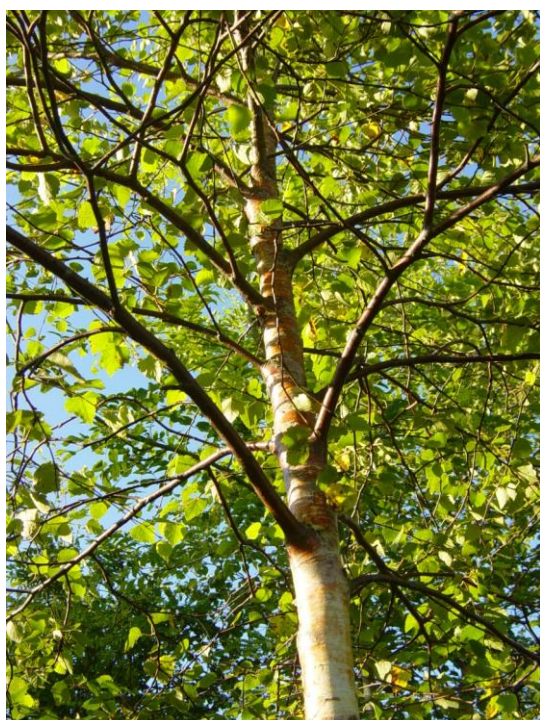


Carmarthenshire County Council Environment Directorate

Tree Management Strategy

This Plan has been prepared by the Rural Conservation Unit within Planning Services, Environment Department, and Carmarthenshire County Council.

September 2019



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Background

This document is intended as a guide for elected members, Council employees, businesses, members of the public and all interested organisations/parties on how they can expect trees on County Council owned land to be managed, and how issues related to trees on private land may be dealt with.

1.1 Vision

For our benefit, and for the benefit future generations Carmarthenshire County Council seeks to ensure that trees continue to enhance our settlements and our countryside, and to be valued and safeguarded as a resource.

1.2 Value of trees

Carmarthenshire County Council recognises the value of our trees and understands that they provide social, environmental, health and economic benefits:

1.2.1 Social



Trees provide:-

- A sense of place and community
- An educational resource
- Seasonal interest, flowers and fruit
- A cultural and historic link to the past.

1.2.2 Environmental

- Trees absorb and store greenhouse gasses which helps combat climate change
- Trees help prevent localised flooding, by increasing absorption and infiltration of water
- Trees can help to reduce noise pollution
- Trees enhance biodiversity and provide support for wildlife.

1.2.3 Health

- Trees help improve air quality
- Trees have a positive effect on mental health and sense of well being
- Trees provide shade
- Trees in parks and other open spaces can provide inviting areas to exercise.

1.2.4 Economic

- The presence of trees can increase the value of properties
- Trees make areas more attractive to potential purchasers
- Trees help to create welcoming areas within town centres; encouraging people use shops and restaurants in the area
- A green environment makes for a better work environment; workers who have views of trees feel happier and perform better
- Visual Amenity Value of trees in monetary terms can be calculated by the Helliwell system.

1.3 Policy context and objectives

Carmarthenshire County Council is responsible for thousands of trees in our streets, parks, schools, open spaces and woodland areas. In addition, across the county a large number of trees are situated on privately owned land.

Where the County Council owns land, it has a responsibility under the Occupiers' Liability Act 1957 and 1984 and the Health and Safety at Work Act 1974 to manage its trees responsibly and to minimise or prevent the risk of personal injury or damage to property. All trees on

Council owned and managed land are therefore to be subject to regular inspections to assess their condition.

Legislation such as the Highways Act 1980, and the Wildlife and Countryside Act 1981 also contain significant implications for Council officers and contractors. It is important therefore that the Council has a clear policy in place for dealing with trees and tree related issues.

1.4 Areas not covered by this plan

Trees in woodland areas raise different issues to trees within streets, parks and open spaces and are therefore subject to a different management process. For this reason, woodland areas have been excluded from this policy. (For the purposes of this document woodlands are considered to be areas with a continuous tree canopy, made up of many trees.) Where individual trees within woodlands are adjacent to properties the following guidance will apply.

