Pontesbury Parish Council

Tree Management Policy 2026



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1. Introduction

The management of tree safety is an integral part of the role and duty of Pontesbury Parish Council (PPC) as a landowner and the provider of open space and recreational areas within the Parish. In addition to this there are many competing priorities regarding tree management that can sometimes lead to conflicts and result in tree loss.

There are many trees within sites owned by PPC and also adjacent to roads and properties. With ownership and maintenance responsibility comes a duty to manage the potential risk from the trees and also any corresponding benefits to the Parish as a whole

This document describes how Pontesbury Parish Council (PPC) plans to manage its tree stock by having a clear, responsible and sustainable inspection and management regime of its tree stock, whilst responding to demands that come with trees in urban environments.

The policy sets out clear responsibilities regarding tree safety and outlines a reasonably practicable system to mitigate the risk of damage, injury and loss of life from fallen or damaged trees on PPC sites. The policy clearly outlines tree management principles for the longer-term.

2. Tree Benefits

Trees provide an enormous range of social, economic and environmental benefits throughout the Parish.
Trees are fundamental to the well – being of man and the quality of life. They offer romantic associations and can invoke passionate emotions, but they can equally provide high levels of ecosystem benefits such as air filtration, carbon sequestration, particulate interception, rainwater regulation, water purification, shade & direct cooling provision, heat island reduction and wildlife habitats. These can help mitigate the potential harmful effects of climate change.
Commonly overlooked are the social & financial benefits associated with trees. They can bring communities together, foster positive feelings, encourage personnel well-being and can provide extensive local financial benefits.

With this in mind it is important to recognise that the removal of trees can negatively affect society both socially and financially. It is important to strike a balance between the potential safety risks and the intrinsic benefits to ensure that trees form a significant part of modern society.

On occasions trees will have to be removed and it is important with such benefits that steps to mitigate the loss are addressed.

More details on specific benefits associated with trees can be found in Appendix 1

3. Tree ownership/ responsibilities

The sites under the ownership and maintenance responsibility of PPC contain trees within public open space, formal parks and recreational areas. Trees within these areas are the responsibility of PPC.

Trees located on highway and other verges or open spaces in the parish are the responsibility of the highways authority Shropshire Council and would not be managed by PPC.

Trees on open space associated with Social Housing is the responsibility of the social housing landlord.

Trees within schools, private gardens or agricultural land would be the responsibility of the land owner or occupier and would not be managed by PPC.

There is no requirement or responsibility for PPC to manage any trees outside of its land holding, but where necessary it can exercise its common law rights and prune back to the boundary any privately owned trees whose branches overhang into any sites that it maintains

As a formal consultee on Planning Applications and application for Tree Works to trees protected by Tree Preservation Orders and within Conservation Areas, PPC has a duty to make formal representations that represent the views and policies of the Parish Council taking into account best practise where appropriate. This will primarily relate to trees outside of PPC ownership.

The Pontesbury Parish Neighbourhood Plan 2016 – 2038 has clear policies and commitments to tree cover and retention within the parish. When making decisions regarding tree management PPC has stated objectives and related policies that must be considered. This relates to all trees within the Parish irrespective of ownership.

There is a commitment for PPC to take into account the Shropshire Local Nature Recovery Strategy and the Pontesbury Parish Local Nature Recovery Strategy, with tree related issues directly linking to many aspects of this. This relates to all trees within the Parish irrespective of ownership.

4. Officer responsibilities

The duty to manage risk falls within the delegated responsibility of the Parish Clerk and elected Councillors and any persons responsible for managing any sites.

The Councillors are to agree and require the implementation of suitable policies recognising legal requirements and implications to satisfy the duty of care.

Day to day compliance with any policy including initiating actions identified in adopted policies lie with the Parish Clerk, with any actions taken clearly recorded for future auditing.

Regular site management and specific actions are required by site management operatives who should follow direction from the Parish Clerk. It is the duty of such operatives to feedback the results in a clear and timely manner.

The Facilities Working Group is required to periodically review the Tree Management Policy and make recommendations to Full Council on a biennial basis. Full Council will then allocate suitable resources to enable compliance with the stated commitments & outcomes. All staff; elected Councillors and other operatives are to be provided with suitable and ongoing training to enable them to comply with this policy

5. Legal requirements

There is legislation underpinning the function and responsibilities of PPC. In relation to trees there is both statutory law and common law and subsequent court cases that have clarified legal expectations.

- **Health and Safety at Work Act 1974**
- **Management of Health and Safety at Work Regulations 1999**
- **Occupiers Liability Act 1957 & 1984**
- **Corporate Manslaughter Act 2007**
- Pontesbury Parish Council Health and Safety Policy is a generalist policy but imparts a written policy responsibility for PPC.

More details on relevant legislation and case law can be found in Appendix 2

Also the general public are aware of the risks posed by trees and it is often requested that a safety assessment of trees be made because there are concerns.

The policy must be implemented in full to provide the PPC with a safe, efficient and legally defensible tree risk management system. This imposes obligations on all staff with site responsibility to ensure compliance.

Lack of appropriate proactive management increases the risk of damage to people or property.

6. Tree Risk Management Methods

There are currently many methods of tree risk management available. There is recent guidance produced by the National Tree Safety Group (Common sense risk management of trees: 2024) that show possible expectations of standards. Such guidance has been devised by a range of experts in a wide range of fields to take account of statute law, legal cases and existing best practice. This is a review of previous guidance and it becomes clear that some form of written process is required but that formal annual assessment of trees is not usually required

It is clear that any management of the risk from trees has to be undertaken in a manner that is clear, has defined standards and is recorded. To manage the risk a process of tree surveys will be undertaken.

There are rules and limitations to this process of risk management that PPC will adopt. These are defined below:

- The methods of survey will be undertaken using the principles of the Visual Tree Assessment (VTA) process and other best practice methods when appropriate.
- This strategy relates to all trees owned and under the maintenance responsibility of PPC.
- All land owned and maintained by PPC (and zones within sites) categorised and placed upon a recommended cycle of inspection (inspection frequency).
- Each site will be inspected within the recommended timeframe by defined personnel.

- Details of all expert inspections and subsequent work will be recorded for future reference in a formal report containing suitable map-based identification of all trees surveyed.

- The results and recommendations of those inspections will form the basis of tree work recommendations with clearly defined timeframes for completion.

- Key officers & elected Councillors will receive appropriate training, with competence being periodically reviewed.

- The system will be subject to periodic review.

