

The Risk from Trees in close proximity to the Railway

THE RISK

Tall trees next to the railway can be a potential risk to train operations and to public safety; particularly should they fall over the track or into the overhead wires and cables on electrified lines.

A tree which has fallen over a railway has the capacity to derail a fast moving train, which could result in a serious incident or fatality.

Additionally, pulling down the overhead lines can lead to severe train disruptions, major delays and cancellation of services.



STATUTORY OBLIGATION

Network Rail has a duty to provide, as far as is reasonably practical, a railway free from danger or obstruction from fallen trees. Trees growing within the railway corridor (i.e. between the railway boundary fences) are the responsibility of Network Rail. Trees growing alongside the railway boundary on adjacent land are the primary responsibility of the adjoining landowner or occupier.

All owners of trees have an obligation in law to manage trees on their property so that they do not cause a danger or a nuisance to their neighbours. This Duty of Care arises from the Occupiers Liability Acts of 1957 and 1984. A landowner or occupier must make sure that their trees are in a safe condition and mitigate any risk to a third party. Larger landowners should also have a tree policy to assess and manage the risk and to mitigate their liability.

In compliance with its Health & Safety obligations Network Rail has a policy in place to manage trees on its land. It also considers the impact of trees on adjoining land which could fall onto the railway. Network Rail may therefore contact landowners and/or occupiers with trees adjacent to the railway boundary, to remind them of their obligations and, in instances where we consider that a tree is in such a condition that there is a danger to the railway, to request the felling or cutting back of any tree which is causing us concern.

NOTICES AND ORDERS



If an adjoining landowner or occupier fails to take responsibility for their trees which Network Rail believes are dangerous and which require immediate attention, Network Rail has the ability to apply to a local Council for an official Notice to be served under Section 23 of the Local Government Miscellaneous Provisions Act 1976. A Council can order a landowner to make a dangerous tree safe by felling, or otherwise; and in some instances, has permitted Network Rail to undertake the work and recover the costs from the owner.

Where there is a genuine imminent risk to the railway Network Rail has applied to the Court for an injunction compelling a landowner to take action, or to permit Network Rail to take action itself. In the latter case Network Rail will include a claim for damages for the cost of works and legal costs.

Some trees may be covered by a Tree Preservation Order (TPO) or lie within a Conservation Area. It is an offence to cut down or prune a protected tree without the written consent of the planning authority unless it is dead or deemed to be dying or imminently dangerous. Persons undertaking the work may also need to prove to the planning authority that it was done for safety reasons.

For further information or for general enquiries please contact our National Helpline by telephone, on **03457 11 41 41**. You can also contact us in writing, at our Registered Office or online (<https://www.networkrail.co.uk/communities/contact-us>).