2.0 Tree management

2.1 Tree safety Operational Plan on Carmarthenshire County Council owned land.

What is the purpose of the operational plan?

The Tree Safety Operational Plan sets out how trees on CCC managed sites will be surveyed and managed with regards to their safety, so as to evidence that CCC are taking on board its responsibilities under the Occupier's Liability Acts 1957 and 1984, and the Health and Safety Act 1974. See Legal Overview in Appendix 1

Managing for tree safety will adopt a presumption in favour of tree retention unless there are tree safety issues which either require the removal of a tree, or which require work to a tree to be carried out to safely remove defects, and thus reduce the risks posed by the tree.



Why is the Tree Safety Operational Plan required?

The need for an agreed plan for managing tree safety relates to the Council's duty of care as expressed under the Occupier's Liability Acts 1957 and 1984. The Health and Safety at Work Act 1974 also places a duty on employers to ensure, so far as is reasonably practical, that employees and members of the public are not put at risk. See Appendix 1

Who needs to know about the operational plan?

The Chief Executive, all directors of departments that manage land with trees, relevant Heads of Service and other staff involved in site management, and in particular the person named as being responsible for each site where there are trees (usually the Premises Responsible Person).

What does the plan involve?

The Council has adopted the Tree Assured safety procedure (TreeWorks (West Wales) Ltd 2014 (See Flow chart in Appendix 2). This procedure includes using a robust survey method that identifies tree safety issues at individual sites, which can be applied to all sites with trees that are managed by CCC. At each site each individual tree will be visually assessed. Any tree with a visible defect in condition, that may have implications for tree safety, generates an entry in the recording system. That tree is then numbered, plotted on a GIS and the defect described, usually with annotated photographs. Consideration is also made of the level of risk and the likely targets should the tree fail e.g. a branch fall. An assessment is then made as to whether an intervention is required, e.g. removal of a branch, and if so, within in what time scale. The survey will also identify how frequently the site should be re-visited for repeat surveys, usually every 2-5 years depending on site characteristics. Trees that do not show any defects are not entered into the recording system.

All CCC managed sites with trees present should be surveyed according to this procedure with the selection of sites for survey prioritised according to the level of risk trees on the site could present to members of the public and CCC employees. The premises responsible person (PRP) is responsible for ensuring that tree surveys are carried out in a timely manner on all relevant properties.

Who carries out the surveys, and how frequently?

The *Tree Assured* survey should be carried out by an appropriately qualified and/ or experienced personnel: this will usually require training to Level 1 Tree Inspection (or above). The Tree Assured survey is then repeated within an agreed timescale that will reflect the condition of the trees on site, and the risks that these trees could pose. This will typically be every 1-4 years for sites with mature trees where there is public/ staff access, but may be every 5 years or more for sites with immature trees or where public and staff access is limited. All potential defects and other issues should be reported to tree inspectors within the Council qualified to Level 2 or above or suitably qualified external consultants on the Council's Tree work procurement framework who will then advise on whether further assessment or action is required. (See below for Ash Die Back).

Where the PRP does not have access to a Level 1 Tree Inspector it is their responsibility to commission a Tree Assured survey using the CCC Tree Work Procurement framework.

Between these Tree Assured surveys any CCC officers¹ can report any defects that they observe to Level 2 inspectors as above who will advise on whether further assessment or action is required. For example, after a major storm all trees on sites should be looked at by a site manager, ideally with Level 1 experience, and any problems referred up as above.

It is vitally important that everyone involved in the management of trees on CCC land understand and adopts this procedure. See also Appendix 2.

Recording and acting on survey information

Each formal site inspection generates a written report, with a plan and photos. These reports are retained or sent electronically to the person named as being responsible for each site. Reports include details of the work that is required for the site manager to arrange.