7. Tree surveys and survey type

The following categories of tree survey will be considered appropriate depending on the site and the motivation for a tree survey. Pontesbury Parish Council will undertake surveys of trees to one of the four following levels:

- **Informal inspection** – This is an informal assessment from ground level, looking for obvious faults whilst undertaking other duties. This type of inspection is more of a general observation by persons familiar with a site and no specific training would be expected. Concerns from such observations would be reported to a person responsible for the site or a person with greater competence. Such an inspection could be undertaken by a site maintenance operative or Tree Warden.

- **Formal basic inspection** – This is a ground level inspection undertaken either as part of a routine site assessment or when requested (adhoc customer requests). Significant and obvious tree issues would be expected to be observed but only problems recorded and actioned appropriately. Such persons undertaking such an assessment would be expected to have some form of basic training to identify obvious faults such as poor tree health, substantial fractured limbs, fungal fruiting bodies and know when to request a detailed expert inspection. The occurrence of the inspection would be recorded, but only details on trees requiring remedial work or further expert assessment would be recorded.

- **Detailed expert inspection** – This is a detailed inspection from ground level recording information about trees and making specific recommendations. Such an assessment will be undertaken by an Arboricultural specialist. This will be undertaken at the inspection frequency defined and can also be undertaken following an adhoc request. Such inspections would be formally recorded. The trees subject to the inspection will be recorded in a report and identified on a plan.

- **Advanced expert inspection** – This is a detailed inspection investigating a particular issue, from either ground level or above ground. Such an assessment will be undertaken by an Arboricultural specialist when required. This will normally relate to a specific tree related issue such as decay, stability or health. Such inspections would be formally recorded.

8. Zoning

The system will involve the surveying of trees according to the frequency of adjacent usage or the financial value of adjacent property. This is a process of zoning and will be used to focus surveying resources.

Areas with the highest usage / value will be given the highest priority as there is the highest chance or consequence of harm should a tree fail. Subsequently areas with little or no usage or very low property value shall receive the lowest frequency of inspection or on occasion no routine inspection. Details of zoning categories are shown in appendix 3 (page 15).

Zoning details for a site is considered a fluid exercise that can change over time as site usage can change. If a site is formally zoned then a plan identifying the relevant zones should be produced to provide information for future assessments.

9. Inspection Frequency

This is the period between inspections of a tree and shall be within the stated timeframes. Inspection years start at the beginning of a financial year (6th April) and the end of a year (5th April).

The frequency of the tree inspections will be between 1 and 5 years, but there will be scope to avoid any routine survey of some trees due to the lack of nearby usage or very low financial value of nearby property.

Trees within falling distance of the highest usage targets will be inspected the most often and the least used areas will get very low levels of inspection. There is again scope to increase the inspection frequency should a particular tree present greater risk of harm than others within the same zone.

Where the frequency of usage is difficult to determine an approximate guess will be made and this will always be towards the highest survey level.

More details of the survey frequency for sites is contained in Appendix 4 (page 18).

10. Emergency process

It is important to detail a process by which tree related emergencies are dealt with to ensure that issues are dealt with promptly and ensuring that the Parish Council's obligations are met.

Outside normal office hours emergency issues shall be dealt with via

Parish Clerk (telephone 01691 661157 or email clerk@pontesbury-pc.gov.uk.

Or Deputy Clerk (telephone 07951 205519 or deputy@pontesbury-pc.gov.uk)

or Cllr Ken Day – Tree Warden (telephone 07801 388377 k.day@pontesbury-pc.gov.uk)

or Cllr Duncan Fletcher (telephone 01743 792000 d.fletcher@pontesbury-pc.gov.uk)

A local treework contractor will be engaged to deal with emergency treework as needed.

During normal office hours (Mon-Fri 9am-5pm) on all PPC land the clerk or persons responsible for a site have direct responsibility for any emergency safety issues that occur. In the event of an emergency such persons will immediately contact a suitable tree work contractor to make the tree/s safe.

All details of emergencies should be recorded including any remedial intervention to cover future liability claims

11. Inspector competence

To ensure that legal expectations are met but with the reasonable use of resources there will be three types of tree inspectors used. The adhoc informal reporting of tree related issues is also noted as it can form an initial part of an inspection process.

- Informal inspector – A lay person where no training will be given, very basic observation skills are expected. Such an inspector would include members of staff not responsible for any particular site or its management and will also include members of the public. An appointed Tree Warden is to carry out this function.
- Formal basic inspector (level 1) – A person who has a basic knowledge of trees and their major faults. They shall be trained to a suitable level (**level 1 Arboricultural qualification or equivalent**) to ensure that they can identify basic tree faults and recognise the potential consequences based on the tree survey methodology. These will be staff responsible for daily site management. A local skilled tree surgeon will be appointed to undertake this inspection in addition to other annual maintenance operations within the Parish
- Detailed expert inspector (level 2) – A person who has detailed expert knowledge of trees, both biologically and structurally and who will have demonstrated training and experience (**level 3 Arboricultural qualification**). Any Arboricultural experts shall have qualifications that meet this criterion.
- **Advanced expert inspector (level 3)** – A person who has an advance level of knowledge of trees; both biologically and structurally and who will have additional competence training and experience (**level 5 Arboricultural qualification and above**). Any Arboricultural consultants shall have qualifications that meet this criterion.

There will normally be responsibilities for the routine inspection of the trees by the formal basic inspector (level 1) & the detailed expert inspector (level 2). The advanced expert inspector (level 3) is reserved for specialist adhoc inspections.

12. Tree Inspection & Work Records

The details of all detailed expert inspections and above shall be recorded electronically by the Parish Clerk for each site along with any details on adhoc inspections and remedial works undertaken.

Any formal reports are to be retained for reference during future inspections.

Any emergency incidents, harm or damage that occurs shall be recorded alongside any site surveys for future reference and process monitoring.

All information on a tree shall be kept for the life of the tree and up to 7 years after removal.

13. Tree work standards

The assessor shall ensure that all recommendations are in accordance with current industry best practice and strike a balance between tree safety and tree benefits. All recommended work shall have clear timescales defined.

Treework motivation shall be in response to formal assessment of a tree concern and shall be in a hierarchy of importance as defined in Appendix 5 (page 23).

All treework instigated shall conform to the British Standard BS3998:2010 Treework – Recommendations. Check Ben and other contractors when going out for quotes

14. Tree cover and sustainability

The benefits of tree cover in the urban environment are well documented and there is significant tree cover present on all the sites.

