

Briefing Note

**TREE RISK
MANAGEMENT
UPDATE**

DATE: August 2008

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BRIEFING NOTE REF 3032 C01 00-1064

TREE RISK MANAGEMENT: INTERIM GUIDANCE

1. INTRODUCTION

1.1 Overview

- 1.1.1 Our approach is informed by published guidance from the Forestry Commission, the Health and Safety Executive and English Nature (see section 1.2 below). We aim to invest as much of the decision making and implementation of tree risk management with the landowner, with only limited guidance and expert assistance as and when required to keep costs to a minimum. A flow chart of the whole process is presented at Appendix 1.
- 1.1.2 This note has been produced to give Lockhart Garratt's clients an up to date interpretation of current guidance. Concern that this guidance may be too onerous and out of proportion with the real risks has led to the formation of the National Tree Safety Group (NTSG). Our recommendations on the interpretation and use of current guidance are, we hope, an interim measure pending industry wide acceptance of NTSG guidance, which is expected in the next year or two. It is our view that sitting back and doing nothing in the intervening period is probably unwise.
- 1.1.3 Our clients are advised to decide for themselves, in discussion with us, how best to address this matter. Should anyone decide simply to follow the guidance set out below, they do so at their own risk. This note is not intended as a substitute for direct professional advice and Lockhart Garratt does not take responsibility for the actions or outcomes of anyone following this note.
- 1.1.4 Services and assistance available from Lockhart Garratt, eg pro forma policy statements, are summarised at section 3 below.

1.2 Existing Guidance

- 1.2.1 The guidance that already exists has not specifically been written for use by private landowners for application across their holding: The better examples include:
- Forestry Commission's *Operational Guidance Booklet 1: Tree Safety Management*, written in 2007 for its own woodland managers, see:
[http://www.forestry.gov.uk/pdf/ogb01.pdf/\\$FILE/ogb01.pdf](http://www.forestry.gov.uk/pdf/ogb01.pdf/$FILE/ogb01.pdf)
 - Health and Safety Executive's *SIM 01/2007/05: Management of the Risk from Falling Trees*, written in 2007 for FOD Inspectors and Local Authority Enforcement Officers, see:
http://www.hse.gov.uk/foi/internalops/sectors/ag_food/1_07_05.pdf
 - English Nature's *Veteran Trees: A Guide to Risk and Responsibility*, written in 2000 for general use, see:
<http://naturalengland.communisis.com/naturalenglandshop/docs/IN1.3-1.pdf>

- 1.2.2 All of the above set out quite clearly the legal duty of care owed by tree owners to visitors to their land (including employees and trespassers) and their neighbours and the reader is referred to them for this information. In essence, there is a duty to do all that is reasonably practical to prevent people and property coming to harm as a result of an incident associated with trees being present on the land.
- 1.2.3 The key issue here is *what is reasonable?* and it is this more than anything else that the NTSG is looked to, to provide robust, pragmatic guidance. In the meantime, the matter is left to the informed judgement of the landowner in consideration of his own set of circumstances.

2. TREE RISK MANAGEMENT

2.1 Tree Management Policy Statement

2.1.1 The duty holder (i.e. landowner/occupier/manager) should have a succinct policy statement to demonstrate an awareness of the issues and to guide operations. It is recommended that the policy statement includes:

- Identification of parties concerned and respective responsibilities
- Land ownership/management plan
- Recognition of legal duty of care and commitment to it
- Cross-reference to other safety documentation and practices
- Explanation of tree risk management procedure adopted

2.2 Usage Zones

2.2.1 It is important that resources are applied in a rational way, based on an assessment of the risk posed by the landowner's trees. Convention is to divide the land into risk zones based on the likelihood of people coming into contact with potentially hazardous trees.

