

West Winch Parish Council

Tree Safety Policy

West Winch Parish Council recognises its duty under the Health and Safety at Work Act 1974 and otherwise under the law to protect employees and members of the public, so far as is reasonably practicable, from danger arising from trees on its premises for which West Winch Parish Council has a duty of care.

The main area of trees that are the responsibility of West Winch Parish Council are those on or around The Playing Field / Children's Play Area / Skate Park at the William Burt Complex, Watering Lane and The Meadow at Coronation Avenue. As the landowner for these parcels of land West Winch Parish Council has a responsibility to reasonably protect members of the public, contractors and staff that enter these areas.

Managing Risk

West Winch Parish Council will manage the risks from trees in a balanced way to maximise the benefits from trees whilst taking reasonable precautions to protect the safety of its members, employees, contractors, and members of the public. It will achieve this by adopting procedures for the inspection, management and maintenance of trees proportionate to the risks as suggested by the National Tree Safety Group¹.

Trees form a dynamic biological resource subject to the vagaries of pests and diseases, extremes of weather and the influence of human activities. Furthermore, as trees grow and mature, they may develop dead wood, cavities or other potential defects as a part of the natural aging process. Where a tree's condition has some weakness that renders it significantly likely to fail, it becomes a 'hazard'. Where there is both a hazard and a target (i.e. people or property) that may be damaged by failure of a tree or part of a tree, then there is a quantifiable risk that requires assessment and management.

Zoning by level of Risk

The highest risk areas are adjacent to the highway and to neighbouring properties and structures. The lowest risk areas are in the middle of the green areas that are less frequently accessed by people and where falling trees or parts of trees will not interfere with the high-risk areas.

Inspection Regime

There will be three types of inspections:

1. Casual observation
2. Formal inspections supported by detailed inspections, and
3. Detailed inspections

The different levels of inspection require differing level of competence. Written records will be kept.

1. Casual observation

Members of the public may report concerns about the state of a tree to the Parish Clerk. This will instigate a higher level of inspection dependant on the observation.

2. Formal Inspection

A member of the Parish Council, or the Parish Clerk will undertake a visual assessment of the trees annually in late summer to identify dead or diseased parts. In addition, a Formal Inspection will be performed after strong winds and/or heavy rain or similar adverse weather. There will be no requirement for specific qualifications for the persons mentioned above but they should have an understanding of the basic signs of poor health. The annual inspection will provide one of the following three outcomes:

1. The tree(s) has no observed significant defects and therefore requires no further action.
2. The tree(s) requires a more detailed inspection; the tree will be prioritised risk.
3. Work is required as an emergency. The area around the tree(s) will be cordoned off to ensure public safety. In emergency situations, the Clerk should instruct a suitably qualified contractor to complete the work required and make the tree(s) safe. (See note below regarding consent).

3. Detailed Inspections

The Council will commission a full tree survey by a suitably qualified person every three to five years (depending on recommendation of previous survey). The person completing the full tree surveys will be trained to a minimum of Level 3 arboriculture qualification with at least two years' practical experience of tree management and surveying. The extent of the assessment (visual or more sophisticated) will be determined by the risk level of the area of trees.

The detailed inspection will provide one of the following three outcomes:

1. The tree(s) has no observed significant defects and therefore requires no further action.
2. The tree(s) requires a more detailed inspection, and/or more frequent monitoring.
3. Work is required.

Remedial Works

If there any defects or concerns are identified, the Clerk will instruct a suitably qualified arboriculturist to assess the tree and provide a written report as to its condition and any remedial works required. The Clerk will obtain three quotes for all tree works required and will present them to the Parish Council prior to instructing the contractor to complete the works. Necessary consent shall be obtained before any tree work starts.

In emergency situations, the area around the tree(s) will be cordoned off to ensure public safety. The Clerk has delegated powers to instruct a suitably qualified contractor to make safe trees that are dangerous and pose high risk to life or property.

Consent for work on a tree in the conservation area and/or with a TPO must be sought from King's Lynn and West Norfolk Borough Council but not at the detriment of safety. Any emergency work should be documented and submitted to King's Lynn and West Norfolk Borough Council at the next opportunity. Currently this parish has no conservation area.

Records

Records, including maps, provide the basis for safety management reviews and, in the extremely rare event of an accident, can support evidence of reasonable tree management. It is not necessary to record every tree inspected. However, records of trees presenting a serious risk and requiring treatment are useful, as is a record of how they have been treated.

West Winch Parish Council will keep records of inspections: when carried out, by whom and any recommendations made. In addition, records of action (including remedial work) should be recorded (when and by whom).

This policy document was adopted by the West Winch Parish Council on

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I: National Tree Safety Group: "Common sense risk management of trees: Guidance on trees and public safety in the UK for owners, managers and advisers". Forestry Commission FCMS024, ISBN 978-0-85538-840-9, www.forestry.gov.uk/publications

Occupiers' Liability Acts 1957 and 1984. Under the 1957 Act, there is a duty upon the occupier to take all such care as is reasonable to see that the visitor will be reasonably safe when on the premises for the purposes for which they were invited. Visitors are expected to exercise their own care and, therefore, children are identified as being less careful. The 1984 Act extends the duty to others, but only in so far as risks of which the occupier is aware or has reasonable grounds to believe exist and knows that other persons may come into contact with that risk, and he may reasonably be expected to act.

Section 3 of the Health and Safety at Work Act 1974 places general duties upon employers (and the self-employed) to those other than employees: '... To ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby exposed to risks to their health or safety'