Reports should use the Tree Assured report template, these should all be uploaded to Asset Manager with details of actions required and date of next inspection visit. The Premises Responsible Person is responsible for ensuring that action required is carried out as specified in the report and that inspections are carried out within the specified timeframe.

Emergencies and out of hours cover

It is advised that CCC should have access to tree advice 24/7 particularly in the case of emergencies and public holidays. The Tree Management Procedure includes an out of hours contact, and Highways Officers cover out of hours tree issues across the authority. Highways Officers can contact the Arboricultural Officer for emergencies.

Training

All those involved in inspecting trees on CCC owned or managed sites will need to have received appropriate training (see above). Tree Assured tree safety surveys should be carried out by Level 1 inspectors and site managers may need to request training to achieve this qualification. Level 1 tree inspectors should have access to refresher training, normally within every three years.

¹According to the National Tree Safety Group 'Common sense risk management of trees' formal inspections (when a specific visit to the tree is made with the sole purpose of performing an inspection that is not incidental to other activities) may be undertaken by 'People who do not necessarily have specific tree-related qualifications but do have a general knowledge of trees and the ability to recognise normal and abnormal appearance and growth for the locality. This includes an ability to recognise obviously visible signs of serious ill health or significant structural problems, such as substantial fractured branches or a rocking root plate which, were they to cause tree failure, could result in serious harm. They also need the ability to assess approximate tree height and falling distance from the tree to the area of use as well as when to request a detailed inspection.'

Ash Die Back

Ash-die back (ADB) presents a potentially very significant but as yet unquantified tree safety risk within Carmarthenshire. The CCC Ash Die Back Policy will set out how the CCC will deal with ADB, however, from a tree safety point of view ash trees affected by ADB should be assessed and dealt with in the same way as any other tree using the CCC Tree Assured procedure. Ash trees should not be felled just because they have the disease but should be assessed for risk of failure within the inspection period and with reference to the likely targets and other values of the tree.

2.2 Guidelines for the management of trees on Carmarthenshire County Council owned land.

The Council will ensure that all work to trees on Carmarthenshire County Council managed land is carried out to the relevant British Standard.

Third parties are not permitted to access Council owned land in order to carry out works to trees unless specifically authorised to do so by the Council.

2.2.4 Overhanging branches

When branches overhang a property or an area of land managed by the Council, a visual assessment and risk assessment will be undertaken to evaluate their safety. If overhanging branches are healthy and structurally sound, there is no legal requirement for their removal, except where they constitute a legal nuisance. There is, however, a statutory requirement on Local Authorities that the following minimum height clearances are maintained over footways and carriageways:

Footways – 3.3 metres

Carriageway – 5.1 metres

Guidance

If after inspection the overhanging branch is not deemed to be a danger or a legal nuisance then arboricultural work is unlikely. However, each case will be assessed individually and mitigating circumstances will be taken into consideration. The authority will remove over hanging branches from trees that are situated on County Council owned or managed land, and when the branches overhanging the highway are identified as below the minimum height required for clearance.

2.2.5 Size of trees

When an issue arises with regard to large trees a visual tree assessment and risk assessment will be undertaken to evaluate their safety.

Guidance

Large trees are not necessarily dangerous. If, after a safety inspection, a large tree is not deemed to be a danger, then arboricultural work is unlikely to be required.



2.2.6 Interference with day light

Establishing whether a legal right to day light has been affected by trees on a neighbouring property is a complex issue, and usually only applies to light in buildings rather than in gardens.

Guidance

No work will be carried out to trees on County Council owned land where there is a claim of right to light unless there is a legal claim to do so.

2.2.7 Interference with overhead cables

Legal responsibility to maintain clearance around overhead cables to provide an uninterrupted service to their customers lies with the relevant utility companies.

Guidance

Utility companies will be contacted regarding any concerns with branches interfering with their cables.

Utility companies should be expected to carry out work to the relevant British Standard.

