

Agenda Item No:	<b>6</b>	
Committee:	<b>Audit and Risk Management Sub Committee</b>	
Date:	<b>6 June 2022</b>	
Report Title:	<b>Tree Risk Management and Planning and Tree work</b>	

## 1 Purpose / Summary

The purpose of this report is to provide the Audit and Risk Management Sub Committee with an overview of the proposed tree risk management strategy and the proposed appointment of an arborist to manage both the Council's tree risk process and planning matters concerning trees.

## 2 Key issues

- FDC currently contracts an independent tree specialist for tree related planning advice.
- FDC has developed a draft tree management code of practice that requires a rolling programme of tree inspections to ensure the safety of the community.
- FDC proposes the use of tree management software in which to accurately record tree safety data.
- To mitigate the risk to the community, FDC wishes to adopt the tree management code of practice and employ a full-time tree officer to deal with planning related tree issues and the tree safety management work.

## 3 Recommendations

It is recommended that the Audit and Risk Management Sub Committee:

- Notes the attached report.
- Approves the proposed addition of a tree specialist to the Council's establishment.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Cllr Peter Murphy - Portfolio Holder for Environment Cllr Chris Boden – Portfolio Holder for Finance and Leader of the Council Cllr Dee Laws - Portfolio Holder for Planning
<b>Report Originator and Contact Officer</b>	Phil Hughes - Acting Assistant Director Email: <a href="mailto:phughes@fenland.gov.uk">phughes@fenland.gov.uk</a>
<b>Background Papers</b>	Attached as appendices

## **4 Background**

- 4.1 FDC currently uses a contractor to carry out any Planning related tree work - for instance the assessment of trees with Tree Preservation Orders. FDC currently spends an average of £16k p.a. for this service.
- 4.2 FDC owns an estimated 4,000 trees across our property. This number is derived from aerial scanning of trees at least 2.5m tall. The Council carries out ad-hoc assessments by third party specialist inspectors of our tree stock in those high footfall areas with significant trees. The Council needs to improve the robustness of this process, with evidential records, covering regular inspections of all tree stock.
- 4.3 A local example of potential tree issues may be found in Appendix 2. It is perhaps worth noting that an inspection regime will mitigate tree risk and satisfy the Council's Health and Safety obligations but will never be able to fully eliminate potential tree issues.
- 4.4 FDC intends to adopt a Code of Practice (CoP) in regard to managing our tree stock. Please find the draft CoP attached in Appendix 1. This reflects a sensible, not overly zealous approach to tree safety management. It should be noted that this scheme is related to the management of health and safety risk and necessary work to mitigate risk of injury to the public. The CoP does not consider any other tree related issues.
- 4.5 Subject to Committee approval, FDC will appoint a Tree Officer to carry out planning related tree work and the management of FDC trees per the adopted CoP.
- 4.6 FDC will also procure specific tree management software in order that accurate and effective records are maintained regarding trees, their safety and management, per the CoP. To better manage FDC's other public realm assets (such as benches / bus stops / bollards) consideration should also be given during any procurement process as to the potential to use of the tree asset software to effectively manage public realm assets.

## **5 Financial Implications**

- 5.1 Staffing costs

It is proposed that a new post is created for 1.0 Full Time Equivalent Tree Officer at Band 7- 9 (The Council's pay scales are included at Appendix 5). Net of the £16,000 already spent on a consultant for tree related planning matters, an increase in staffing costs of £14,000 - £17,000 is required.
- 5.2 Software procurement

Specific tree management software may be purchased at an approximate cost of £10,000, with an annual cost of £2,500 p.a. from year 2 onwards. These costs are based on a very recent procurement by a neighbouring authority.
- 5.3 Tree works identified during years 1 and 2 of the inspection programme

It is anticipated that the value of tree works identified in year 3 onwards of the inspection programme will be managed within the current open spaces revenue budget. However, it would be prudent for the Council to set aside £50,000 in year 1 (22/23) and £30,000 in year 2 (23/24) of the inspection programme for necessary tree works identified as part of the rolling inspection programme. These sums are purely estimates as inspections have not been undertaken.

## Cost Summary

	Year 1	Year 2	Subsequent years
Staffing cost increase	£14,000 - £17,000	£14,000 - £17,000	£14,000 - £17,000
Software procurement	£10,000	-	-
Software maintenance	-	£2,500	£2,500
Initial tree works	£50,000	£30,000	-
Total maximum expected costs	£77,000	£49,500	£19,500

## 6 Legal Implications

FDC should put in place a managed process with regard to tree safety otherwise the Council may be liable should an accident occur to a member of the public using our land and a related tree or branch failure. See Appendix 3 regarding Health and Safety Executive advice and Appendix 4 regarding advice from the National Tree Safety Group.

## 7 Health and Safety

Related to the legal section above, the lack of an inspection process may expose the Council to claims from tree related property damage or, of more concern, our tree stock may injure a member of the public.

