

Kingsley Parish Council

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Tree Management Policy Adopted on 6 October 2022

Reviewed and Approved on 11 March 2025 - Addition of 3.4 and 5.9

Reviewed and Approved on 28 October 2025 - No Amends

Reviewed and Approved on 19 May 2026 - Addition of Exceptional Circumstances Provision

1. AIMS

1.1 To value trees for the significant contribution they make to wellbeing and quality of life within the area. Trees are managed to promote biodiversity, climate mitigation, and visual amenity whilst being managed and maintained in a way which promotes their safety and health.

2. INTRODUCTION

2.1 The Parish Council has a responsibility to ensure the Council's tree stock is regularly inspected and managed to ensure public safety and to minimise risk to property in particular in areas where the public may walk or sit beneath trees. The Parish Council does this with the following objectives in mind:

- Ensure tree stock is maintained in a cost effective manner, maximising visual amenity and associated environmental benefits whilst minimising risks to public safety and property.
- Ensure that the work undertaken on Parish Council trees is done to a high standard, is appropriate and in line with best arboricultural practice.
- Ensure appropriate management of trees which are important for biodiversity, as wildlife corridors or as landscape features.
- Promote the positive contribution made by trees to open spaces, including the value which they have for wildlife.
- Identify opportunities for appropriate tree planting schemes including community orchards.

3. TREE INSPECTIONS

3.1 The Parish Council's tree stock will be visually inspected by a qualified arboriculturalist every year depending on the location and risk assessment. The Parish Council also conducts its own routine periodic visual assessment for dead branches, plus additional checks are carried out after periods of bad weather to identify damaged trees. The Parish Clerk retains records of the safety checks.

3.2 The Parish Council will respond promptly to tree matters involving safety and will remove dead trees (except where biodiversity issues prevail) and dangerous and unsafe trees and branches. Trees which are in decline will be monitored in order to ensure they pose no risk to people or property.

3.3 The Parish Council will not generally prune its tree stock to alleviate the obstruction of light or telecommunication signals where branches overhang neighbouring properties.

3.4 The Council recognises its duty of care under the Occupiers' Liability Act 1957 and 1984 to take reasonable steps to ensure the safety of visitors and neighbours from hazards, including falling trees or branches. ????

5. TREE WORK AND LEGISLATION

5.1 When carrying out tree works the Parish Council will comply with all relevant legislation in respect of the protection of nesting birds and other wildlife. Only essential tree works will be carried out during the bird nesting season. Work will not be carried out on trees to address the issues of bird droppings. Prior to works being carried out on a mature tree the potential for bat roosts will be assessed. If it is found that there are features within the tree that are likely to be suitable for bat roosts, a survey will be carried. If bat roosts are found to be present appropriate mitigation measures will be implemented before any work takes place.

5.2 The Parish Council will work with partners and community groups to identify opportunities to increase its tree stock through appropriate tree planting.

5.3 There will be a presumption against removal of existing trees and where this is necessary replacement in the same location, or if this is not possible in another more suitable location, will be considered.

5.4 The Parish Council will consider planting new, species rich, native woodlands in appropriate locations to meet a variety of objectives, including habitat creation, the screening of unsightly development, the provision of shelter and the enhancement of the landscape.

5.5 Veteran trees will be managed in a way that preserves their unique characteristics. When managing trees and woodlands, consideration will be given to biodiversity issues in line with the Biodiversity Duty for Public Authorities enshrined in the Natural Environment and Rural Communities Act.

5.6 In planting or adopting trees or tree belts, the Parish Council will give consideration to the potential for damage or inconvenience, or the impeding of access, as the trees mature.

5.7 Adequate resources will be made available in order to ensure that the Parish Council complies with its duty of care in respect of tree safety.

5.8 All tree works carried out on behalf of the Parish Council will comply with appropriate Standards and Legislation in respect of tree protection, and will be undertaken by competent and qualified contractors. No tree works would be considered which did not comply with BS 3998: 2010.

5.9 LEGAL CONSIDERATIONS AND CASE EXAMPLES

The Council is aware of the potential legal liabilities arising from tree-related incidents and will take all reasonable precautions to minimise risks.

Case Law:

- *Camner v Northern & London Investment Trust* [1951] AC 88: this case established the principle that landowners have a duty of care to prevent foreseeable harm from their trees. The House of Lords held that the defendant was liable for the death of a person killed by a falling tree because the defendant knew the tree was diseased but failed to take reasonable steps to prevent it from falling.
- *Pollock v Glasgow City Council* [2022] CSOH 68: this case highlights the importance of regular tree inspections. The court found the council liable for injuries sustained when a tree fell, as they had failed to implement an adequate inspection regime.

Examples of Payouts:

- While specific payout amounts are often confidential, local authorities in the UK have faced substantial claims for damages resulting from falling trees or branches causing personal injury or property damage. Payouts can range from several thousand pounds to hundreds of thousands, depending on the severity of the injury, the extent of the damage, and the degree of negligence on the part of the council. Examples include:
 - Cheshire East Council (2024) - the Council was fined £500,000 after a man was killed by a falling tree limb in a public park.
 - Wirral Borough Council (2020) - the Council was fined £100,000 after a pregnant woman was seriously injured by a falling branch.
 - Witley Parish Council (2018) - the Council was fined a six figure sum when a falling tree collided with a moving bus and injured the driver.

Conversely, Bury Council successfully defended itself against claims related to a falling tree because it demonstrated an adequate inspection regime and reasonable decision-making regarding tree management.

6. EXCEPTIONAL CIRCUMSTANCES PROVISION

6.1 Notwithstanding the other provisions of this policy, the Council may undertake proportionate tree works, including removal, where a recent tree failure has occurred and there is a reasonable concern of comparable risk to persons or property. In such circumstances, the Council may rely on a site-based risk assessment carried out by a competent officer, informed by observable conditions and site characteristics, without the requirement for a formal arboricultural report in advance of works. In making this assessment, the Council will have regard to:

- The species characteristics of the trees in question, including known structural limitations (for example, species such as Silver birch trees may, particularly in exposed conditions, exhibit relatively shallow root systems which can reduce anchorage in compacted soils; and demonstrate an increased vulnerability to environmental stressors such as wind funnelling).
- The presence of open exposure and/or wind corridors;
- The proximity of trees to buildings, highways, or areas of regular public use;
- Any recent environmental changes or weather events;
- The occurrence and nature of any recent tree failure within the immediate vicinity.

6.2 Where trees of similar species and condition are located in comparable positions to a recently failed tree, the Council may take a precautionary approach, including selective removal, where it is reasonably considered that the risk of failure is increased.

6.3 All decisions taken under this provision must be proportionate and targeted (not blanket removal); and recorded with a written justification.

6.4 Where trees are removed, the Council will replace tree stock with a mature native species in line with its wider environmental and biodiversity objectives.

7. POLICY REVIEW

7.1 This policy will be reviewed periodically, or when there are major changes to legislation or best practice in respect of tree management.