2.2.8 Interference with satellite/TV reception

There is no legal requirement to prune or fell healthy trees to provide an improved satellite/TV reception.

Guidance

The Council will not carry out arboricultural works to trees where there is a claim of trees affecting such reception.

2.2.9 Anti-social behaviour

It is recognised that in certain circumstances, trees can provide shelter for individuals/groups that cause a nuisance or pursue illegal activities.

Guidance

Where such circumstances are brought to the attention of the Arboricultural Officer, advice will be given on possible works that may be carried out to trees to reduce the problems being encountered. This work may involve improving the view for CCTV or of those policing the areas by reducing the amount of foliage. This work would be subject to budget availability by the relevant directorate/division to carry out such work.

2.2.10 Shedding of leaves

The shedding of leaves, leaf litter and tree sap is a natural process and there is no legal requirement to clear fallen leaves from private property.

Guidance

The Council will not clear leaves or tree sap from private properties. However, where a potentially serious problem may occur, e.g. blocking of drains likely to cause damage, some arboricultural works may be carried out to help alleviate the problem.

2.2.11 Trespassing of root systems

If the tree in question is deemed to be healthy and safe, there is no legal requirement to remove trespassing roots unless damage is occurring to adjacent properties (this includes structures and open land). The onus to prove that damage is occurring is on the affected landowner, and all decisions must be based on evidence.

Guidance

Each case will be evaluated on its own merit. Once authorised by the relevant directorate, any works considered necessary will be undertaken as soon as reasonably practicable.



2.2.12 Tree protection

Normally trees on Council land will not be subjected to Tree Preservation Orders as such trees should not be under threat. However, the Council may own or manage trees that are situated within a Conservation Area and in such instances the proper procedures must be followed.

Guidance

The principles applied to protecting trees on private land will be applied to trees on County Council owned land where there are development proposals. The placing of a TPO on trees on CCC owned land would only be considered if there was an obvious threat to the trees in question. The arboricultural officer must be notified of any works proposed to trees in Conservation Areas.

2.2.13 Biodiversity

There is legislation with regards to the protection of wildlife, which needs to be considered when carrying out works to trees, such as:

- Wildlife & Countryside Act 1981 (as amended) – Protecting wild birds, their eggs, young and nests.

- Conservation of Habitats and Species and Regulations 2010. (As amended). This gives additional protection to bats roosting in trees, and their roosts.
- Environment (Wales) Act 2016

Guidance

Consistent with the Wellbeing and Future Generations (Wales) Act 2015, and the Environment (Wales) Act 2016, in exercising its functions the Council will seek to maintain and enhance biodiversity and promote ecosystem resilience. It will consider fully the effects on wildlife of any necessary works to trees that it carries out, and it will ensure that all works are compliant with relevant legislation. Works will be carried out in such a way as to minimise any adverse impact on wildlife. Where urgent works are required on grounds of health and safety, these issues will be considered and where possible measures adopted to safeguard biodiversity, but public safety will remain of primary importance.

See also CCC Ecological Advice Notes:

1 – Nesting Bird

9 – Bats and Trees

2.2.14 Guidelines for the management of trees adjacent to the highway on Carmarthenshire County Council owned land.

While the majority of trees adjacent to our roads are situated on privately owned land, there are instances where road side trees are owned and managed by the County Council, often where land has been purchased for road building and associated landscaping. In such instances trees will be managed with the safety of the public and biodiversity in mind. Management may also include thinning of road side landscape planting areas so as to develop the stability of the trees that will be grown on to maturity. All trees on Council owned land are to be subject to regular inspections to assess their condition consistent with the Council's Tree Safety Operational Plan Procedure (which is covered in a separate document).

2.2.15 Management of hedgerows on CCC land.

Hedgerows are important elements in the landscape and provide valuable wildlife habitats. Management of hedges on CCC land will reflect these attributes. Hedgerows alongside highways will also be managed to ensure public safety.

2.3 Guidelines for the management of trees on privately owned land



2.3.1 Tree inspections

All trees on privately owned land are the responsibility of the landowner or tenant.