It is important to ensure that there is a long-term future for tree cover and to do achieve this it is appropriate to undertake renewal and replacement planting on site where possible.

When a tree is removed or naturally dies there is a commitment to plant replacement trees at a ratio of 2:1 as stated in policy GRE2 of the Pontesbury Parish Neighbourhood Plan 2016 - 2038 Replacement planting can be undertaken on the same site or a nearby site where appropriate. A species will be chosen that takes into account site constraints, biodiversity and climate change.

Where there are planning applications or treework applications for trees protected by Tree Preservation Orders (TPOs) that will result in the loss of trees, replacement planting will be requested to match or increase tree cover where this is considered possible.

15. Chalara Ash dieback disease

Following the emergence of the potentially catastrophic pathogen in the UK additional consideration has to be made of the health and condition of Common Ash (*Fraxinus excelsior*).

Ash dieback is caused by a fungal organism called Hymenoscyphus fraxineus. The disease causes leaf loss and crown dieback in affected trees and can lead to tree death. The fungal disease is carried on the wind and by transportation of infected trees

The disease does not cause rapid or catastrophic failure of trees. Any danger from dead or dying trees is likely to be gradual and obvious over a period of year. Hymenoscyphus fraxineus is not fatal to all ash trees. The older infected trees may be able to survive indefinitely, although they may be at increased risk of other infections

There is no need to indiscriminately fell ash trees, even if Ash dieback disease is confirmed in the tree.

It is important to assess tree health during the summer months to determine any notable levels of crown infection. In the early stage trees predominantly suffer from a thinning crown and early leaf fall followed by shoot dieback in parts of the crown.

In subsequent years the dieback can develop in larger diameter branches causing them to die off and eventually trees can die completely, or they can become vulnerable to root pathogens making some trees unstable.

The risk of harm is tree specific, with some trees having infections one year and the crowns recovering the following year, whereas others have high levels of infections that progresses rapidly over a few seasons.

PPC is committed to undertaking regular inspections of Ash trees to enable the monitoring of the disease presence. Trees that show tolerance to the disease will be retained where possible to allow for natural emergence of tolerant strains of Ash.

There will be no blanket removal of Ash trees to prevent the disease as this disease is now endemic to the UK and would create an unnecessary financial and environmental impact upon the parish.

16. School Green Succession Planting

The open space by school green is recognised by PPC as a valuable an of open space. In the 2025 Tree Safety Survey, it was noted that three of the trees were considered to be reaching their maturity and are considered likely to decline.

It was suggested within the report that in advance of the decline it would be advised to undertake some new tree planting to provide replacements. The trees that are noted as declining are located relatively close to the properties in School Green, with two trees being relatively tall (medium growing) and one being relatively small (small growing).

It is considered to try and retain the volume of tree cover in the future and so it would be considered appropriate to plant three new trees to provide replacements for the noted declining trees, two of these would be medium growing and one would be small growing.

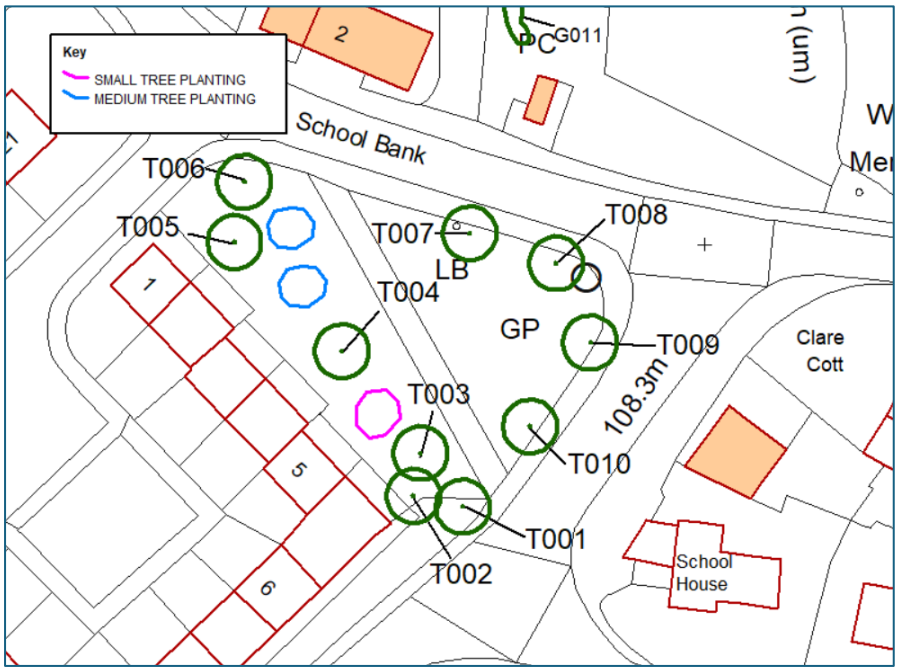
New tree species

The following trees are considered suitable replacements species

Botanical name	Common Name	Growing size	Attractive features
Cercidiphyllum japonicum	Katsura tree	Small to medium	Delicate foliage, emerges pink in spring and turns orange and yellow in autumn with a burnt sugar scent at the same time
Prunus Umineko	Cherry	Small	Narrow form with delicate white flowers in spring and good red and orange autumn colours
Prunus x *yedoensis*	Yoshino Cherry	Small	Broad form with large volumes of white flowers in spring
Sorbus commixta	Chinese Scarlet Rowan	Small	White flowers in spring, red berries in autumn along with good autumn leaf colours
Acer ginnala	Amur Maple	Small to medium	Generally excellent autumn leaf colours, reds & yellows
Acer campestre 'Red Shine'	Red Shine Field Maple	Medium	Native tree, leaves emerge with strong red colouration that fades to green. Good yellow autumn colours
Gleditsia triacanthos 'Sunburst'	Honey Locust	Medium	Delicate yellow foliage, in good years will have drooping seed pods
Tilia henryana	Henry's Lime	Medium to large	Very ornate Lime tree, slow growing and good yellow autumn colour along with late flowering
Liquidambar styraciflua 'Worplesdon'	Sweet Gum	Medium	Look like Maples, and have a very long lasting autumn colour. Slow growing

Planting Locations

It is considered important to plant similar sized trees (at maturity) however the medium growing trees would be best planted a little further away from the properties at School Green. A plan below details possible locations.