## 8 Appendix 1

Draft Code of Practice

## 9 Appendix 2 - Example of tree related issue

Tree crushes car at Manea Recreation Ground (not FDC responsibility)

<https://www.fenlandcitizen.co.uk/news/miracle-as-driver-escapes-with-minor-injuries-when-tree-crushes-his-car-9076479/>

## 10 Appendix 3 Health and Safety Executive Advice

## 11 Appendix 4 - National Tree Safety Group summary advice

## 12 Appendix 5 - Council Pay Scales



Fenland District Council

Tree Risk Management  
Code of Practice

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## 1.0 Introduction

- 1.1 Fenland District Council recognises its legal duties in relation to the management of trees on Council land. This is summarised as follows:

The Law	Obligation
Health & Safety at Work Act 1974 s2 & 3	Employers must conduct their undertakings in such a way as to ensure, so far as is practicable, that persons both in their employment and not in their employment who may be affected are not exposed to risks to their health and safety
Occupiers Liability Act 1957	A duty to ensure visitors are reasonably safe. This obligation extends to trespass
Occupiers Liability Act 1984	
Management of Health & Safety at Work Regulations 1999	Every employer to make a suitable and sufficient assessment of "the risks to the health and safety of persons not in their employment arising out of or in connection with the conduct of their undertaking"
Donoghue v Stevenson 1932	Established the precedent that you must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour (those who may be affected)
Noble v Harrison 1926	A person is liable for a nuisance constituted by the state of his property if by neglect of some duty he allowed it to arise
Chapman v Barking & Dagenham London Borough Council 1997	
Poll v Bartholomew 2006	This case is important as it suggests the levels of inspection required to fulfil a tree owners duty of care
Albert Atkins v Sir James Scott, Bt August 2008	Landowners owe a duty of care. That duty is to carry out inspections of trees upon their land to identify any potential hazard. An informal system for inspecting trees may be adequate in some circumstances.

- 1.2 This code of practice seeks to define roles, responsibilities and highlight appropriate issues. All recommendations seek to align management practices with Health & Safety Executive SIM 01/2007/05 Management of the risk from falling trees, and the National Tree Safety Group – Common Sense Risk Management of Trees 2001.

## 2.0 Users

- 2.1 All those involved in the management of trees and their risk associated with Fenland District Council.

## 3.0 Review

- 3.1 The content of this code of practice will be kept under review and updated every three years to reflect:

- Changes to working practices associated with tree inspection.
- Changes to working practices associated with undertaking tree works and the management of trees
- Changes in staff
- Changes notified through appropriate channels (HSE, Case Law etc)

3.2 This code of practice should be reviewed in February 2024.

#### 4.0 Staff & Qualifications

- 4.1 All staff undertaking detailed tree inspections should be qualified to a minimum of NQF Level 4 (i.e. ABC Awards L4 Certificate/Diploma in Arboriculture or above)
- 4.2 Training should be provide in basic tree inspection (to an equivalent of NQF level 1) for FDC staff who patrol Fenland’s open spaces. This will allow them to carry out routine re-inspections (linked to risk zone), spot potential hazards, make a basic assessment of tree condition / safety and understand when to call for expert advice.

#### 5.0 Survey Code of practice & Procedure

- 5.1 Fenland District Council seeks to manage their tree resource in line with Health & Safety Executive SIM 01/2007/05 Management of the risk from falling trees.
- 5.2 This is a zoned tree risk approach. All areas where trees are located are inspected and once base-line data has been collected, the area can be risk-zoned as set out below. This desktop exercise will consider issues such as frequency of use and target value, taking account of issues such as: highways, picnic and seating areas, access routes, properties and buildings, car park areas, public rights of way, soil geology and subsidence risk.
- 5.3 The sites will be divided into the following risk zones:

Risk Category	Colour Codes	Indicative Examples
High Risk Areas to be inspected every 18 months	Red	Areas of constant / frequent use or occupation 'A' Road boundary trees Trees proximate to important utility services
Moderate risk 18 – 36 month inspection regime	Orange	Areas of moderate use or occupation 'B' Road boundary trees Public right of way boundary trees Outdoor seating areas
Low Risk – yellow Areas to be inspected every 36-60 months	Yellow	Areas of little use by the public, representing a low threat of danger
Review after 5 years	Green	Areas with newly planted or very young trees that are unlikely to pose any potential danger for many years