2.2.2 We are recommending that landowners use the Forestry Commission's Usage Zones, which it summarises in the following table:

Table 1: Forestry Commission Usage Zones

Usage zone	Level of public usage	Site examples
1	High	Areas within falling distance of busy and moderately used public roads, railways, neighbouring properties, amenity areas and car-parks. Well used way-marked trails and public rights of ways (PROWs).
2	Medium	Areas within falling distance of other lightly used public roads, way-marked trails, PROWs and tracks, paths and desire lines.
3	Low	Away from known access routes

- 2.2.3 We recommend that the assessment be undertaken by someone who knows the land well and how people interact with it, and that a Usage Zone Plan be produced to illustrate the relative level of exposure across the holding.
- 2.2.4 For larger holdings a number of discretely mapped areas may be produced for each Usage Zone, eg the park, a length of public road, a block of remote farmland. In these circumstances, it may be helpful to give each of these management areas a unique reference number or name. For example three low risk areas may be referenced 3a, 3b and 3c in a similar way to individually referenced fields and woodland compartments.
- 2.2.5 Inspection records should only be kept at the management area or Usage Zone level. Individual trees should only be mapped as an exception where higher risk trees require more frequent inspection than those around them in the same Usage Zone (eg one veteran oak tree requiring an annual inspection that the owner wishes to keep in an area otherwise mapped as zone 2 to be inspected every 5 years).

2.3 Method of Inspection

- 2.3.1 Tree inspections are normally based on a Visual Tree Assessment (VTA) methodology, whereby the surveyor considers both biological and mechanical aspects of the tree. These inspections are usually undertaken at the following two levels of competence.
Basic Level Inspections
- 2.3.2 Again, taking our lead from the Forestry Commission, we recommend that trees are initially inspected only for external signs of significant defect. This is currently referred to as a Basic Level inspection, for which LANTRA accredited training is available through Lockhart Garratt Ltd.
- 2.3.3 First time around it is probably worth having the basic inspection done by a competent professional, who should not over prescribe the follow on tree surgery and who can set out the re-inspection frequencies for each area, taking account of the condition of the trees concerned.
- 2.3.4 Thereafter, we encourage estates to consider whether they have suitable individuals in-house to undertake the ongoing basic inspection work (subject to training, usually a day course), eg farm managers, head foresters, junior agents or the owner in some cases.
- 2.3.5 This will not make the staff member a tree expert, but it will allow a large percentage of the ongoing work to be undertaken by the estate using its existing overhead at a time that suits it. It also encourages greater in-house ownership of the issue.
- 2.3.6 If identified at an early stage, the in-house basic tree inspector can observe and participate in the initial basic inspection under direction from the professional surveyor.
- 2.3.7 If the tree is correctly inspected and shows no external signs of defect, it can be left until re-inspection is required. No record of the individual tree will be made.

Detailed Professional Level Inspections

- 2.3.8 Alternatively, the tree may exhibit obvious or inconclusive defects, or there may be other reasons for being concerned about it, e.g. where adjacent trees have failed, possibly revealing internal defects. Under these circumstances a judgement is required as to whether remedial works are required and if so, whether the basic level inspector is competent to prescribe these works or that a detailed professional level tree inspection is required.
- 2.3.9 For clearly hazardous, relatively low value forest trees it may, in appropriate circumstances, be reasonable to fell them in advance of or as part of ongoing forestry and estate management operations.
- 2.3.10 For potentially hazardous, open grown and higher value (eg conservation or amenity) or protected trees, where the tree's retention is sought by the owner or where felling is likely to be controversial and may result in an adverse public reaction, a detailed professional level inspection by a suitably qualified person is recommended. This person will be able to either prescribe appropriate tree works to retain the tree, or if appropriate, provide unbiased justification for its felling.
- 2.3.11 In some cases the landowner will be aware at the outset of higher value trees that require a detailed professional inspection to inform management without the need for a separate basic inspection.

2.4 Frequency of Inspection

- 2.4.1 The frequency of tree inspection should be based on an assessment of the hazard the trees present to the public, which in turn is the product of the following two factors:
- Likelihood of tree failure
 - Severity of failure and its consequences
- 2.4.2 This assessment needs to be undertaken by a competent person, i.e. someone trained and experienced in making such assessments (see section 2.3.3 above).
- 2.4.3 As a general guide, and subject to a case by case assessment, the Forestry Commission sets out the following guidance on the frequency of tree inspections (see Table 2). In the first instance, these inspections should be undertaken at a basic level (as set out in section 2.4 above).