Tree size and protection

There are numerous planting specifications that could be used. To try and prevent vandalism of newly planted trees there are two options:

- Plant a heavy standard tree (14-16cm girth)
- Plant a feathered / light standard tree within a welded mesh guard

A decision will be made as to which is most appropriate when considering initiating the planting process.

Maintenance

Once planted, trees will be watered once a fortnight during the first two growing seasons with at least 20 litres of fresh water applied in such a way that the water percolates downwards into the planting pit and tree rootball.

17. Monitoring and Review

Tree surveys

There will be on-going monitoring of the progress of the undertaking of the formal basic inspection and detailed expert inspection by the Parish Clerk annually, with records of completion noted.

Records are kept of the all the tree work recommendations for all previous surveys and when required patterns of recommendations can be noted.

Remedial Tree Work Completion

Effective monitoring of the undertaking of tree remedial works is dependent on Parish Clerk in accordance with any treework recommendations.

Tree failure occurrence

It is important that any tree failures are recorded against each site with details regarding likely causes or weather conditions e.g. stormy weather and also include the date and tree reference number.

Policy review

To ensure that the policy remains effective the policy is reviewed no longer than 5 years from the date of adoption or whenever there is specific change to legislation.

Policy adopted: 12th October 2026

Review date: October 2031

APPENDICES

Appendix 1 – Trees environmental and social benefits

There is a growing body of evidence that trees in urban areas bring a wide range of benefits. Some benefits can be subtle in that a general feeling of well-being can be associated in well-treed areas. Whilst trees can evoke passionate responses, the evidence for the benefits is significant and recognised by governments around the world, with policies and strategies in place to increase tree numbers in built up areas.

In 2010 Trees and Design Action Group (TDAG) produced a comprehensive document regarding trees in urban environments (https://www.tdag.org.uk/no-trees-no-future.html)

The lists of benefits have been directly extracted from that document

Economic benefits of urban trees:

- Trees can increase property values by 7-15 per cent.
- As trees grow larger, the lift they give to property values grows proportionately.
- They can improve the environmental performance of buildings by reducing heating and cooling costs, thereby cutting bills.
- Mature landscapes with trees can be worth more as development sites.
- Trees create a positive perception of a place for potential property buyers.
- Urban trees improve the health of local populations, reducing healthcare costs.
- Trees can enhance the prospect of securing planning permission.
- They can provide a potential long-term renewable energy resource.

Social benefits of urban trees:

- Trees help create a sense of place and local identity
- They benefit communities by increasing pride in the local area.
- They create focal points and landmarks.
- They have a positive impact on people's physical and mental health.
- They have a positive impact on crime reduction.

Environmental benefits of urban trees:

- Urban trees reduce the 'urban heat island effect' of localised temperature extremes.
- They provide shade, making streets and buildings cooler in summer.
- They help remove dust and particulates from the air.
- They help to reduce traffic noise by absorbing and deflecting sound.
- They help to reduce wind speeds.
- By providing food and shelter for wildlife they help increase biodiversity.
- They reduce the effects of flash flooding by slowing the rate at which rainfall reaches the
- ground.
- When planted on polluted ground they help improve its quality.

Appendix 2: Synopsis of tree safety related law and guidance

1. Health & safety related legislation

Health and Safety at Work etc. Act 1974

This Act not only sets out employers duties regarding their own employees but also under section 3 gives general duties owed to non-employees. These provisions require every employer to ensure the health, safety and welfare of non-employees (e.g. the public) who would be affected by work activity, acts or omissions. Section 4 sets out general duties of persons concerned with premises to persons other than their employees.

Management of Health and Safety at Work Regulations 1999

These regulations formalise the requirement for risk assessments to be undertaken and written in an organisation's policy where it has more than 5 employees.

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

These regulations put duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses).

Occupiers Liability Acts 1957 & 1984

Occupiers must take 'reasonable care' under a 'common duty of care' to ensure visitors to their property are safe. The 1984 Act extended some level of protection to trespassers.

Corporate Manslaughter and Corporate Homicide Act 2007

This legislation allows for the prosecution of managers of organisations where a person's death is due to a failure in the way an organisation's activities and systems are managed or organised.

Compensation Act 2006

This legislation allows a court to consider additional factors when determining negligence or a breach of a statutory duty of care. Thus a court can take into account the benefits of trees and make a considered opinion as to whether the risks in a situation outweigh the other more beneficial factors trees provide. This provides a potential additional rationale for the retention of trees with defects where there are clear benefits.

2. Health & safety guidance

Management of the risk from falling trees or branches (SIM 01/2007/05).
Health and Safety Executive, 2013

This HSE Sector Information Minute outlines standards of risk management for trees, risk assessments and routine checks by a competent person. Systems need to be in place to manage risks from trees to employees, contractors and members of the public. This further clarifies the expectations from the HSE.

Common sense risk management of trees – Guidance on trees and public safety in the UK for owners, managers and advisers.
National Tree Safety Group, 2024
The NTSG is a broad partnership of stakeholders, groups and organisations that have come together to develop nationally recognised guidance on tree safety management that is proportionate to the actual risk from trees. This document provides a review of legislation, legal cases, cost-benefit analysis and current best practice to give clear guidance on appropriate methods of the management of the risks from trees.

3. Nature conservation legislation

Wildlife and Countryside Act 1981 (and amendments)
The Act covers protection of birds, some animals and plants, the countryside, National Parks, designation of protected areas and public rights of way.

Natural Environment and Rural Communities Act 2006
This Act introduced a statutory duty on all public bodies including Parish Councils to have due regard to biodiversity in exercising their functions. In terms of trees, general tree planting can be considered important, however the older more substantial trees if retained can offer high levels of biodiversity value including, birds, bats and insects.

Conservation of Habitats and Species Regulations 2017 (as amended)
Gives protection to European Protected Species (EPS) and sites; introduces the requirement to obtain licences for any work that might harm EPS or their breeding or resting sites. This would relate to trees with particular importance in terms of particular species, or that are located within areas of recognised ecological importance.

4. Relevant examples of case law

Quinn v. Scott - 1964
The following are taken from the judgement "… a landowner on whose land a belt of trees stood, adjoining a busy highway, was under a duty to provide himself with skilled advice about the safety of the trees…"
"The good landowner - using the word good in its moral sense - does not ruthlessly cut down every tree growing on his land as soon as it would pay him to do so. He has some regard for the beauty of the tree and of the countryside … and have in mind what is called the amenity value of growing trees." Judge Glyn-Jones.

