

BERKSWELL PARISH COUNCIL

Review of Tree Safety Policy of Council

1. Principles

Trees add enormous value to the environment and to human experience. The National tree safety group stateⁱ

the NTSG position is underpinned by a set of five key principles:

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

The purpose of this paper is to review the Berkswell PC system to meet these 5 principles with respect to tree safety.

2. Trees in PC care

- 2.1. The PC owns the spinney on Lavender Hall Lane and takes an active part in managing two areas of unregistered land that are open to the public in Berkswell village – the village green and the well area. The parish council owns neither of the pieces of unregistered land but for many years has mown the grass and, on the village green, undertaken some maintenance work on the large oak tree. There are bushes but no trees on the well area land. It would be fair to assume that the PC has control of the village green.
- 2.2. All of these trees fall within the conservation area of Berkswell village and as such planning controls exist for work on all the trees similar to TPOs.

3. Current system of control of risk for trees

The PC's system is as defined in the risk register dated July 2018. Basically, it involves a 3-yearly inspection by a competent person with an annual programme of works prioritised within that competent person's report. Councillors also conduct a periodic inspection of assets and the spinney and village green are listed as assets to inspect. (Items 8 and 10). Reports of danger or damage to trees, found by Councillors or by the public are reported to the Clerk and would be subject to review and action by council.

5. Professional Advice

The Clerk has sought professional advice from Midland Forestry LTD regarding the adequacy of the current 3-yearly inspection. A qualified tree inspector working for Midland Forestry advised the following: *"the full in-depth survey that we undertake on a 3 yearly basis, is enough to cover you for any eventuality. We could offer to do an annual walk-over survey at a lower cost than a full survey, just to make sure nothing is amiss. He also said that, a person who isn't actually qualified, can do an inspection, just to ensure there are no obvious signs of decay or disease, or any hanging, broken branches, that could be a hazard. As long as you document the assessment, you are showing a duty of care to the general public in relation to the council trees.*

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6. Considerations

For the purpose of this review the HSE guidelines and links from that site to 2 guides produced by the National Tree safety group have been looked studied. In addition, the guidance of our own qualified tree inspector has been considered. Significant issues would appear to be

- 6.1. Almost all of the trees within the care of the PC can be considered to be in areas frequently visited by the public or Zone 1 risk according to the HSE.
- 6.2. The large oak on the village green has a seat underneath encouraging people to sit there
- 6.3. The parish council is a very small authority without staff skilled in trees.
- 6.4. The PC has a grounds maintenance contractor will undertake minor tree/shrub work and has some experience of trees by his qualifications and nature of his profession albeit he is not a tree professional.
- 6.5. Councillors do undertake periodic inspections and they could identify if asked obvious tree issues such as partially fallen trees or branches which do not require specific expertise. However, this is not specifically indicated on the survey form and no records are specifically required with respect to trees.
- 6.6. The 3-yearly inspection report points out that it is only a snapshot in time with the survey undertaken from ground level and does not involve looking below ground surface.
- 6.7. The examples of good tree inspection regimes given by the National Tree Safety Group do not cover such a small authority as a PC. It does indicate that a 5-yearly inspection regime backed by a knowledgeable, but not expert ground maintenance staff, in regular contact with the trees is an acceptable regime.ⁱⁱ

7. Conclusions

- 7.1. The 3-yearly inspection regime by an expert is well within the best guidance.
- 7.2. The potential weakness is in the less formal “inspections” for defects obvious to those without professional qualifications and the recording of those observations.

8. Recommendations

Council to consider either or both of 8.1 and 8.2 and to undertake item 8.3

- 8.1. Formalising Councillor inspections to include looking at trees in specific higher risk areas
 - 8.1.1. The big oak on the village green
 - 8.1.2. Where the spinney abuts Lavender Hall Lane and Meriden Road – viewed from those roads
 - 8.1.3. By the footpath from Meriden Road to the school
 - 8.1.4. Perimeter of the spinney car park
- 8.2. Asking our grounds maintenance contractor to do this monthly and formally confirming the absence of issues or the issues found (This can be tied in with the litter pick.)
- 8.3. The resultant regime to be documented and published on the web site.
 - 8.3.1. Within that context and to stop “drift” of the 3-yearly professional inspection its date should be specified such as “ A triennial inspection by a suitably qualified person will be undertaken in the (specify) quarter of the year”

ⁱ Common sense risk management of trees 2011

ⁱⁱ Common sense management of Trees chapter 5.