Table 2: Forestry Commission Inspection Frequencies

Usage Zone	Frequency of Inspection
1	At least once a year.*
2	At least every 5 years.*
3	No formal inspection is required**

* Unless there are good, recorded reasons for extending the period, e.g. the trees are too young to pose a credible threat [eg mid rotation plantations]

where macro factors eg drainage, wind throw may be more relevant than individual tree condition]

*** Here, a fault recording system is required to address issues that become apparent during the course of normal estate management.*

2.4.4 Ad hoc inspections will also be required in response to potential damaging incidents, such as following severe storm events or excavations close to roots.

2.5 Remedial Tree Works

2.5.1 Both the basic level and the detailed professional level inspections are likely to produce a schedule of recommendations. In the first instance the tree surveyor should consider whether it is reasonable to remove the target, e.g. diverting a path out of the falling distance of the tree. Where this is not appropriate, tree works including felling may be required.

2.5.2 **Note:** This whole document is focused on safety works only, which means identifying the minimum works reasonably required to address the real risk the tree poses until it will be re-inspected. We are not considering what additional arboricultural works may be required for the good amenity management of the trees; this latter point may or may not be of interest to the landowner, but it should not be used to over-prescribe safety only works.

2.5.3 Works prescriptions should be clear and quantitative so that forestry or tree surgery contractors or staff can work to them and so that they may be used to gain any necessary consent.

2.5.4 Most genuine safety related work in rural areas will be exempt from felling licence requirements, although non-emergency works to trees covered by a Tree Preservation Order or within a Conservation Area will be subject to the normal application and notification processes.

2.5.5 Tree works may also be subject to other legal constraints, such as those relating to protected species; bats and nesting birds being the most obvious examples.

2.5.6 All prescribed tree works should have specified timescales in order to ensure that work is addressed in order of priority. Examples include:

- Immediately
- Within the next 3 months
- Within the next 12 months
- Before the next scheduled inspection

2.5.7 Tree work is inherently dangerous and only experienced contractors or staff suitably trained, certificated and insured for the tasks at hand should be used.

2.5.8 Tree work good practice is set out in British Standard BS3998:1989 Recommendations for Tree Work (which is currently subject to revision).

2.6 Tree Management Records

2.6.1 Good tree management records are required a) to support efficient operations and b) in the event of an incident to provide a defence to the landowner against any charge of negligence in fulfilling his duty of care.

2.6.2 Records should be as simple as possible to meet their purpose, and we would recommend they include:

- Tree Management Policy Statement (see section 2.1 above)
- Usage Zone Plan of the holding showing the management areas where used (see section 2.2 above)
- Tree Management Area Schedule, setting out reference number and/or name, Usage Zone, inspection frequency, date of first, subsequent and next inspections (one row per Usage Zone or management area where used, and not on an individual tree basis)
- Individual management area inspection records, e.g. recording date of inspection, inspector and listing required actions to individual trees (that may be temporarily identified on site by, e.g. by spray paint (if required)), timescales and sign off
- General record of operations undertaken including all contractor related documentation such as contracts, invoices, TPO consents etc.
- Record of all other reported faults, remedial action and follow on observations

2.7 Insurance

2.7.1 Landowners are advised to have appropriate insurance for their individual circumstances and to ensure their advisors and contractors are appropriately and adequately insured.

3. LOCKHART GARRATT CLIENT SUPPORT

3.1.1 Lockhart Garratt can assist landowners, their agents and employees with advice and expertise as required, including:

- Preparation of Tree Management Policy Statement (pro forma documents)
- Usage zoning and management area mapping
- Staff training options
- Determining inspection frequencies
- Basic and Detailed Professional Level tree inspections and works prescriptions
- Selection and appointment of specialist contractors
- Supervising operations and sign off
- Tree works and protected species consents and handling
- Preparation and keeping of records (pro forma documents available to clients)

APPENDIX 1 – SEE BELOW

Appendix 1: Tree Risk Management Summary Flow Chart