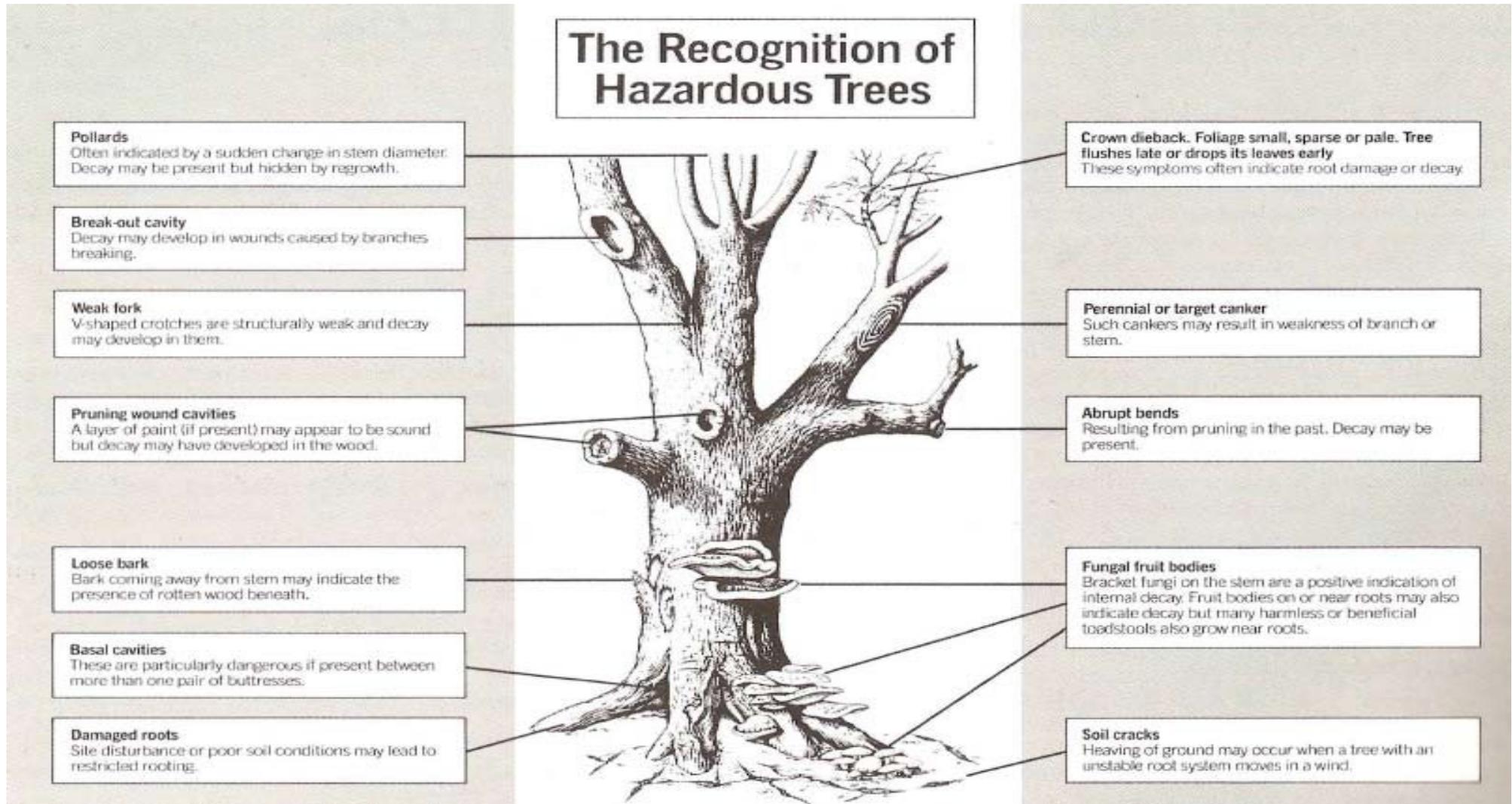
- 5.4 Unless specifically recommended otherwise, all trees shall be routinely inspected in accordance with the risk zone plan.
- 5.5 Any recommended tree work identified during routine inspection should be prioritised by completing work identified in the higher risk areas first, working through to lower risk areas.

## 6.0 Tree Evaluation & Appraisal

- 6.1 Trees will be inspected cyclical manner as determined in section 5. The aim will be to view each site during a different season (i.e. a site inspected in winter 2022/23 will be re-inspected in autumn 2025/26 and so on). This approach helps develop a more rounded picture of the tree population; in addition, the cyclical approach ensures that any decay fungi (which may only be visible at certain points of the year) are more likely to be identified.
- 6.3 The tree inspections will follow the principals of Visual Tree Assessment; each tree, or where a dense copse a group of trees, will be systematically inspected. In line with the principles of Health & Safety Executive SIM 01/2007/05 Management of the risk from falling trees (Appendix 1) only gross defects or remedial defects will be noted. Gross defect trees are those with identified defects that warrant the removal of the tree(s). Remedial defect trees are those with identified issues which can be remedied / managed by appropriate works in accordance with BS3998: 2010 *Tree Works Recommendations*.

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6.4 An indication of the defects which Visual Tree Assessment will seek to identify is shown below (source: Forestry Commission):



## 7.0 Tree Management

7.1 Fenland District Council recognises that it manages a large and varied tree stock. It is not considered cost effective or proportionate to retain a fully qualified experienced Level 4 Arboriculturist solely for tree safety management. The Council will use one qualified member of staff to undertake planning related tree matters, as well as open spaces tree inspections and some management of tree related work in conjunction with the Council's contractor, Contract Manager and Horticultural Officer. This approach to a role will allow the Council to engage a qualified tree officer permanently who will act in two roles ensuring that the Council has capacity to fulfil its obligations.

This tree officer will give training to staff who frequently visit open spaces to ensure they are able to support the tree officer's role.

7.2 This approach is aligned with 10(2) of Health & Safety Executive SIM 01/2007/05 Management of the risk from falling trees:

*"For trees in a frequently visited zone, a system for periodic, proactive checks is appropriate. This should involve a quick visual check for obvious signs that a tree is likely to be unstable and be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboricultural specialist. Informing staff who work in parks or highways (guidance aimed at Local Authority) as to what to look for would normally suffice. Duty holders should ensure that any system that is put in place for managing tree safety is properly applied and monitored."*

## 8.0 Tree Survey Process

8.1 An aerial survey has been undertaken, establishing around 4,000 trees on Council land. A base-line assessment of their condition and need for safety works is now required. Once this has been undertaken any immediate action can be implemented and the data used to construct a tree risk zone plan.