Chapman v Barking & Dagenham Borough Council – 1997
The case followed the failure of a branch which fell onto a van and resulted in the driver being rendered a paraplegic. The judgement stated "…..*the defendant council did not at any relevant time appreciate the distinction between making lists of trees and routine maintenance, as opposed to systematic expert inspection as often as would reasonably be required. I find that no such inspections were ever made, that it was a clear duty on the defendants to make them, and that they have failed in that duty."* This clarified the legal expectation of routine expert tree inspections.

HSE v Birmingham City Council – 2002

The HSE prosecuted the Council under s3 (1) of the Health and Safety at Work etc Act for failing to ensure the safety of those not in its employment. The HSE had served an Improvement Notice on the Council in 2001 requiring their tree management systems to be reviewed. The facts are that a diseased ash tree toppled across both lanes of a road in high winds and killed 3 people.
The Council was fined £150,000 and had £56,000 costs awarded against it.

Gary Poll v Viscount Asquith of Morley and another – 2006

Following a serious collision with a tree by a person riding a motorcycle the preliminary judgement found that the inspection regime was not adequate for the risk posed by the tree. In this judgement definitions of inspector competence were clarified, with it being deduced that a 'level 2' surveyor with expertise and / or appropriate qualifications was required in this instance, as opposed to an inspection by a generalist without specialist tree knowledge.

Albert Atkins v Sir James Scott - 2008

This case involved a collision between a motorist and a fallen branch. The motorist made a claim against the tree owner for damages. Judgement was awarded in favour of the defendant.
The predominant issue in this case was whether or not a crack present on the failed branch was visible from the ground by an observer. It was subsequently deemed that the crack could not have been easily seen and as such the resulting failure and collision must be classed as an accident.

Bowen (& others) v National Trust – 2011

This High Court case followed a fatality and three serious injuries from a falling tree. The National Trust was not found liable as they had undertaken an inspection and had considered the actual risk of failure and this had led to no action to a tree with a visible defect. In his judgement The Honourable Mr Justice Mackay referred to the liability in this case being defined by the Occupiers Liability Act 1957 and that all that was needed was to ensure that "the visitor will be reasonably safe". A method of tree risk zoning was used by the National Trust and the location in this instance was classed as a 'medium risk' zone.

Cavanagh v Whitley Parish Council - 2018

The Court of Appeal reinforced an earlier High Court ruling following the failure of a large Lime tree on to a busy road that resulted in serious injury to the driver of a bus. The Parish Council has a 3 yearly inspection regime for all of its trees, and had failed to recognise the higher potential risk of harm from this larger tree given the location. The tree had been inspected by a Forestry contractor 3 years prior to the accident, but no issues had been noted. It was deduced that by virtue of its position and height the Lime tree should have been inspected more frequently than 3 years, at which point a fungal decay bracket would have been evident and the need for remedial work evaluated more thoroughly. There are questions regarding the competency of the Forestry contractor and the resulting inspection 3 years prior to the accident, however in the ruling the inspection frequency was considered to be the relevant factor in determining liability. By virtue of having no focussed zoning the Parish Council was considered to have not met its duty of care and was found liable.

Appendix 3 – Site Zoning

Zoning categories

To undertake a risk assessment of every tree on every site would be a significant undertaking and impractical. It is important to act in a way that would produce a legally defensible system, which is financially sustainable.

To target resources there will be a sliding scale of inspection frequency based primarily on the usage of areas and the financial value of property within falling distance of a tree. This process is termed 'zoning' and the inspection frequency will generally be determined by this. Such a process is undertaken prior to a formal basic or detailed expert inspection.

Zone 1 (HIGH RISK) is for the areas with the highest levels of usage (pedestrian & vehicle) and significant value of property that is within falling distance of trees. If tree or branch failure were to occur then these would represent the highest risk of harm.

Zone 2 (MODERATE RISK) is for areas where there is still noted levels of usage but that the occupation is still regular but at far lower volumes.

Zone 3 (LOW RISK) is for areas with occasional levels of usage and very low property values.

Zone 4 (NEGLIGIBLE RISK) is for areas very low levels or no clear access, usually noted through site evidence or clear barrier preventing access. CURRENTLY THERE ARE NO ZONE 4 AREAS IDENTIFIED DURING THE ZONING PROCESS

To make this approach clear there are Zoning Maps produced for each site in the Appendix 7.

Appendix 4 – Inspection Frequency

The frequency of inspection is the time between surveys of the same tree or group. The expectation of a survey is to include a formal basic inspection as the baseline and detailed expert inspection being a more detailed. The categories of inspection frequency are 1 – 4 years & none. The final category is for trees that even if they failed in their entirety would have a no chance of harm to persons or property by virtue of their position.

As the current financial value of a life is between £1 million - £2 million the worst case scenario would be a fatality that would be worth that value. Subsequently property of a similar financial worth likely to be irreparably damaged would be of a similar value.

The zone categories are based upon the principles of the usage frequency and value or targets as suggested by the QTRA system [1] however owing to the complexity of such values these have been simplified to reflect the likely usage experienced on sites owned by Pontesbury Parish Council and allow interpretation by the assessor.

The usage is not an absolute figure, but is to aid in the assessment of the likelihood of occupation should a tree or branch fail. The assessor must use discretion as they are unlikely to ever know the exact figures of occupation. Factors such as long periods of queuing traffic underneath a tree overhanging a highway, or the usage of play areas by multiple people for extended periods of time can reasonably result in a higher occupancy zone being determined.

Important notes: all frequency levels of occupation are considered over a 24 hour period throughout the year. It is noted that there will be peaks in this and static occupation such as car parks, play areas, bus stops, and other gathering areas. In approximately estimating usage time of occupation in general a single person or vehicle passing a tree will be estimated as being within falling distance of a tree for 3 seconds so an hour's static occupation by a single person or a single vehicle would equate to 20/hour) All occupation and property value has to be estimated.

Each Zone definition does not overlap allowing for discretion in the estimate.

If a footpath has an estimated pedestrian occupation of *20 /hour* it would be prudent to make this ***Zone 1*** unless all the other factors suggested the actual usage may be lower when considering all reasonable factors, in which case ***Zone 2*** could be picked.

In terms of formalised play areas, where there are significant periods of usage by reasonable numbers of children it is most likely that these would be categorised as Zone 1 unless it was known that usage was generally low and sporadic.

[1] Elison, MJ (2006). Quantified Tree Risk Assessment. Quantified Tree Risk Assessment Ltd, Poynton.

