**Rosliston Parish Council**

**Tree Management Policy**

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| Version | Comments |
| 1 Jan 2019 | Initial document |
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**Introduction**

This policy is intended to act as a point of reference for the public and Councillors of Rosliston Parish Council. Everyone has the right to be safe when using public spaces which includes areas owned/operated by Rosliston Parish Council. Currently, (2019) land owned is the Recreational Ground off Main Street, land to the rear of the Village Hall including the Jubilee Gardens adjacent to Yew Tree Road, The Green - Main Street and land leased from South Derbyshire District Council (grassed football pitch) down Strawberry Lane and behind houses on Linton Road.

Trees planted on grass verges within Rosliston village are generally the responsibility of Derbyshire County Council Highways department. Where such trees require attention Rosliston Parish Council will inform the relevant department at Derbyshire County Council.

Trees within the confines of the St Mary’s Church are the responsibility of Derby Diocese. Where such trees require attention Rosliston Parish Council will inform the Diocese via the Church Warden.

The trees within the boundary of the Parish Council make a significant impact on the landscape of the village. Trees can form important local landmarks, add greatly to the setting of important buildings, churchyards, village greens or have a special cultural, historical, wildlife or rarity value.

**Policy Statements.**

1. The Parish Council will adopt a proactive approach to managing its trees and undertake regular and routine inspections of all trees on Parish Council land. The Parish Council has agreed to source this inspection from South Derbyshire District Council.
2. The Parish Council works to create a balance between the needs of resident/visitors, whilst still preserving the amenity of the area.
3. Every tree that is subject to an enquiry will be inspected on an individual basis. An inspection will be undertaken and we will inform the enquirer as to what work, if any, will be carried out. If the tree is not situated on Parish Council land we will inform the land owner for their necessary action if any and, inform the enquirer who the tree does belong to.
4. Tree work will be carried out when one of the problems described below is brought to our attention and, it is a tree we are responsible for:
* Where it poses a safety risk we will remove dead or dangerous trees or parts of trees. ***Safety work is a priority for the Parish Council.***
* Where trees on Parish Council land over-hang residents properties Rosliston Parish Council will arrange for the trees to cut back to avoid damage to residents properties.
* Rosliston Parish Council will maintain clearance for pedestrians and vehicles over footpaths and roads respectively.
* Rosliston Parish Council will arrange for branches to be cut back that are touching any street furniture including streetlights and road signs in order to maintain an unobstructed clear view for all road/vehicle users and safe that pedestrian access.

**Statutory Responsibilities.**

If a tree falls and causes injury or damage its owner could be held negligent if it is proven that they omitted to take sufficient care of the tree.

Trees are a potential liability and the Parish Council, as land/lease owner, we have a duty of care to ensure that all of our trees on our land are kept in an acceptable condition and do not put persons or property at unreasonable risk.

Any large branch or tree falling onto a person or property can cause serious damage, injury or death. Without any system of inspection or maintenance, the consequences to the Parish Council are not simply monetary but could lead to conviction under the **Corporate Manslaughter and Corporate Homicide Act 2007.**

However, the Parish Council can only be held liable for damage or injury caused by trees on its land if it can be proved that the Parish Council has been negligent in its management of its trees.

**The Occupiers Liability Act 1984** 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.

**The Health and Safety at Work Act 1974** and the **Management of Health and Safety at Work Regulations 1999** ALSO APPLY. Failure to comply with this legislation could lead to the Health and Safety Executive (HSE) taking criminal action against the Parish Council. Section 3 of the Act places a duty on the Parish Council to take reasonable care for the health and safety of third parties. The Regulations effectively require the Parish Council to have an adequate management system to ensure health and safety.

**Classification of risk.**

Most of the green spaces within the Parish Council‘s responsibility, have a tree population of varied age, species ad condition.

Each area will be given a classification code and then sub divided into category 1, 2 or 3 depending on the potential risk to the public that the tree stock poses.

This classification then determines the frequency of future inspection.

* Sites rated 1 or 2 are inspected at least once annually,
* Sites rated 3 are inspected at least one bi-annually.

The factors affecting the classification include the age of the tree on a particular site, the amount and nature of public usage and the trees proximity to the roads or footpaths.

Areas will be categorised as **High, Medium or Low Risk**, dependant on their location.

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| Category 1 – High Risk | Areas of high density pedestrian and vehicle use or areas frequented by vulnerable age groups including major roads, areas near to schools or playgrounds. |
| Category 2 – Medium Risk | Areas of medium density pedestrian and vehicle use including estate roads and green spaces, allotments or woodland paths. |
| Category 3 – Low Risk | Areas of low density pedestrian and vehicle use including woodlands, minor roads and isolated green spaces. |

**Inspection Criteria**

Acceptable and effective tree inspection procedures should ensure that changes in tree condition are noted and acted upon before the tree becomes hazardous and injury to persons or damage to property occurs.

The Parish Council’s tree inspection procedures take into account the following criteria:

**Species** – some species are prone to develop physiological defects.

**Age of the tree** – A tree is more likely to develop structural defects during the latter stages of its life.

**Condition** – Trees should be inspected more regularly if structural defects have been noted which increases the risk of failure in extreme weather.

**Location** – Surrounding features should be noted which would become a target if the tree should fall.

**Level of use** = High levels of public use in the immediate vicinity of a tree will increase the likelihood of injury if a tree were to fall.

**Timing** – Trees are best inspected in full leaf, from mid-summer through to autumn, before leaf fall. However, due to the size and scale of the operations, inspections should continue throughout the year.

**Hazard Risk** - An assessment of risk posed by each tree is made by considering condition and size of the tree against the character of its surroundings and the level of activity in the area.

**Habitat Value** – An assessment of the tree’s ecological value should be made and considered when prescribing tree management work. In particular, evidence of roosting bats or nesting birds should be noted and work planned to avoid possible disturbance.

**Inspection Records**

Each particular job will be categorised and will reflect the urgency of the situation, the degree of inconvenience being caused and the best time of the year for the work to be undertaken. Unscheduled inspections will be carried out following extreme weather events, or in response to a request from a third party.

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| **Priority** | **Response** | **Description** |
| 1. Immediate
 | Within 24 hours | EMERGENCY – tree work requiring an immediate response to remove a hazard. Access to the tree location may be restricted until work can be completed. |
| 1. Urgent Public Safety
 | Up to 1 month | NON-EMERGENCY – tree work requiring a response to remove a hazard not classified under Priority 1. Access to tree location may be restricted until work can be completed. |
| 1. Essential
 | Within 6 months | Work to be classified as essential associated with mitigation of a danger e.g., branches brushing against buildings in normal winds. The Parish Council will endeavour to ensure that works will be undertaken within 6 months of the inspection. |
| 1. Urgent Tree Health
 | Within 6 months | Work will be classified as URGENT TREE HEALTH. The Parish Council will endeavour to ensure that works will be undertaken within 6 months of the inspection. To mitigate against tree failure likely to be detrimental to the health of the tree. |
| 1. Desirable
 | 12 months | Non-essential maintenance work including pruning where work needs to be undertaken at the appropriate time of the year to ensure the longer term health of the tree. |

**Inspection Log- sample**

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| **Inspection date** | **Location** | **Species** | **Risk Level** | **Problems/issues** | **Priority****level** | **Next****inspection** | **Date resolved** |
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