8.2 To streamline data management and reflect modern survey practices a zoned approach is to be adopted.

8.3 The overriding brief for this process is:

- To produce a zoned tree survey of land under the control of Fenland District Council
- To proactively inspect trees and identify appropriate remedial works to abate identified hazards.
- To undertake identified works in a timely and proportionate timeframe, linked to risk zone.

8.4 This process takes the following steps:

All areas where trees are located are to be identified by risk zone and indicated on the site plans and GIS system.

8.5 Once this step has been completed, the next step will be the undertaking of a periodic, detailed Visual Tree Assessment of every tree (or group of trees if appropriate) located within each zone.

8.6 All trees surveyed will be plotted within the zones and trees with gross or irremediable defects noted.

8.6.1 Recommended work can be prioritised according to risk zone, with the exception of any tree found to have a gross defect and require 'immediate' action. In these instances, the tree will immediately be flagged to the Council's tree contractor and actions taken to reduce the risk to an acceptable level.

- 8.8 The report shall be held in a digital format using specialist tree software, including a site plan showing tree location and risk zones. To enhance record collection tree records can be paired with photographs to enhance sample audits and to demonstrate the defects found.
- 8.10 Identified tree works are then assessed and prioritised. A record will be kept of what was completed, by whom and when and added to the digital record.

## 9.0 Completion of Tree Works

- 9.1 Where tree works are deemed necessary, these will be prioritised in the following way:

Priority	Timeframe	Example	Comment
Immediate	Urgent action required within 2 working days maximum	Tree which has become unstable, broken branch overhanging high risk zone etc	Cordon off area until works completed
High	Less than 6 months	Dead wood larger than 10cm above high risk zone. General work within high risk zone	
Medium	6 – 12 months	Dying tree in moderate risk zone General work within medium risk zone	
Low	12 – 18 months	Removal of branch growing towards a building General work within low risk zone	

- 9.2 All tree works will be undertaken in accordance with BS3998: 2010 *Tree Works Recommendations*.

## 10.0 Significant Weather Events

- 10.1 Tree failure is most commonly associated with significant weather events. A significant weather event is defined as any weather event where a severe weather warning has been issued by the MET Office.
- 10.2 This approach should be combined with appropriate on-site assessments of local weather conditions and is defined as the point at which local wind conditions are equal to or greater than Gale force.
- 10.3 Weather conditions are defined as:

<b>Gale</b>	Winds of at least Beaufort force 8 (34-40 knots) or gusts reaching 43-51 knots
<b>Severe Gale</b>	Winds of force 9 (41-47 knots) or gusts reaching 52-60 knots
<b>Storm</b>	Winds of force 10 (48-55 knots) or gusts reaching 61-68 knots
<b>Violent Storm</b>	Winds of force 11 (56-63 knots) or gusts of 69 knots or more
<b>Hurricane Force</b>	Winds of force 12 (64 knots or more)

Source : Met Office

- 10.4 People will be advised to keep away from high-risk zones during such weather events by the use of press releases and social media posts.
- 10.6 Following a weather event of Gale or greater a 'walkover' of high-risk zones is to be undertaken within 48 hours to identify any impact the event may have had. In summary this walkover seeks to identify issues such as:
- Broken branches which may be hung up and overhanging public access areas.
  - Trees which have developed leans
  - Cracks in branches or tree stems
  - Digital records will be updated confirming that the walkover has occurred, and any specific actions required for tree safety – using the priority matrix detailed in Section 9.
- 10.7 Should a weather event lead to significant / multiple tree failure, **initial focus must be on the trees which have only partially failed and continue to pose a danger**. Trees which have completely failed and are on the ground generally pose less of a danger and can be dealt with once all other trees have been made safe.

## 11.0 Tree Related Subsidence

- 11.1 All tree owners, whether public or private, are required to maintain their trees in a safe condition. Fenland District Council seeks to discharge this responsibility by having trees within its ownership regularly inspected and maintained.
- 11.2 Fenland District Council has to comply with the requirements of the Town and Country Planning Act, 1990 where trees under its ownership are subject to TPOs or grow within a Conservation Area.

- 11.3 Parts of the housing stock may be underlain with shrinkable Clay. Trees remove water from the clay which can shrink and can result in subsidence and seasonal movement of buildings.
- 11.5 Subsidence is of concern to householders and represents a potential liability to the Council which may have to share the cost of underpinning and repair where damage is caused by trees under its control.
- 11.6 In order to reduce this risk, the Council will prune its trees, where appropriate, to lessen the amount of water they absorb from the soil. It is known that where a code of practice of systematic pruning has been implemented, it has made a significant impact on the number of claims received (source: LTOA).
- 11.7 Fenland District Council recognises that its trees are an essential element of the streetscape and acknowledges that many residents and amenity groups appreciate them. Consequently, decisions on planting, pruning, felling and the type of maintenance regime employed should be able to stand up to scrutiny.
- 11.8 The criteria for selective removal and replacement of trees following evidence of subsidence are:
- If the evidence presented demonstrates the tree is, on the balance of probability, the actual cause of the damage and regular pruning is unlikely to mitigate the trees effect.
  - That the tree should be in such a condition that cyclical pruning would either kill it or lead to it having a NIL Capital Asset Valuation of Amenity Trees.
  - That the tree is one which requires an uneconomically high level of attention with regard to claims, complaints, structural faults, etc,
  - That the BRE Category of damage is 3 or above and that the sum of the investigative evidence suggests that pruning will not control the situation even if repeated annually.
  - Investigation of the specifics of the particular case shows that there would be benefit in starting again with a new specimen; in the long-term, costs would be reduced as the replacements would not constitute a high subsidence risk to property.