Guidance

All landowners making enquiries regarding the safety of trees on their land are to be advised to arrange for those trees to be inspected for safety by a qualified arborist. The County Council does not offer this service.

2.3.2 Trees which are dead, dying or dangerous

Landowners have a legal requirement to ensure that trees on their property are maintained to a safe standard. Local Authorities have various statutory powers to enforce the removal of dangerous trees.

Guidance

Members of the public who are concerned about trees on land in private ownership should be advised to firstly contact the owner who will be responsible for these trees, if this does not resolve the issue then the County Council's Arboricultural Officer may be contacted for advice. See also para. 2.3.8

2.3.3 Overhanging branches

If overhanging branches are healthy and structurally sound, there is no legal requirement for their removal, except where they constitute a legal nuisance. There is however a statutory requirement on Local Authorities that the following minimum height clearances are maintained over footways and carriageways:

Footways – 3.3 metres

Carriageway – 5.1 metres

Guidance

In the case of overhanging into a neighbouring property: If branches are overhanging into a neighbouring property, the advice will be for the complainant to speak to the landowner with their concerns. If the landowner refuses to co-operate, the complainant has the right to cut back the branches to their boundary only. To comply with the law the complainant should offer these branches back to the landowner, if the landowner does not wish to accept them it is the person who cut them who has the responsibility to dispose of them correctly.

In the case of overhanging onto the public highway: The advice to landowners is to maintain their boundary adjacent to the highway, by retaining the branches within the heights as above. If a landowner fails to do so this will result in the Local Authority serving notice upon them to remove the offending branches. After a reasonable amount of time, if the work has not been completed, the Authority will proceed with the work and recharge the landowner for all costs incurred.

2.3.4 Interference with day light

Establishing whether a legal right to day light has been affected by trees on a neighbouring property is a complex issue, and usually only applies to light in buildings rather than in gardens.

Guidance

Advice will be given that the person making the query should speak to the landowner direct. The authority will not become involved in such matters.

2.3.5 Interference with satellite/TV reception

There is no legal requirement to prune or fell healthy trees to provide an improved satellite/TV reception.

Guidance

Advice will be given that the person making the query should speak to the landowner direct. The authority will not become involved in such matters.

2.3.6 Interference with overhead cables

Legal responsibility to maintain clearance around overhead cables to provide an uninterrupted service to their customers lies with the relevant utility companies.

Guidance

The Local Authority has no legal powers to become involved and will only offer this advice. The person raising any concerns with branches interfering with utility cables must contact utility companies direct.

Utility companies should be expected to carry out work to the relevant BS standard.

2.3.7 Shedding of leaves

The shedding of leaves and leaf litter is a natural process and there is no legal requirement to clear fallen leaves from private property.

Guidance

The Council will not clear leaves from private properties. If there are concerns that falling leaves from private land is causing damage to a person's property they shall be advised to speak with the landowner and should that fail then consult with their solicitor. The Council will not become involved in such matters.

2.3.8 Trespassing of root systems

If the tree in question is deemed to be healthy and safe, there is no legal requirement to remove trespassing roots unless damage is occurring to adjacent properties. The onus to prove that damage is occurring is on the affected landowner.

Guidance

It shall be for the person who claims damage to their property to speak with the landowner. Should that fail then they will need to obtain an engineer's report to prove that the tree is causing the damage. If no action is taken by the land owner after the production of the report, then legal advice should be considered via a solicitor. The Council will not get involved in such matters unless the tree concerned is covered by a Tree Preservation Order or is in a Conservation Area.

2.3.9 Tree protection

The authority has legal powers to protect trees on private land from damage by third parties, which may include land owners, developers or residents.