Table 1

Inspection Frequency	Zone category	Zone definition
1 year **(level 1 formal basic inspection)**	**Zone 1** - tree located in the highest risk zone (**HIGH RISK**)	This is for the targets that have high levels of **pedestrian usage (at least 20/hour)**, all **roads with high volumes of traffic (100 + per hour)**, or property value / likely cost of repair of approximately **£100,000+** (covering most property values).
2 years **(level 2 formal expert inspection)**	**Zone 1 - tree located in the highest risk zone (HIGH RISK)**	
2 years (level 2 expert inspection)	**Zone 2** - tree located in a moderate risk zone (**MODERATE RISK**)	This is for areas with significant level of **pedestrian usage (10 / hour)**, roads with frequent **traffic (30 / hour)** or property value / likely cost of repair of approximately **£20,000** (a reasonable cost for a new vehicle).
4 years or None (level 1 inspection, adhoc level 2 inspection when needed)	**Zone 3** - tree located in a low-risk zone **(LOW RISK)**	This is for a low level of **pedestrian usage (1 / hour)**, roads with low levels of **traffic use (5 / hour)** or property value of approximately **£500** (generally the maximum value of insurance excess on basic property insurance).
None	**Zone 4** - tree located in a very low risk zone **(NEGLIGIBLE RISK)**	This for areas with a very low level of **pedestrian usage (5 / day or lower)**, virtually no **traffic use (5 / day or lower)** and very low value of property **£10** (this effectively is a very low value of property damage). Any inspection of this would be considered adhoc in nature

Amendments of inspection frequency

The recommended timeframe between inspections is noted for each tree following the first formal recorded inspection. This would default to the general inspection frequency for the Zone unless the inspector deems otherwise. Only the Arboricultural expert (detailed expert level) is permitted to alter the inspection frequency.

The amendment of the tree inspection frequency is dictated by three factors:

- The **usage of the target area affected by the tree** (so within falling distance)
- The **likelihood of harm caused by the tree**, and so affected to a greater extent by larger trees.

- The **condition of the tree when inspected**, which is an overall assessment of the Structural Condition, Biological Condition and Pathogen significance made on site.

This allows a tree that has a fault (but currently does not require works to address this fault) to be inspected more frequently. This would apply if a tree had structurally debilitating fungi and possibly some decay that is predicted to increase in significance before the normal routine re-inspection period is reached. This effectively allows for a monitoring system and also allows a tree to exist in its natural state without premature intervention such as tree surgery. It would not be expected for a re-inspection frequency to increase more than 1 step (from a frequency based solely on usage of target area). Conversely when trees are identified as being less of a problem, primarily due to size then a less often inspection frequency can be chosen.

Appendix 5

Treework – Hierarchy of importance

All treework to be undertaken should follow the hierarchy below. Each decision will be made on a case by case basis but the reasons for undertaking remedial treework are considered important.

Motivation	Action	When
Unsafe Trees - Immediate Action Required	If a PPC owned tree is in such a condition that it poses a very high risk to people or property, the Clerk will contact an emergency contractor asking for emergency site attendance. If work cannot be completed, areas at risk will be cordoned off until resources are available.	Within 2 hours
Unsafe Trees - Not Requiring Immediate Action	Trees that are identified as high risk but present no immediate risk to the public or property will be made safe depending on the level of risk identified at the time of inspection. This will be in line with a risk-based assessment during the survey and in accordance with an identified work priority	Within recommended timeframes
	Works on trees that are not considered high risk but where remedial work is considered essential or for good management purposes.	One year or within recommended timeframes
Tree Touching a Building	If a tree that is owned or managed by PPC is touching private property (dwelling, house, boundary wall, garage etc) action will be taken to remove the nuisance.	No priority defined
Tree Overhanging Private Property	We will not prune or fell a tree that is owned or managed by PPC to alleviate the nuisance of branches overhanging private property.	n/a
Tree Roots and Drains	We will not prune, fell or cut the roots of a tree that is owned or managed by PPC to prevent roots entering private drains that are already broken or damaged.	n/a
Trees Blocking Natural Light	We will not prune or fell a tree owned or managed by PPC to improve natural light to private property.	n/a

Trees Blocking Views	We will not prune or fell a tree owned or managed by PPC to improve the view from private property.	n/a
Leaf Fall from Trees	We will not prune or fell a tree owned or managed by PPC to remove or reduce leaf fall or remove fallen leaves from private property.	n/a
Sap from Trees	We will not prune or fell a tree owned or managed by PPC to prevent or reduce honeydew or other sticky residue falling onto private property.	n/a
Blossom from Trees	We will not prune or fell any tree owned or managed by PPC to remove or reduce blossom fall from trees.	n/a
Bird Droppings from Trees	We will not prune or fell any tree owned or managed by PPC to remove or reduce bird droppings from the tree.	n/a
Fruit, Berries & Nuts from Trees	We will not prune or fell any tree owned or managed by PPC to remove or reduce the nuisance of fruit, berries or nuts, or remove fallen fruit from private land.	n/a
Wildlife and Insects in Trees	We will not prune or fell any tree owned or managed by PPC to remove or reduce incidence of bees, wasps, other insects, wild animals or birds.	n/a
Satellite and Television Reception Blocked by Trees	We will not prune or fell any tree owned or managed by PPC to enable or ease installation or improve reception of satellite or television receivers.	n/a
Solar Collectors and Panels Obscured by Trees	We will not prune or fell any tree owned or managed by PPC to improve the performance of Solar Water Heating Collectors or Solar Panels such as Photovoltaic Cells	n/a
Telephone Wires and Trees	We will not fell any tree owned or managed by PPC to remove or reduce interference with telephone wires, but there may be instances some sympathetic pruning could be considered if it is considered minor in nature and cost effective.	n/a

Tree Considered Too Large	We will not prune or fell any tree owned or managed by PPC because it is considered to be 'too big' or 'too tall'.	n/a
Vandalism to Trees	Any reports of vandalism to any tree owned or managed by PPC will be investigated and where possible repaired.	n/a
Anti-social Behaviour and Trees	Where any tree owned or managed by PPC is associated with criminal activity or anti-social behaviour, measures to reduce the problem will be considered on a site by site basis. Tree removal will be resisted in the first instance	No priority defined
Subsidence Caused by Tree	There is a significant burden of proof regarding vegetation induced subsidence. Any allegations of subsidence made must be back up by suitable technical investigation in line with the LTOA Joint Mitigation Protocol. Following receipt of such information a decision on appropriate action will be taken	No priority defined

Appendix 5: Tree work priorities / timescales

Following an assessment of tree it is possible that remedial works will be defined. It is important to ensure that all work is undertaken in a professional and safe manner but also within reasonable timescales. To ensure that resources are allocated appropriately and in such a way that the trees / branches that are most likely to fail and that are most likely to cause significant harm are dealt with first, the assessor will make three separate assessments regarding a problem or defect related to a particular tree.