## 12.0 Tree Planting

- 12.1 Fenland District Council is committed to retaining the number of trees on its sites. A case by case approach to tree replacement will be adopted, with the Council following the criteria below, unless replacement is deemed inappropriate for the site in question due to changes in the area since the tree was initially planted.
- Where trees combined with others, create an avenue or clearly defined group, replacement trees will be of the same or closely matching species.
  - Fenland District Council maintains a general presumption against mixing species of tree within planting groups and areas of clear individual character.
  - Felled trees will be replaced with another of suitable species in order to preserve the specific or unique character of the immediate environment with due regard to streetscape and design. Fenland District Council will prioritise its resources to the replacement of felled trees.
  - Species utilised in tree planting programmes will be those judged to be appropriate for the circumstances based on arboricultural knowledge and experience.
  - Trees will be selected for their appropriateness of scale and proportion to their surroundings and the aesthetic contribution and enhancement they make to that environment.

# Management of the risk from falling trees or branches

SIM 01/2007/05

## Open Government Status

Fully Open

## Publication date

26/03/13

## Review date

26/03/14

## Guidance owner and author:

OPSTD/Agriculture and Waste Recycling Sector/ Agriculture Safety Section

## Target Audience

FOD Inspectors  
Local Authority Enforcement Officers

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## Summary

This document provides guidance for HSE Inspectors and LA Enforcement Officers on

- the standards for managing the risk from trees, including risk assessment and where appropriate, routine checks by a competent person. Duty holders should have such systems in place to control risks from trees to their employees, contractors and members of the public.
- handling these issues and approaching enforcement decisions in accordance with the principles and expectations of the HSE Enforcement Policy Statement (EPS)

It is not intended as a guide to duty holders.

## Introduction

This guidance is aimed specifically at duties under [Section 3 Health and Safety at Work etc Act 1974 \(HSW Act\)](#)<sup>[1]</sup> and should be read in conjunction with HSE's Section 3 guidance, Investigation operational procedure, EPS and Work-related death protocol (WRDP).

See also situational example 18 in the document [Guidance for FOD in responding to \(non-construction\) public safety incidents where Section 3 of HSWA applies](#)<sup>[2]</sup>.

A good deal of relevant guidance has been produced by various organisations, including the National Tree Safety Group, the Arboricultural Association and the Forestry Commission. Their guidance provides advice to help duty holders comply with the Occupiers Liability Acts and other legislation and it may also be helpful to investigating inspectors. However, it should be noted that it represents 'best practice' guidance for managing trees, not the minimum standard required by Section 3 HSW Act as outlined above.

## Action

If Inspectors are called upon to examine standards of tree management following an incident, or if they identify a matter of evident concern during a visit, they should base their approach to deciding whether to investigate on HSE's general guidance on Section 3 HSW Act, HSE's operational guidance on Section 3 enforcement and the additional advice and guidance in this document. Any enforcement action should be taken in accordance with the HSE EPS.

Proactive inspection of duty holders' systems for tree management is not envisaged.

## Background

### What is the risk?

Each year between 5 and 6 people in the UK are killed when trees or branches fall on them. Around 3 people are killed each year by trees in public spaces. Thus the risk of being struck and killed by a tree or branch falling is extremely low (in the order of one in 10 million for those trees in or adjacent to areas of high public use). However the low level of overall risk may not be perceived in this way by the public, particularly following an incident.

The average risk is firmly in the "broadly acceptable" region of the tolerability of risk triangle published in HSE's "Reducing Risks Protecting People". However, "Reducing Risks, Protecting People" explicitly states that "broadly acceptable" is a general guide and not a definitive statement of what is reasonably practicable in law.

### What is required?

Employers and persons carrying out undertakings or in control of premises all have duties under the HSW Act. In particular, there is the duty to do all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety.

Doing all that is reasonably practicable does not mean that all trees have to be individually examined on a regular basis. A decision has to be taken on what is reasonable in the circumstances and this will include consideration of the risks to which people may be exposed.

Around half of all fatalities due to falling trees or branches occur in public spaces, such as a park or beside roads, so Section 3 HSW Act may be applicable. Whilst HSE may regard the average risk as extremely low, the law requires that where reasonably practicable measures are available, in individual cases, they should be taken. Whilst the risk of such incidents puts them outside HSE's and LAs main proactive priorities, inspectors may be called upon to investigate serious incidents, including fatalities.

### Other legislation

In addition to duties under the HSWA there are a number of reasons why LAs (as duty holders) and others may want to manage their tree stocks, for example responsibilities under other legislation and the risk of civil liabilities to:

- reduce the risk of property damage from subsidence;
- maintain stocks to preserve their amenity, conservation, and environmental value;
- prevent personal injury through trips and falls on footways disturbed by tree roots; and
- prevent vehicle damage and personal injury from obscured sightlines on the highway.

