

**DITTISHAM PARISH COUNCIL**  
**Incorporating the Hamlet of Capton and the Manors of Bozomzeal and Coombe**

**Policy - Risk-management of Trees located on DPC's land**

**1. Background**

DPC's approach reflects the National Tree Safety Group's 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

**1.1. Legal Context**

Under both the civil law and criminal law DPC has responsibilities for the health and safety of those on or near the land, and has potential liabilities arising from the falling of a tree or branch. The courts have not defined the standard of inspection more precisely than the standard of "the reasonable and prudent landowner".

An organisation that publishes and maintains a tree strategy or management plan, part of which includes information on their risk management plan for the trees they own, is much better placed to demonstrate they have fulfilled their duty of care.

**1.2. Hazard and Risk**

The Parish Council take a 'Risk Assessment' approach to the management of trees. A hazard is something that can cause harm. Risk is about potential events and consequences, often expressed as a combination of an event's consequences and the likelihood of it occurring.

Defendable management is consistent with a duty of care based on reasonable care, reasonable likelihood, and reasonable practicability - achieved by adopting procedures for the inspection, management, and maintenance of trees proportionate to the risks as suggested by the National Tree Safety Group.

**2. Tree Inspection Strategy**

The following tree inspection strategy combines recognition of tree's dynamic nature, a risk assessment approach, and recognition of the impact the weather can have on trees.

**2.1. Zoning by Level of Risk**

Two zones - high and low use areas.

**Zone 1**

Where there is frequent public access to trees. The Level Car Park and the frequent access areas on The Ham.

**Zone 2**

Where trees are not subject to frequent public access. Low use zones are used infrequently and may only require irregular inspection if at all. In Dittisham - the north Ham adjacent to the car park and not within fall distance of the car park (compartment 4).

**3. Inspections**

3.1. Informal Observation – on-going: regular visitors, councillors, grounds maintenance contractor team.

3.2. Formal Observation - a member of the Parish Council or a person approved by the Parish Council will perform an inspection.

- a) After strong winds and/or heavy rain or similar adverse weather that might have caused damage to trees. As an indication the weather would probably have an amber or red weather warning for wind. However Dittisham is more susceptible to non-prevailing winds from the north and east, so following a Met Office weather warning is sometimes irrelevant when winds are coming from the south-west - which tend to blow over the top.

Identify obviously hazardous changes in trees, such as broken, hanging branches or partially uprooted trees following a storm.

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- b) If a specialist assessment is not being done in the same year, the Parish Council will undertake a visual assessment of the trees annually in late summer to identify dead or diseased parts.

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 tree health.

- 3.3. Detailed observation – An inspection will be made by a qualified consultant at the frequency advised by the consultant and at least every three years.

#### **4. Action**

- 4.1. Formal Observations - Any identified hazards risk assessed and rectified. Take advice from qualified consultant if in doubt. Cordon area off if required as temporary measure to support public safety.
- 4.2. Detailed Observation - Any recommendations for works will be acted upon within the specified timeframe.
- 4.3. Tree work will be scheduled to take place in periods where the impact on local wildlife is minimised.
- 4.4. Dead wood will be left standing or on the ground in habitat piles wherever possible.
- 4.5. The Council will ensure all tree works are carried out to BS3998/1989 British Standards for Tree Work 1989 (and any subsequent revisions).
- 4.6. Consent for work on a tree in the conservation area and/or with a TPO must be sought from South Hams District Council but not to the detriment of safety. Any emergency work will be documented and submitted to South Hams District Council at the next opportunity.
- 4.7. The Clerk may authorise urgent expenditure on behalf of the council. See Financial Regulations.

#### **5. Record keeping**

- 5.1. DPC will keep records of formal and detailed inspections: when carried out, by whom and any recommendations made. In addition, records of action (including remedial work) will be recorded (when and by whom).
- 5.2. Records 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. A short record of when an area or zone or occasionally an individual tree has been checked or inspected with details of any defects found and action taken.
- 5.3. Professional reports are retained.

#### **6. Monitoring**

- 6.1. Monitoring to ensure that the arrangements are implemented in practice will include report by Tree Wardens to Annual Meeting of the Parish Council.
- 6.2. The inspection reports will be available to DPC Cllrs in its cloud records.

#### **7. Map of Zones – The Ham**

#### **8. References**

- 8.1. National Tree Safety Group, Common sense risk management of trees - Landowner summary of guidance on trees and public safety in the UK for estates and smallholdings, Forestry Commission.  
<https://www.forestresearch.gov.uk/publications/common-sense-risk-management-of-trees-landowner-summary/>
- 8.2. HSE, Management of the risk from falling trees or branches SIM 01/2007/05. 26/03/14.  
[https://www.hse.gov.uk/foi/internalops/sims/ag\\_food/010705.htm#Appendix-1](https://www.hse.gov.uk/foi/internalops/sims/ag_food/010705.htm#Appendix-1) Accessed 20230922

#### **Document History**

1. Approved 14/3/24