

East Lothian Council

EIR Ref: 2018/036(13107)

The information that I am requesting relates to the tree risk management responsibilities that fall within your highway management function for all road categories (excluding motorways) that carry vehicles, and is as follows:

1. How many fatalities due to highway tree failures (trees within falling distance of the highway that fell onto the road) have occurred in each of the five years from the beginning of 2013 to the end of 2017?

East Lothian Council (ELC) does not hold any records of such incidents. In view of this, under Regulation 10(4)(a) of the Environmental Information (Scotland) Regulations 2004, I must formally advise you that ELC has been unable to comply with your request as the information you require is not held.

2. How many injuries due to highway tree failures have occurred in each of the five years from the beginning of 2013 to the end of 2017?

ELC does not hold any records of such incidents. In view of this, under Regulation 10(4)(a) of the Environmental Information (Scotland) Regulations 2004, I must formally advise you that ELC has been unable to comply with your request as the information you require is not held.

3. Does your highway authority have a formal tree risk management strategy/protocol/guide for inspecting highway trees? If so, could you please provide the document or a link to it?

This information is published on ELC's website which means that, for the purposes of this legislation, this part of your request is excepted under Regulation 6(1)(b) of the Environmental Information (Scotland) Regulations 2004 as the information is already publicly available and easily accessible in another form or format. We have, however, provided a link to the relevant item for your convenience:

http://www.eastlothian.gov.uk/download/meetings/id/13353/05_2005_well-maintained_highways_code_of_practice_for_highway_management_policy_for_road_inspections

4. Does your highway authority require its highway inspectors to look for tree hazards as part of their highway inspection responsibilities?

Yes

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If yes:

4.1.1. Does the highway authority have a published/formal policy to train highway inspectors in tree hazard recognition?

No

4.1.2. If the answer to 4.1 is 'yes', is that training through the LANTRA Basic Tree Inspection course, the LANTRA Professional Tree Inspection course, in-house training, or other out-sourced training?

Not applicable

4.1.3. Do highway inspectors have specific tree hazard recognition refresher training to keep up to date, and if so, how often?

No

4.1.4. If the answer to 4.3 is 'yes', is that refresher training in-house or outsourced?

Not applicable

4.1.5. Are the inspections carried out on foot or driven?

Both

4.1.6. If driven, please describe:

4.1.6.1. at what speed;

Slow moving vehicle

4.1.6.2. how many operatives are in the vehicle;

Two

4.1.6.3. whether spotters are expected to check trees and highway defects at the same time;

Yes

4.1.6.4. whether spotters are expected to carry checks on both sides of the road during one traverse of the route, whilst driving in a single direction; and,

Yes

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4.1.6.5. *is there a formal list of tree conditions that trigger the vehicle to stop to allow the inspector to carry out a closer check?*

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5. *Has your highway authority implemented the advice set out in paragraph 5(4) of the Prevention of Future Deaths Report issued by the Berkshire Coroner on 17th July 2014 following the Michael Warren Inquest (<https://www.judiciary.gov.uk/publications/michael-warren/>)?*

No

6. *Does your highway authority use professional trained arboriculturists, either in-house or out-sourced, to check highway trees? If so:*

Yes, in-house.

6.1. *In addition to their basic training, does the highway authority have a published/formal policy to provide additional training for arboricultural inspectors through the LANTRA Basic Tree Inspection course, the LANTRA Professional Tree Inspection course, in-house training, or other out-sourced training?*

No

6.2. *Do arboricultural inspectors have refresher training to keep up to date, and if so, how often?*

Regular training is undertaken as and when courses arise.

6.3. *If the answer to 6.2 is 'yes', is that refresher training in-house or outsourced?*

Both

6.4. *Are the inspections carried out on foot or driven?*

On foot

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6.5. If driven, please describe:

6.5.1.at what speed;

6.5.2.how many operatives are in the vehicle;

6.5.3.whether spotters are expected to check trees on both sides of the road during one traverse of the route, whilst driving in a single direction; and,

6.5.4.is there a formal list of tree conditions that trigger the vehicle to stop to allow the inspector to carry out a closer check?

Not applicable

7. At what frequency are highway tree inspections carried out by a) highway inspectors, and b) arboricultural inspectors, on A, B, and lower category roads. Please feel free to use the table below if it is of help.

	Highway Inspector	Tree inspector
A Roads	<i>(Insert frequency here)</i>	<i>(Insert frequency here)</i>
B Roads	<i>(Insert frequency here)</i>	<i>(Insert frequency here)</i>
Lower category roads	<i>(Insert frequency here)</i>	<i>(Insert frequency here)</i>

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ELC's Tree Officer will also undertake highway tree inspections when complaints are received or when a Road Officer requests.

Finally, it may help to explain that Freedom of Information legislation only applies to information which is held or recorded by a public authority. It does not apply to views, opinions, intentions or questions which simply require a yes/no answer. In view of this, some of the questions asked are not technically valid for the purposes of this legislation as they are not requests for specific recorded information that ELC may or may not hold.

In order to assist you, however, colleagues have addressed the questions posed to the best of their knowledge. For future reference, a link to the "Tips for Requesters" page of the Scottish Information Commissioner's website has been provided which you may find useful:

<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>