Guidance

Before carrying out or authorising any work to any tree, all landowners have a legal responsibility to check that the tree is not covered by a Tree Preservation Order (TPO), and that it is not situated within a Conservation Area. If there is a TPO in existence, or the tree is in a Conservation Area then permission must be sought from the Local Authority prior to any works being undertaken. This requires an application to be made to the Planning Department, and applications forms can be found on the following web page:

<http://www.carmarthenshire.gov.wales/home/residents/planning/conservation-countryside/trees/#.V-FQHk0UXIU>

If a number of trees are to be felled, a Felling Licence issued by Natural Resources Wales may also be required.

2.3.10 Biodiversity

There is legislation with regards to the protection of wildlife, these needs to be considered when carrying out works to trees, such as:

- Wildlife & Countryside Act 1981 (as amended) – Protecting wild birds, their eggs, young and nests.
- Conservation of Habitats and Species and Regulations 2017 (as amended). This gives additional protection to bats roosting in trees, and their roosts.



Guidance

Further advice regarding issues related to this topic may be sought from the Rural Conservation Section within Planning Services.

2.3.11 Management of hedgerows

Hedgerows are important elements in the landscape and provide valuable wildlife habitats. Management of hedges on privately owned land should reflect these attributes. Hedgerows alongside highways must also be managed to ensure public safety. Where over-grown hedgerows impact on highway safety provisions in the Highways Act 1980 enables Carmarthenshire County Council to request that overhanging trees and hedges are cut back, see section 2.3.1 below.

2.3.12 High hedges

There is legislation with regards to high hedges growing on land that affects neighbouring properties.

Guidance

Advice regarding such issues may be sought from the Enforcement Section within Planning Services.

2.4 Guidelines for the management of trees on privately owned land adjacent to a public highway or public right of way

Roadside trees play an important part in creating an attractive environment within Carmarthenshire. They are greatly valued for the ecology they support, their place in our local history and for the amenity and landscape they provide. They can also help reduce air and noise pollution, offset climate change and provide shade. However, dangerous trees, low branches or overgrown vegetation next to roads can cause accidents.

Many hedges and trees grow on the edge of the public highway and mark its boundary with private property. In such cases it is the responsibility of the adjacent private landowner or occupier to properly maintain them. This also applies to trees that overhang the public highway or those which may fall on to it. Similarly, private landowners are responsible for the safety of trees adjacent to Public Rights of Way.

For details of Public Rights of Way contact the Council's **Countryside Recreation & Access Unit**:

prow@carmarthenshire.gov.uk

tel. 01554 742216.

2.4.1 Legal requirements for maintenance

The Highways Act 1980 (Section 154) empowers Carmarthenshire County Council, as the Highway Authority, to protect the safety of public highway users by ensuring that owners and occupiers of land with trees next to the public highway, carry out their legal duties in respect of roadside hedges and trees. The Highway Authority will write to the owners of trees and hedges where there are considered to be safety issues or where these are posing problems to road users, and request that they fell these trees or carry out appropriate tree surgery.

The complete process involves four stages:

- the first notice/letter raises the concern;
- the second letter acts as a reminder and a right to appeal against the notice;
- the third letter explains that the Council will be entering the land to carry out the necessary work; and
- the fourth letter accompanies the Council's invoice for the works that have been carried out to rectify the problem. If the landowner fails to pay this, a land charge is levied on the property.

These trees and hedges notices/letters are issued throughout the year to ensure safety of the public is maintained at all times. Similar measures apply to trees on private land next to public rights of way.

The Council's Ranger Service (which includes Level 1 tree inspectors) is responsible for maintaining public rights of way, and where a dangerous tree is identified the landowner will be informed, but the service is not responsible for surveying these trees for their safety. This remains the responsibility of the private landowner.

Should the Ranger Service identify a dangerous tree, this will be discussed with the landowner and if necessary, the Council would follow the same procedure as set out in the above list.

Examples of the letters that are used for this purpose are included in Appendix I and II.

