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angerous Trees

A dangerous tree is one that is likely to cause serious damage to property or injury to people. Many trees become unstable when entering the latter stages of disease although perfectly healthy, young trees can also become a danger if damaged by severe weather. Responsibility lies with the owner of the land on which the tree is growing. There is a duty for the landowner to take reasonable care to ensure that trees on their land do not pose a threat to people or property.

If a dangerous tree is protected either by a tree preservation order or by virtue of growing within a conservation area, the duty of care still remains with the landowner. In most situations there will still be a requirement to obtain formal consent from the local authority before pruning or removing a protected tree.

As trees are living and growing their condition can change over time. A landowner should therefore visually inspect their trees twice a year; in winter to look at the structure of the tree and summer to assess health and vigour.

It is usually fairly obvious to tell if a tree is dead or dying but a dangerous tree can be much harder to ascertain. The person inspecting should look out for fungal fruiting bodies, unnatural leans, swellings, cracks, cavities, weak forks, loose bark, damaged roots or crown dieback. These are possible indicators that all may not be well with the tree.

If the tree's health and condition looks suspicious then further advice should be sought from a competent arborist (tree work contractor) or an arboricultural consultant. Roots lifting paving slabs or falling acorns and leaves in autumn may be overcome by reasonable grounds maintenance and do not necessarily make the tree dangerous.

Local authorities have some limited discretionary powers under the Miscellaneous Provisions Act 1976 to require owners to deal with trees in private ownership that pose an imminent threat to people or property. If a suspected dangerous tree is reported to them, a site visit will usually be made to assess the health, condition and structural integrity of the tree in question.

Where a landowner is required to make a dangerous tree safe, but fails to carry out the necessary work, the authority may undertake the work itself and recover reasonable costs. Where it is not possible to recoup the costs immediately, a land charge may be placed on the property so that in the event of a future sale, the Local Authority will recover any moneys outstanding.

For these reasons and because generally it is more expensive for a Local Authority to undertake tree works than for the landowner to organise this independently, the Act is rarely used, except where issues of safety are paramount.

The Arboricultural Association publishes a national Directory of Registered Consultants and Approved Contractors. The people and companies listed in the Directory have met and have to maintain the Association's exacting standards. www.trees.org.uk