

## **REPORT TO PICKMERE PARISH COUNCIL**

**1<sup>st</sup> February 2022**

### **AGENDA ITEM 9.5      NEED FOR A REVIEW OF TREE INSPECTION REPORT**

#### **1.      BACKGROUND**

- 1.1 A recent legal case has again brought to public notice the need for bodies owning land containing trees to which the public has access to ensure that appropriate monitoring processes are in place to demonstrate that the resultant duty of care is being respected. In that case, where a member of the public had been killed by a falling tree branch, the local authority acknowledged that the tree, sited alongside a cemetery footpath, had not been part of a planned council inspection programme since 2009.

#### **2.      REPORT**

- 1.1 Members will recall that the Council commissioned a broad survey of its trees around 3 years ago, with the final report being considered by Council on 5<sup>th</sup> February 2019. The comment was made in the accompanying report to Council that:

*[The tree report] seeks to identify those trees that are in a condition that might lead to their partial or complete failure in winds, where such failure might bring the tree or parts of it into conflict with users of the areas, footpaths or roads adjacent to those areas. No guarantees can be offered that any tree is immune from damage during high winds and no tree survey can be conclusive as to the relevant risks of failure; this report aims to identify particular cases where weaknesses have been identified.*

- 1.2 These comments remain perfectly relevant now. No tree survey can provide any guarantee that a tree, or part of it, will not fail.
- 1.3 The tree consultant advised that the survey should be reviewed on a five-year basis.
- 1.4 Obviously only three years have passed since that report rather than five, but your Clerk has discussed with the consultant whether in the light of the above court case a further survey might be warranted. His view was that the five-year cycle remained appropriate. However he suggested that if the Council was particularly concerned to ensure that it took its responsibilities seriously, it may be a worthwhile exercise for he together with a representative of the Council to walk the various pieces of land owned by the Council to make a broad assessment of whether particular trees or groups of trees might appear to be worthy of a further, more detailed review of the original survey.

#### **2.      RECOMMENDATION**

- 2.1 That members consider the issue and decide appropriately.

**Jack Steel – Clerk to the Parish Council**