Kirklees Council

Tree Risk Management Framework

Adopted July 2020

1. Introduction

The risk of being struck and killed by a tree or branch falling is extremely low, in the order of one in 10 million for those trees in or adjacent to areas of high public use. The Health and Safety Executive (HSE) views this level of risk as "broadly acceptable" but states, however, that this is a general guide and not a definitive statement of what is reasonably practicable in law.

As the owner and manager of trees Kirklees Council owes a duty of care to persons and property who may suffer harm caused by their failure in line with the following legislation:
- The Health & Safety at Work Act (etc) 1974
- Occupiers Liability Acts 1957 and 1984
- The Management of Health & Safety Regulations 1999

As such the Council, as a reasonable and prudent landowner, has a responsibility to have a risk management framework in place which considers the risks posed by its trees, which balances the risks against the many benefits provided by its trees and woodlands, and which allows it to take actions which are proportionate to the risk and are reasonably practicable.

The risk management framework set out in this document includes a system of inspection for its trees which will enable the Council to have a better understanding of whether or not they pose a foreseeable hazard. In line with guidance from the HSE and the National Tree Safety Group (NTSG) this system will include consideration of the risks to which people and property may be exposed in deciding what level of inspection or examination is reasonable in each situation. The inspection system will also enable the Council to minimise any interruption of sightlines on highways which could result in damage to vehicles and persons and to proactively plan for tree replacement.

This document forms part of Kirklees' *Council Owned Tree and Woodland Management Policy* and should also be read in conjunction with *Kirklees Council Tree Works on Council Owned Trees: Guidance Document.*

2. Aims

This document aims to assist Kirklees Council in exercising its duty of care to both its employees and the public with regard to the safety of trees, and proactively manages risk to its land and property, by maintaining a system of tree inspection and remedial works that is in line with its *Council Owned Tree and Woodland Management Policy* as well as with current nationally accepted standards and industry best practice.

The system described in this document includes four components:
- "zoning" of sites or trees in order to enable prioritisation of routine tree inspections;
- scheduled (routine) inspections for trees at a frequency determined by their zone;
- unscheduled (reactive) inspections for trees reported to be of concern in both emergency and non-emergency situations; and

- a system for identifying and prioritising required remedial works according to the inspector's assessment of a tree.

3. Scope

In line with the *Council Owned Tree and Woodland Management Policy* this document concerns trees in the following locations which are managed by the Greenspace Department:
- Highway verges
- Council tenancy housing sites
- Cemeteries and churchyards
- Car parks
- Parks and open spaces
- Woodlands
- Land vested with the corporate landlord (PRP)
- The boundaries of council owned/managed buildings

4. Site Categorisation (Zoning) and Scheduled (Routine) Inspections

In line with HSE and NTSG guidance trees will be categorised into a number of "zones" for the purposes of prioritising inspections according to the following dimensions of tree related risk:
- the likelihood of failure of the tree or part of the tree (e.g. presence of known structural faults);
- the value of the targets (persons, property etc.) present and frequency of presence within falling distance; and
- the severity of impact should failure occur (e.g. size of tree or part that fails).

Trees and groups of trees will be assigned one of four zones with an associated inspection frequency varying from 18 months to never. The minimum inspection frequencies allow for trees to be inspected in different seasons to allow a better assessment of tree health. Zones will be assigned by the relevant Service in conjunction with the forestry team and recorded in the Council's tree management software, Ezytreev.

Zone	Examples of trees/tree groups in zone	Minimum inspection frequency
1	• All trees within falling distance of arterial or main roads (unless other factors such as tree size mean the trees should be in zone 2, 3 or 4). • All trees in places where there is frequent public access e.g. in and around picnic areas, children's playgrounds, popular footpaths, other high use areas in parks/recreation grounds, car parks, communal areas within cemeteries (unless other factors such as tree size mean the trees should be in zone 2, 3 or 4, or inspected on a bespoke frequency). • Trees in places where failure would cause damage to high-value property (unless other factors such as tree size mean the trees should be in zone 2, 3 or 4). • Trees with known structural faults where a decision has been made to retain the tree in question due to its importance for habitat, landscape, cultural or amenity reasons. • Tree species or groups of trees affected by known pests or diseases which would otherwise fall into zone 2.	18 months
2	• Normal use parks and open spaces, normal use woodland paths, trees beside private gardens (unless other factors such as tree size mean the trees should be in zone 3 or 4).	3 years

	• All trees within falling distance of secondary residential roads (unless other factors such as tree size mean the trees should be in zone 3 or 4). • Tree species or groups of trees affected by known pests or diseases which would otherwise fall into zone 3.	
3	• Trees within low usage areas (unless other factors such as tree size mean the trees should be in a higher or lower zone).	5 years
4	• Trees in sites with no public access. • All young trees, generally below 5 m high and planted in the last 10 years.	No routine inspection

The recommended inspection frequencies detailed above provide a guideline for the initial cycle of inspections. Inspectors may recommend adjustments to the inspection frequency for a tree or group of trees on completion of each inspection allowing fine-tuning of the categorisation process. In some circumstances inspections may be recommended on a much more frequent basis than every 18 months, in particular in the case of trees with known defects where a decision has been made to retain them due to their importance for habitat, landscape, cultural or amenity reasons.