For these and other reasons, some duty holders may undertake inspection of trees beyond the reasonably practicable requirements of the HSW Act.

Other legislation relevant to the management of trees includes, for example the Occupiers' Liability Acts 1957 and 1984, Occupiers Liability Act (Scotland)1960, Land Reform (Scotland) 2003, the Countryside and Rights of Way Act 2000 (CRoW), the Wildlife and Countryside Act 1981, the Marine and Coastal Access Act 2009, as well as legislation relating to Sites of Special Scientific Interest, planning issues and Tree Preservation Orders.

## Suggested approach to tree management

Details of a suggested simple tree management system are given in [Appendix 1](#).

## Enforcement guidance

Enforcement may be appropriate following an incident or investigation of a complaint and should be in accordance with HSE's EPS and with HSE's Enforcement Management Model (EMM). In particular, consideration should be given as to how far the duty holder fell below what could reasonably be expected in the circumstances. This should be informed by the broad approach outlined above and factors such as:

- the frequency of public access to the tree;
- the existence of a system for managing trees based on the level of risk;
- the implementation of the system in practice, including a procedure to act on issues of concern, for example, reports of structural faults;
- the need to comply with other legislation e.g. the Wildlife and Countryside Act, Tree Preservation Orders etc. Such legislation generally allows that trees in a dangerous condition may be felled. However, a specific check should be made before considering enforcement action.

Consideration should also be given to the risks to persons that arise from the failings of the duty holder, along with the factors set down in paragraph 39 of the EPS. Of particular relevance will be any history of previous incidents in the area managed by the duty holder and any previous advice or enforcement in relation to the duty holder.

For the purposes of the EMM, this operational guidance should be considered 'established' guidance. The benchmark, based on duties under HSW Act is a 'remote' risk of 'serious personal injury'.

Inspectors should seek advice from the Agriculture and Waste and Recycling Sector, the Entertainment, Leisure and Consumer Services Sector or the Central and Local Government, Education and Research Sector, as appropriate, before issuing an improvement notice or considering prosecution.

## Further References

National Tree Safety Group, comprising key industry stakeholders, has produced guidance on trees and public safety.

The Health and Safety Executive was consulted in the production of these publications and endorses the sensible, proportionate, reasonable and balanced advice to owners on managing the risk from trees set out in the guidance.

- [Common Sense Risk Management of Trees](#) <sup>[3]</sup>
- [Land owners Guidance](#) <sup>[4]</sup>  
<sup>[5]</sup>
- [Arboricultural Association, The Malthouse, Stroud Green, Standish, Stonehouse, Gloucestershire, GL10 3DL. Website Information available includes Tree Surveys: A guide to good practice Arboricultural Association Guidance Note 7](#) <sup>[6]</sup>
- [Forestry Commission website has down loadable guidance, including "Hazards from trees – a general guide"](#) <sup>[7]</sup>
- ["Managing Visitor Safety in the Countryside – principles and practice" produced by the Visitor Safety in the Countryside Group](#) <sup>[8]</sup>

## Contacts

OPSTD, Agriculture and Waste Recycling Sector – Agricultural Safety Section, HSE Nottingham.

## Appendix 1

Given the large number of trees in public spaces across the country, control measures that involve inspecting and recording every tree would be disproportionate to the risk. Individual tree inspection is only likely to be necessary in specific circumstances, for example, where a particular tree:

- is in a place frequently visited by the public;
- has been identified, for example, as having structural faults that are likely to make it unstable; and
- a decision has been made to retain it with these faults.

Public safety aspects can be addressed by tree owners as part of their approach to managing tree health. A sensible approach will ensure the maintenance of a healthy tree stock, the sound management of the environment and will usually satisfy health and safety requirements.

An effective system for managing trees should meet the requirements set out in the Management of Health and Safety at Work Regulations 1999 and the associated ACOP (guidance is contained in HSG 65 Successful health and safety management and INDG 163 Five steps to risk assessment). Such a system is likely to address the following:

- An overall assessment of risks from trees - identifying groups of trees by their position and degree of public access. This will enable the risks associated with tree stocks to be prioritised, and help identify any checks or inspections needed.
- There are several approaches to managing the risks from trees that involve 'zoning' trees according to the risk of them falling and causing serious injury or death. As a minimum, trees should be divided into two zones:

**Zone one** where there is frequent public access to trees (e.g. parks/ recreation grounds, in and around picnic areas, schools, children's playgrounds, popular foot paths, car parks, or at the side of busy roads). As a rough guide trees in Zone 1 are those that are closely approached by many people every day.