If there is a defect that is not likely to lead to the failure in whole or part of a tree before the next inspection of the tree then no work priority will be produced. In such instances the size of part to fail will be classed as none and no further action will be taken.

The three categories leading to the definition of the work priority are:

- Size of part of tree likely to fail

This is the size of the tree (or part of it) that is likely to fail as a result of the tree fault identified. This is generally the diameter of the part, but in terms of shortened branches, stems or trees the diameter could be misleading so interpretation of the normal volumes of the faulty part will need to be made if deemed appropriate by the inspector. It is likely that the assessor will not have to make such an assessment as a shortened part will be less likely to fail.

Categories are

- **<150mm**,
- **150 – 450mm**,
- **450 – 900mm**,
- **>900mm**,
- **Whole tree (reserved for particularly large trees or multi-stemmed trees with each stem greater than 900mm diameter)**,
- **None.**

If none is recorded then neither of the next two categories would be completed, as if there are no parts likely to fail then there is no requirement to assessment a likely target or likelihood of failure. If work is recommended that is not motivated by a safety issue then tree work recommendations could be detailed but priority would automatically be routine maintenance (see matrix below).

- Tree Target Rating

Related to the usage of financial value of the area where the problematic part is most likely to fail. The categories are essentially reflections of the Consequence of Whole tree failure category in as much as they are related to usage or value of target only and relate **only** to the identified defect part.

The categories are:

- **Zone 1** (High Risk).
- **Zone 2** (Moderate Risk).
- **Zone 3** (Low Risk).
- **Zone 4** (Negligible).

- Failure potential

This is the predicted timeframe by which point the part identified is likely to fail.

Categories are

- **Imminent** (1-7 days),
- **Probable** (7days – 3 months),
- **Likely** (3+ months – 1 year),
- **Possible** (1 – 5 years)
- **Negligible** (5+ years).

Following these assessments the use of the double matrix will lead to work prioritisations.

- Tree work timescales

The tree work timescales are the defined time from the receipt of the recommendations by the responsible officer that the recommended work shall be undertaken.

Categories are:

- **Immediate (1 – 7 days)**,
- **3 months**,
- **6 months**,
- **1 year**,
- **Routine maintenance** (when resources permit)

Immediate work is as suggested requiring urgent attention and if work is delayed all areas within falling distances of the particular tree fencing off until the work is complete

The timescale have come from a matrix system detailed on the following page.

Tree Risk Matrix

Hazard Rating - first assessment stage		**Size of part**				
		<150mm	150 – 450mm	450mm – 900mm	> 900mm	Whole tree
Failure potential	Negligible (5+ years)	1	2	3	4	5
	Possible (1-5 years)	2	4	6	8	10
	Likely (3+ months – 1 year)	3	6	9	12	15
	Probable (7 days – 3 months)	4	8	12	16	20
	Imminent (1 – 7days)	5	10	15	20	25

The resulting number from above is fed into the table below to produce a final assessment of the risk that will lead to work priorities.

Risk rating		**Target Rating**			
		Zone 4 Negligible Risk	Zone 3 Low Risk	Zone 2 Moderate Risk	Zone 1 High Risk
Hazard rating figure	1	**1**	**2**	**3**	**4**
	2	**2**	**4**	**6**	**8**
	3	**3**	**6**	**9**	**12**
	4	**4**	**8**	**12**	**16**
	5	**5**	**10**	**15**	**20**
	6	**6**	**12**	**18**	**24**
	8	**8**	**16**	**24**	**32**
	9	**9**	**18**	**27**	**36**
	10	**10**	**20**	**30**	**40**
	12	**12**	**24**	**36**	**48**
	15	**15**	**30**	**45**	**60**
	16	**16**	**32**	**48**	**64**
	20	**20**	**40**	**60**	**80**
	25	**25**	**50**	**75**	**100**

Tree Work priorities

Score	Description	Timeframe
1-11	No works at present	Routine maintenance or monitor as part of cyclical programme
12 – 25	Low priority work	1 year
27 - 39	Medium low priority work	6 months
40 - 50	Medium high priority work	3 months
60 - 100	High priority work (emergency)	1- 7 days

This score is used to devise the priority and whilst the score is not recorded all the other information is so that it allows any future assessment of the priorities to be made.