5. Unscheduled (Reactive) Inspections and Emergency Procedures

Inspections of individual or groups of trees within sites may be necessary outside of the scheduled inspection system following enquiries from the public, ward members or other officers and may occur in both emergency and non-emergency situations. Staff working on the ground on sites, such as gardeners on parks sites and housing officers on KNH sites, will be given basic guidance on identifying tree related problems as part of their day-to-day work and will be instructed to report any concerns to the forestry team in Greenspace. Similar guidance will also be available to the public as part of the document *Kirklees Council Tree Works on Council Owned Trees: Guidance Document*, Section 4.

Once a report is received by the forestry team it will be recorded in the Ezytreev system and scheduled for an inspection as soon as this is deemed necessary and practicable. The subsequent inspection and any works required will be dealt with in accordance with the standard procedures set out in the remainder of this document.

Out of normal office hours (Mon-Fri 9am-5pm) all tree related emergencies should be reported to the out of hours team on 01484 225664. An inspection will take place as soon as is reasonably practicable and, if required work cannot be completed immediately areas at risk such as roads, footpaths, or areas of parks or other green spaces will be cordoned off until resources are available. Where emergency situations are reported, inspections and works relating to these situations will take priority over scheduled inspections and tree works. Where necessary to prevent harm or damage to persons or property the forestry team will notify the emergency services and any relevant statutory bodies or utility companies (Yorkshire Water, United Utilities, Environment Agency, Network Rail etc.) affected by the situation. All details of the inspection and works undertaken will be recorded in the Ezytreev system.

6. Inspection Practice

All inspections will be undertaken by trained and experienced staff who hold a recognised award/certificate such as the Professional Tree Inspection award, National Certificate or Diploma in Arboriculture or have equivalent professional experience. Best practice will be maintained through training and other ongoing continual professional development. All tree inspectors will have access to a range of professional diagnostic tools as follows:
- an inspection toolkit that includes: nylon hammer; binoculars; compass; VTA field guide; probe; knife & hand lens;
- access to a digital camera; and

- a tablet computer with tree management software (Ezytreev).

Initial inspections may be undertaken on foot or in a vehicle with the aim of assessing the general condition and level of risk within an area of trees whilst identifying obvious hazards that exist. In the context of these inspections a defect is defined as a structural, health or environmental condition that could predispose a tree to failure. Such inspections will comprise a general assessment of the tree cover within the area from ground level, generally by passing along existing footpaths or access routes, or along the perimeter of the site where it is accessible. Any trees requiring works will be recorded and any trees exhibiting signs of decline, disease or structural instability will be subject to a closer visual assessment. If no external signs of decay, structural weakness or unexplained adaptive growth are evident during this process then no further action will be taken.

Trees that appear to present no unreasonable hazard during their inspection will, under normal circumstances, not be documented in terms of their condition. Any omission from the record therefore implies that their hazard level is considered negligible. Trees that are considered to pose an unreasonable hazard and therefore requiring remedial works, or those requiring further investigation, will be documented in Ezytreev. All remedial works recorded in the Ezytreev system will be actioned according to the procedures set out in section 7.

In cases where potential defects are suspected but the inspector feels that further investigation is required before making a decision on the required action, details of the tree will be placed on Ezytreev and recommended for further monitoring which could include:
- re-inspecting the tree at a later date, such as during a different season;
- carrying out an climbing inspection;
- asking for a second opinion from another member of the forestry team.

Any further investigations undertaken will be recorded in Ezytreev.

7. Remedial Works

Remedial works identified through either scheduled or unscheduled inspections will be allocated a priority level and a target response time according to the inspector's assessment of risk in line with the dimensions of risk set out in section 4 above. Target response times apply from the point at which the forestry team have inspected the tree.

Work requirement	Priority level and target response time*
Urgent	Urgent (within 3 working days)
Essential	Priority (within 10 working days)
Essential	Standard (within 8 weeks where practicable)
Desirable	Low priority (as and when practicable)
None	No works planned

Please note that these are target response times only and timescales may need to be extended in the event of unforeseen events such as major storms.

All works will be completed by qualified arboriculture staff within the forestry team or by external suitably qualified contractors managed by the forestry team. All tree work will be carried out in line with current British Standards, namely BS 3998:2010 [Tree work - Recommendations], or any subsequent amendments to that document.

8. Recording and Data Storage

Records will be made and retained of all inspections undertaken using the Council's password-protected tree management software system, Ezytreev. These records will include the following information:
- Date of inspection

- Name of inspector
- Site details including clear information on hazards detected
- Details of trees including species and condition
- Recommendations
- Previous tree work undertaken
- Details of enquiries or complaints relating to trees on the site

Personal data will be stored in line with the General Data Protection Regulations (GDPR). Such data will be stored securely, accuracy will be maintained, and it will only be retained as long as it is relevant.

A failure log will be maintained as part of the system. Events such as tree failures will be recorded as soon as practicable after they occur. Such information is important for identifying the cause of the failure and can help in prevention of similar incidents in future. The log will be updated after all storm occurrences and other events such as one off failures or incidents involving trees.

9. Monitoring and Review

This document will be subject to a biennial review and update from Greenspace. The review will include:
- Checks to ensure that the practice is in line with the Framework
- A review of resource issues
- Existing strengths and weaknesses of the Framework and recommended alterations

Key References

Hazards from Trees: A General Guide (The Forestry Commission, 2000)
Common Sense Risk Management of Trees (National Tree Safety Group/The Forestry Commission, 2011)
Management of the Risk from Falling Trees Or Branches (Health And Safety Executive, 2013)