2.4.2 Owners and occupiers of private land are required to:

- Trim hedges and trees to ensure growth does not obscure the view of road signs

- Trim hedges adjacent to the public highway to maintain visibility for road users, particularly at junctions and on the inside of bends
- Trim any hedge that directly abuts a public highway or right of way (including footway and cycle way) so that growth does not prevent the passage or affect the safety of the public highway user, including cyclists and pedestrians
- Remove dead or decaying trees and other growth that may fall across the public highway
- Remove branches and other growth that may prevent the passage of high sided vehicles or obstruct light from a public lamp (street light)
- Ensure the public highway (including the footway and drainage features accompanying that public highway is left clear of debris from the cutting operations (Section 148, Highways Act 1980)

2.4.4 Who undertakes the work?



Under the Occupiers' Liability Act, owners of trees and hedges have a "duty of care" to ensure that their trees and hedges are in a safe condition and to prevent or minimise any risk to a third party.

2.4.5 What if the landowner/occupier fails to undertake the work?

Where growth along a public footway or carriageway is becoming a problem Carmarthenshire County Council may serve a notice on the owner/occupier requiring the work to be completed within a stated period. If the work specified is not carried out, the Council may undertake the work and claim back any costs incurred. The Council will do the necessary work to remove the danger but will not be responsible for the clearance of any timber etc. that can be left safely on private land.

2.4.6 Timing the work

The maintenance of trees and hedges can be time consuming and depending on the work required, may require professional assistance. For health and safety reasons trees and hedges may be maintained at any time throughout the year. However, where the safety of public road users and pedestrians is not put at risk, owners/occupiers are recommended to undertake trimming between December and February for the following reasons:

- To ensure that berries and nuts are available for wildlife during early winter.
- To reduce the chance of disturbance to breeding birds. All nesting birds and other species such as bats and dormice are given legal protection under the Wildlife and Countryside Act 1981.

2.4.7 Traffic management / Signs and Health and Safety

Work on trees and hedges must not compromise the safety of workers and public road users and where necessary appropriate traffic signs and traffic management should be used. You are strongly advised to consult with your local highway authority and find out what traffic management is required.

2.4.8 Guidelines for the management of trees on privately owned land

The management of trees on privately owned land remains the responsibility of the landowner at all times.

2.5 Contact information

For CCC owned and managed sites please contact the named responsible officer for the site in question. These details can be provided by the Council's Customer Service Centres, contact the main switch board on 01267 234567. For out of hours emergencies contact Careline 01558 824283

For a discussion with the Council's Arboricultural Officer during office hours, Monday – Thursday please contact:

Stephen Edwards
Arboricultural Officer
Rural Conservation Section, Planning Division
Carmarthenshire County Council
3 Spilman Street
Carmarthen
SA31 1JY

Tel 01267 228689
StEdwards@carmarthenshire.gov.uk

Appendix 1 Legal Overview

Civil Liability Negligence: A duty to take reasonable care for the safety of those (being any person who can be reasonably foreseen) who may come within the vicinity of a tree. The standard of care that is used for benchmarking purposes is that of the “reasonable and prudent landowner”.

Occupiers’ Liability the Occupiers’ Liability Acts provide that an occupier with control over premises is obliged to take reasonable care such that either the visitor (under the 1957 Act) or trespasser (under the 1984 Act) will be reasonably safe. A higher standard of care is owed to a visitor than that to a trespasser. An even greater duty of care is owed to a child and occupiers must expect children to behave with less care than adults and, for instance, to climb the trees.

Criminal Liability the Health and Safety at Work Act 1974: This places a duty on employers to ensure, so far as is reasonably practicable, that employees and members of the public (and other persons such as self-employed people) are not put at risk.

The Management of Health and Safety at Work Regulations 1999: Regulation 3 requires employers and self-employed persons to make suitable and sufficient risk assessments regarding health and safety. Breaches of either the Act or Regulations can result in a criminal prosecution against the employer.

(<http://www.birketts.co.uk/resources/legal-updates/1358/trees-what-is-your-general-duty-of-care/> 07

Appendix 2 - Tree Assured procedure and operational plan (TreeWorks (West Wales) Ltd 2014)

