Tree management and inspections

Bournemouth Christchurch and Poole Council (‘BCP’) is the Local Authority landowner or has statutory jurisdiction with the duty of care to ensure that all of the trees on its land or on Public Highway are kept in an acceptable condition and do not put persons and property at unreasonable risk.

The Local Authority will meet its legal responsibly because if a tree fails and causes injury or damage its owner could be held negligent if they omitted to take sufficient care of the tree.

The legislative framework for this is created by:

- The Road Traffic and related Highways Acts
- the Occupiers Liability Act 1984 which requires occupiers of land to have a common duty of care to all visitors. This Act requires the occupiers to take reasonable care to maintain their land in such a condition that it does not harm any person or damage any property. EDDC, as the occupier of its land has a common duty of care to look after all visitors.
- the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999 also apply to this situation. Failure to comply with this legislation could lead to the Health and Safety Executive (HSE) taking criminal action against the Council. Section 3 of the Act places a duty on the Council to take reasonable care for the health and safety of third parties. The Regulations effectively require the Council to have an adequate management system to ensure health and safety.

The need for Councils to carry out tree surveys has been recognised for some time:

- Government guidance in the form of circulars requires Local Authorities to regularly inspect trees adjacent to highways: Circular 52/75 (Inspection of Highway Trees) and Circular 14/96.
- the Department of Environment’s (OPDM) research report ‘Trees in Towns’ identified as one of its main conclusions that each local authority needs to examine the tree stock it is responsible for in a uniform way and then store this information on a database so it is accessible.

BCP will operate a suitable inspection regime. This will weigh up the requirements for inspection based upon level of risk. Level of risk will be based on:

- location and proximity to
  - roads & paths
  - amenity paths
  - structures
  - other access routes
- likelihood and severity of consequences
  - type of area
  - designation of highway and its traffic count
  - type of use
  - seasonality in public use
- site factors
  - ground conditions
  - site exposure and other local environmental considerations including relationship with other trees
- other relevant factors
  - amenity value
  - climate changes
  - ancillary factors including eg benefits to cliff stabilisation, prevention of drainage problems

To fulfil these requirements there will be inspections undertaken based on a simple ‘traffic light’ system in line with the following:

<table>
<thead>
<tr>
<th>Category</th>
<th>Risk level</th>
<th>Planned inspection frequency</th>
<th>Type of area included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red</td>
<td>High</td>
<td>3 years</td>
<td>Areas on or within fall zone of main highways, public assembly points and other public areas such as high use public roads, paths, play and recreational facilities.</td>
</tr>
<tr>
<td>Amber</td>
<td>Low</td>
<td>5 years</td>
<td>Areas where trees are located on or within falling distance of residential land and residential Roads or within falling distance of footpaths in urban areas, Parks and Open spaces and commercial land with intermittent vehicle and pedestrian usage.</td>
</tr>
<tr>
<td>Green</td>
<td>Negligible</td>
<td>7 years</td>
<td>All other areas of open parkland and amenity areas other than those included above, including remote and inaccessible sites; within woods and copses but not adjacent to paths; low use amenity space away for property or with infrequent public use.</td>
</tr>
</tbody>
</table>

In addition, Highway Inspectors will undertake visual inspections of the Highway network, including any tree stock and this is an annual inspection programme. Referral for further specialist inspection may be required.

The inspection process will follow national professional body guidelines. Inspections will be undertaken by an appropriately qualified officer, and may take the form of formal assessment using an arboriculturally qualified officer or by informed assessment using experienced and inspection-trained officers.

If the tree cannot be satisfactorily assessed following a routine inspection, a greater level of investigation may be obtained by undertaking all or some of the following: secondary assessment by another arboriculturalist, climbing inspection, use of decay detection equipment, root excavation, soil investigation etc.
Records of tree inspections will be kept and be used to assess public concerns about trees. Inspections may consider individual, groups or whole wooded areas, depending on risk levels and therefore recording requirements.

Inspections will identify necessary and desirable tree work, but only necessary work would be undertaken as this is in accordance with the councils’ tree strategy.

Amenity work may be agreed with neighbouring landowners subject to conditions and on the basis that the cost of work will be recharged.