees to any persons living, visiting or working on its land, and nearby properties where a material risk could be reasonably foreseen.

5.2 Hagley Parish Council expects staff, visitors, and contractors on our land, to take reasonable responsibility for their own safety at all times but especially during high winds and wet or inclement weather conditions. We also expect them to report any tree that looks dead, dying, diseased, unsafe or damaging property to the clerks' office as a matter of urgency.

5.3 Tree contractors carrying out works on the land should have their own employer's and public liability insurance.

5.4 Hagley Parish Council will only instruct work to be undertaken on trees that have been confirmed as dead, dying, diseased, dangerous or damaging property following an inspection by a qualified arboriculture specialist or structural engineer in the case of property. Their recommendations for appropriate work to be undertaken will also be adhered to.

5.5 The council will not undertake works to address trees which overhang gardens of residents, **unless** there is a risk of damage to the property or the trees are substantially overgrown and causing significant nuisance. A tree dropping its leaves in the autumn is not considered a matter causing significant nuisance.

5.6 Where a tree overhangs Hagley Parish Council land or property and poses a threat to our building, we will seek to identify the owner of the tree in question and request that the owner makes arrangements to reduce the tree and remove the threat to our property. Where the tree owner is not able to or prepared to do this HPC will work on a case-by-case basis to either get the work done by ourselves or explore legal options to ensure that the tree is managed in an appropriate way.

5.7 Hagley Parish Council will **not** instruct a contractor to undertake any works to trees for the following reasons:

- Loss of light or reduced light to properties.
- Effects on TV, radio or internet reception.
- Interference with private vegetation or trees.
- Obstruction to privately owned CCTV cameras on non-HPC property.
- Obstruction of BT or any other utility cables/conduits (these are the responsibility of the statutory undertaker).
- Minor obstruction of streetlights or any other lighting. (Unless notice is given to us by the Local Authority to do so).
- Wildlife interactions with a tree (i.e., Bird droppings, animal climbing, etc).
- Leaf, fruit, flower and blossom falls, or any smells produced by a tree.

5.8 Hagley Parish Council will only seek to undertake work for the following reasons:

- The tree is considered to be in a dead, diseased or dangerous condition and/or is a significant threat to people or property.
- The tree is causing damage to the structure of HPC property or other private property. This damage must be proven by an arboriculturist before work will be permitted. In the case where the tree is causing damage to other private property, the cost of commissioning a

structural engineers report will be at the expense of the owner of the private property and the report will be verified by HPC's arboriculturist, the expenses of which the council will not be liable for.

- Pruning to give clearance over a public footway or highway.

5.9 Residents are permitted to cut back overhanging trees and limbs that belong to HPC from their land except on trees where there is a TPO subject to a discussion with the landowner (HPC) outlining what they plan to do, before commencing works. They are advised to carry out any work sympathetically to the tree, and safely whilst following all relevant guidelines and legislation. Any residents that choose to do this, do so at their own risk. Where there is a TPO on a tree within the resident's jurisdiction, contact should be made with the Tree Officer at Bromsgrove District Council.

5.10 Any work undertaken by a resident that is not first cleared with the landowner, will be classed as **wilful damage.**

## 6 Strategic Tree Replanting

6.1 Where trees are felled, particularly those with a TPO, Hagley Parish Council will commit to replacing that tree.

6.2 Succession tree planting will take place where diseased, dying or old trees need replacing with younger ones to ensure long-term canopy continuity.

6.3 Replacement trees may not be the same species or be planted in the same location.

6.4 The most appropriate species and best location of the replanted trees will be considered in order to:

- Ensure the successful nurturing and growth of the new tree.
- Create the highest positive ecological and environmental impact.
- Maintain a healthy and sustainable tree stock.
- Reduce the risk of any potential damage to people or property in the future.

6.5 Residents wishing to plant trees are advised to contact Hagley Parish Council prior to planting taking place.

## 7 Review

7.1 This policy will be reviewed every 3 years unless there are major changes in legislation or good practice.