



## Our Role

Island Roads, on behalf of the Isle of Wight Council, are responsible for maintaining a safe highway network.

Trees on the public highway are routinely inspected by Island Roads to ensure that – as far as possible – they are not in a condition that may pose a risk to highway users. Based on the results of these inspections, we take the required action to ensure trees are as safe as they can be.

Such action can include the pruning or removal of branches or in some cases, the entire tree.

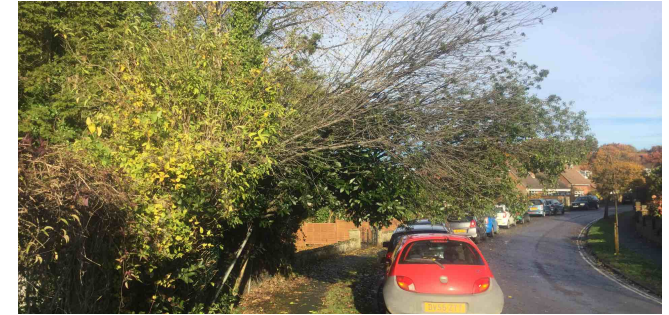


## Background

On average, six people are killed each year – and many more injured – by fallen trees in the UK.

Although these kinds of accidents may seem entirely accidental and difficult to foresee, there are steps landowners can and must take to ensure people and property are not put at risk by trees on their land.

Island Roads are keen to work with landowners to ensure trees do not pose a risk. This leaflet aims to make landowners aware of their responsibilities and to give advice on what action they need to take to ensure, as far as possible, that trees on their land do not pose a safety risk.



## Section 154 Highways Act 1980

Under Section 154 of The Highways Act 1980, Island Roads has powers to take action in respect of trees that affect the highway network. Under the legislation we are empowered to act as follows:

“Where a hedge, tree or shrub overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians, or obstructs or interferes with the view of drivers of vehicles or the light from a public lamp, or overhangs a highway so as to endanger or obstruct the passage of horse-riders.”

Under the Highways Act, if a tree is on your land and is a safety risk, Island Roads can serve a legal notice requiring you to undertake the necessary remedial work within 21 days. This work may include the instruction to cut back, remove, and/or make safe any vegetation that does, or has the potential to be in contravention of the Act.

If you fail to comply with what is asked of you, Island Roads can undertake this work and bill you for the cost.





### What you need to do

Inspection of private trees (those on private land) remains the responsibility of the land/home owner.

Failure to carry out regular checks on trees near public paths or in areas where public access is available, could mean that a risk to the public remains undetected.

If an uninspected tree – or part of it - does fall, then it could leave the landowner liable to compensation claims should it cause injury or damage to property. Failure to adequately inspect could also invalidate any insurance that may be in place.

We advise landowners to walk around their garden or land at least once a year in late summer/autumn to make sure your trees are in good health. If your trees look healthy then that is all you need to do.

If the tree is suspiciously lacking in leaves, has an obvious crack or if you see fungal growth then you should seek the opinion of an arboriculture specialist.

#### And please remember:

- The risk associated with trees is heightened during periods of high wind or when prolonged periods of rain have resulted in the ground being saturated.
- If it is necessary to cut a tree or part of it down, please ensure you have the skills and equipment to undertake the task safely yourself. Otherwise call a competent tree surgeon.
- The nature and scale of any inspection will, of course, need to be proportionate to the risk but landowners are advised to keep records of any inspections undertaken, particularly if they have been undertaken by an arboriculture specialist.

### Tree Preservation Orders (TPOs)

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage or destruction of trees (or roots) without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Prior to undertaking any of the above work on a tree please check whether it is covered by a TPO. You can do this online at [www.iwight.com/trees](http://www.iwight.com/trees), by calling the council's planning department on 01983 823552 or by visiting its planning offices at Seaclose, Fairlee Road, Newport, Isle of Wight, PO30 2QS.

### Protecting Birdlife

The Wildlife and Countryside Act 1981 and the European Habitats Directive 1992/Nesting Birds Directive protects active nests from being taken, damaged or destroyed.

The nesting season lasts from February to August and it is down to the landowner to assess, record and confirm any works carried out in the management of trees within this period has not disturbed actively nesting birds.

The use of competent contractors will avoid the impact to nesting birds and possible infringement of legislation.

### Contact Us

Call our dedicated 24/7 help desk on **01983 822440**

Come into our visitor centre, open 10:00 - 16:00, Monday to Friday, at St. Christopher House, 42 Daish Way, Newport, Isle of Wight, PO30 5XJ.

Visit our website at: [www.islandroads.com](http://www.islandroads.com)

Email us at: [info@islandroads.com](mailto:info@islandroads.com)