**Zone two** where trees are not subject to frequent public access.

- In most case individual records for trees are unlikely to be necessary if zones and the trees in the zones are clearly defined - maps may be useful here.
- For trees in a frequently visited zone, a system for periodic, proactive checks is appropriate. This should involve a quick visual check for obvious signs that a tree is likely to be unstable and be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboriculture specialist. Informing staff who work in parks or highways as to what to look for would normally be enough.
- Any system that is put in place for managing tree safety should be properly applied and monitored, including:
  - A short record of when an area or zone or occasionally an individual tree has been checked or inspected with details of any defects found and action taken.
  - A system for obtaining specialist assistance / remedial action when a check reveals defects out with the experience and knowledge of the person carrying out the check.
  - A system to enable people to report damage to trees, such as vehicle collisions, and to trigger checks following potentially damaging activities such as work by the utilities in the vicinity of trees or severe gales.
  - Procedures for ensuring the safety of the public during high winds, for example, where practicable by closing or restricting access to parks and gardens or footpaths.
  - Monitoring to ensure that the arrangements are implemented in practice.
- Occasionally a duty holder may have responsibility for trees that have, for example, serious structural faults but which they decide to retain. Where such a condition is suspected and the tree also poses a potentially serious risk because, for example, its proximity to an area of high public use, a specific assessment for that tree and specific management measures, are likely to be appropriate.
- Once a tree has been identified by a check to present an elevated risk, action should be planned and taken to manage the risk. Any arboriculture work required should be carried out by a competent arboriculturist as such work tends to present a relatively high risk to the workers involved.
- Inspection of individual trees will only be necessary where, for example, a tree is in, or adjacent to, an area of high public use, has structural faults that are likely to make it unstable and a decision has been made to retain the tree with these faults.

## Link URLs in this page

1. Section 3 Health and Safety at Work etc Act 1974 (HSW Act)  
<http://www.hse.gov.uk/enforce/hswact/priorities.htm>
2. Guidance for FOD in responding to (non-construction) public safety incidents where Section 3 of HSWA applies  
<http://www.hse.gov.uk/enforce/hswact/docs/situational-examples.pdf>
3. Common Sense Risk Management of Trees  
[http://www.forestry.gov.uk/pdf/FCMS024.pdf/\\$file/FCMS024.pdf](http://www.forestry.gov.uk/pdf/FCMS024.pdf/$file/FCMS024.pdf)
4. Land owners Guidance  
[http://www.forestry.gov.uk/PDF/FCMS025.pdf/\\$FILE/FCMS025.pdf](http://www.forestry.gov.uk/PDF/FCMS025.pdf/$FILE/FCMS025.pdf)
5. PDF  
[http://www.forestry.gov.uk/PDF/FCMS025.pdf/\\$FILE/FCMS025.pdf](http://www.forestry.gov.uk/PDF/FCMS025.pdf/$FILE/FCMS025.pdf)
6. Arboricultural Association, The Malthouse, Stroud Green, Standish, Stonehouse, Gloucestershire, GL10 3DL. Website Information available includes Tree Surveys: A guide to good practice Arboricultural Association Guidance Note 7  
<http://www.trees.org.uk/>
7. Forestry Commission website has down loadable guidance, including "Hazards from trees – a general guide"  
<http://www.forestry.gov.uk/publications>
8. "Managing Visitor Safety in the Countryside – principles and practice" produced by the Visitor Safety in the Countryside Group  
<http://vscg.co.uk/>

Thank you for your feedback.

NATIONAL TREE SAFETY GROUP

# Common sense risk management of trees

Landowner summary of guidance  
on trees and public safety in the UK  
for estates and smallholdings

*“Safety is but one of the many goals to which we aspire; the mistake that is often made is to focus on safety as if it is the only goal”*

PROFESSOR DAVID BALL  
Centre for Decision Analysis and Risk Management  
Middlesex University



■ The Lucombe Oak, Phear Park, Exmouth; retained as children's play equipment. © The Tree Council

## Introduction

This is the summary of the NTSG's full guidance document *Common sense risk management of trees*. It is intended for landowners of estates and smallholdings and all those who manage, advise and work on them.

This summary does not contain references, notes, detailed discussion, contacts or acknowledgements. If required, please refer to the main document for these and for more detailed information on the context and rationale of guidance given below.

## THE GUIDANCE

This new guidance document provides advice for the tree owner that is succinct, comprehensive but most of all practical in its application. The broad spectrum of member organisations of the NTSG is reflected in the scope of the advice within the document which covers trees growing in forests and estates in remote areas, through land that has occasional public access to land and individual properties where there is frequent public access and with land adjacent to roads.

**The NTSG believes that one fundamental concept should underlie the management of risks from trees. It is that the evaluation of what is reasonable should be based upon a balance between benefit and risk. This evaluation can be undertaken only in a local context, since trees provide many different types of benefit in a range of different circumstances.**

The NTSG position is underpinned by a set of five key principles:

- trees provide a wide variety of benefits to society
- trees are living organisms that naturally lose branches or fall
- the overall risk to human safety is extremely low
- tree owners have a legal duty of care
- tree owners should take a balanced and proportionate approach to tree safety management

Managing the risk from trees is the responsibility of the owners and managers of the land on which they grow.