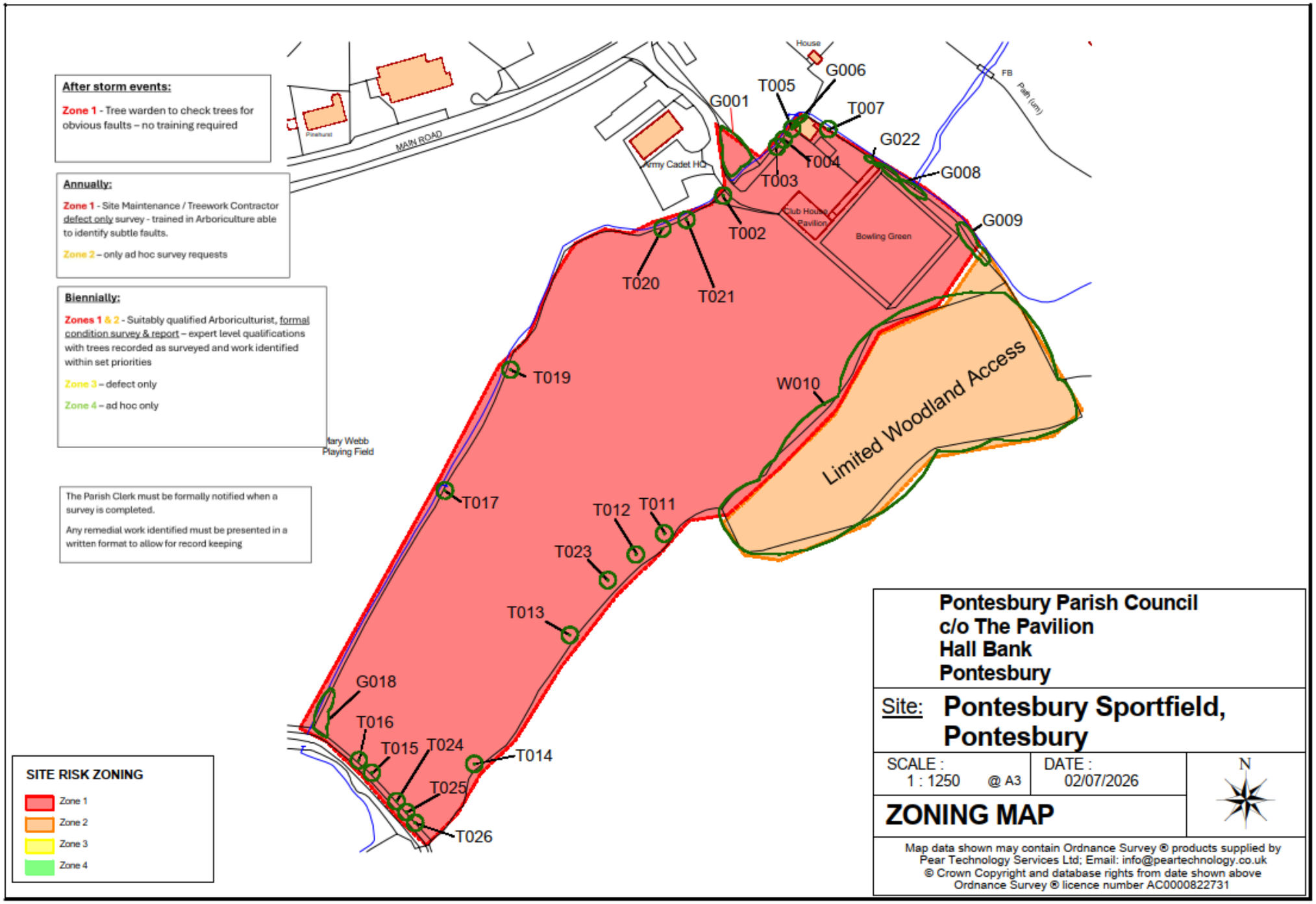
Appendix 7 – Specific site inspections / Zoning Maps

The following pages have identified Zoning maps that also list frequency of inspection and competency of inspector.

The zoning may have to be periodically reviewed to ensure that it reflects realistic levels of usage.

Pontesbury Sportsfield

Currently the wooded area is not formally accessed and there is only very sporadic access, identified when sporting activities occur on the adjacent sportfield. Currently a woodland management plan is being sought to determine the best options for maintenance on this site. The zoning map may need to be revised when any management plan is implemented if levels of access are altered



School

Currently of the site is well used and most of the trees are within falling distance of a busy road or residential properties.

After storm events:

Zone 1 - Tree warden to check trees for obvious faults – no training required

Annually:

Zone 1 - Site Maintenance / Treework Contractor defect only survey - trained in Arboriculture able to identify subtle faults.

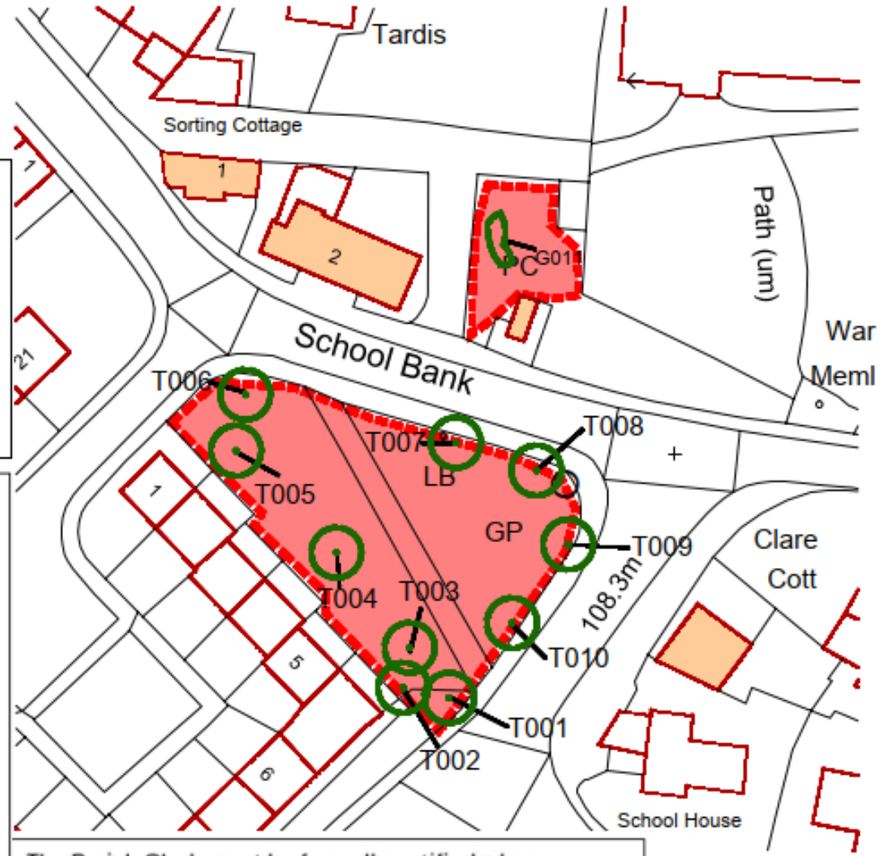
Zone 2 – only ad hoc survey requests

Biennially:

Zones 1 & 2 - Suitably qualified Arboriculturist, formal condition survey & report – expert level qualifications with trees recorded as surveyed and work identified within set priorities

Zone 3 – defect only

Zone 4 – ad hoc only



The Parish Clerk must be formally notified when a survey is completed.

Any remedial work identified must be presented in a written format to allow for record keeping

SITE RISK ZONING

- Zone 4
- Zone 3
- Zone 2
- Zone 1

Pontesbury Parish Council
c/o The Pavilion
Hall Bank
Pontesbury

Site: School Green & Jubilee Gardens, Pontesbury

SCALE : 1 : 600 @ A3

DATE : 02/07/2026

N

ZONING MAP

Map data shown may contain Ordnance Survey © products supplied by Pear Technology Services Ltd; Email: info@peartechnology.co.uk
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Land adjacent to Station Road & Hall Bank (various open space areas)

A wide range of land use and tree sizes present. Well-used play area facilities, and also main road through Pontesbury at the southern extent. As some of the younger established trees grow larger there is likely to be a requirement to revise this zoning map