## THE OBJECTIVES OF TREE RISK MANAGEMENT

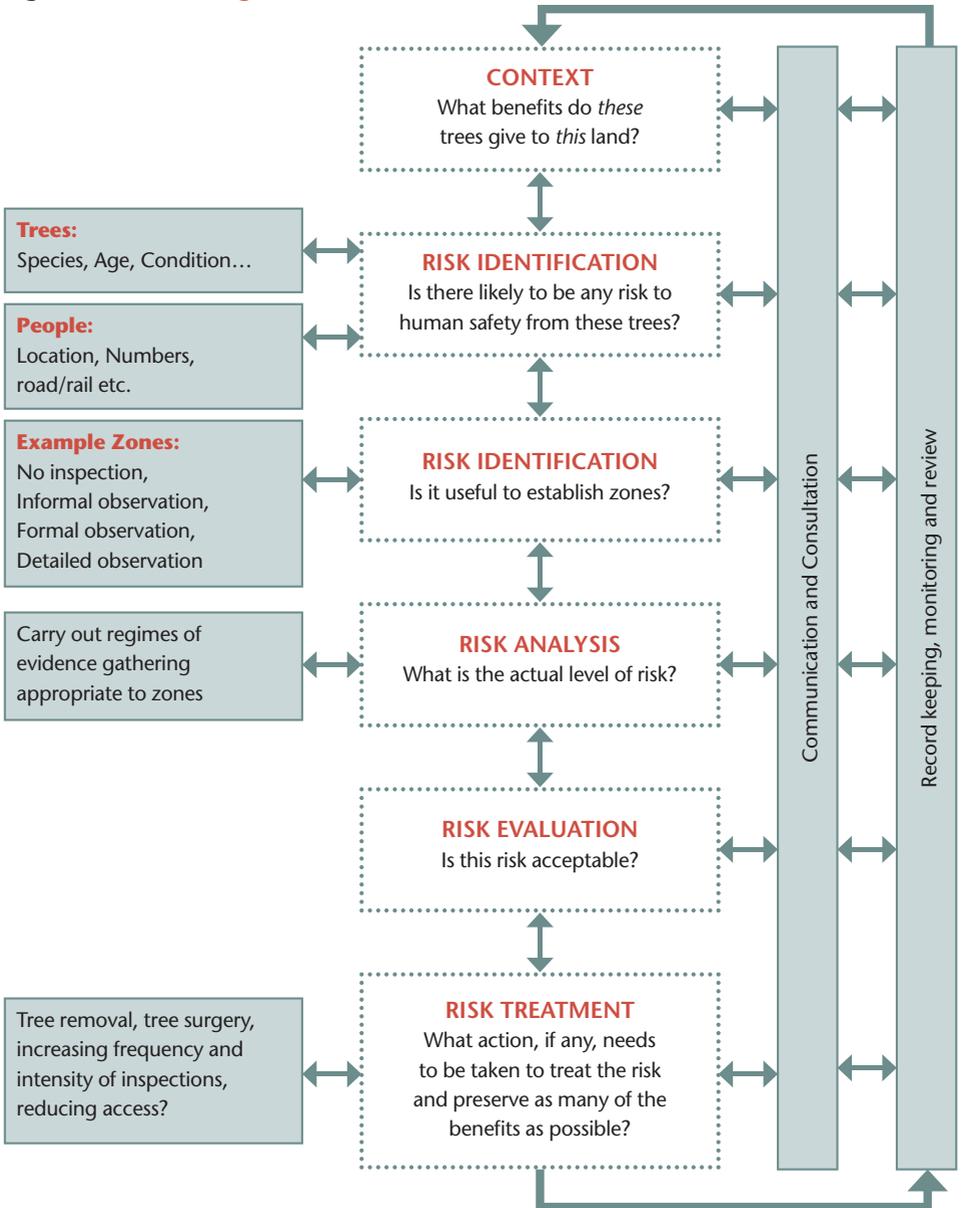
The management of risk, when properly organised, enables an organisation, among other things, to:

- increase the likelihood of achieving its objectives
- identify and control the risk

- comply with relevant legal and regulatory requirements
- improve stakeholder confidence and trust

Trees form part of the overall landscape and their presence has many different benefits depending on how the land is used. Not all trees are managed and, even for those that are, such management forms a component of overall land management. Human safety is one part of that management. Risk management can be undertaken only by understanding the trees and their value to people in the context within which they grow. The requirement under health and safety legislation is to have a suitable and sufficient risk assessment, and to apply measures that are reasonable and practicable. This guidance shows an integrated approach to that process within the wider context of land ownership and management.



**Figure 1. Risk Management Process**

## Understanding the risks from trees

### THE OVERALL RISK TO HUMAN SAFETY IS EXTREMELY LOW

Research by the Centre for Decision Analysis and Risk Management (DARM), commissioned by the NTSG, has addressed the risk to people from trees. It demonstrates that the overall risk to the public from falling trees is extremely low, representing about a one in 10 million chance of an individual being killed by a falling tree (or part of a tree) in any given year.

So far as non-fatal injuries in the UK are concerned, the number of accident and emergency cases (A&E) attributable to being struck by trees (about 55 a year) is exceedingly small compared with the roughly 2.9 million leisure-related A&E cases per year. Footballs (262,000), children's swings (10,900) and even wheelie bins (2,200) are involved in many more incidents.

The research also shows that there is limited societal concern about risks of this type (although there may be adverse publicity in the immediate aftermath of an individual incident). The analysis indicates that it would be unlikely that adjustments to the current overall management regime would reduce the risk to health and safety in any significant way.

### REAL RISKS AND PUBLIC CONCERNS

Trees grow in many different situations, and within areas of widely varying levels of public access or other human activity. Where it is appropriate to manage trees, this management should seek to enhance their significance (in terms of value, access and other benefits) and all the other ecosystem service, biodiversity and social benefits they provide, and to manage the undesirable impacts they can have (such as damage to property and risks to human safety). Considerable concern and uncertainty about managing trees for safety has arisen in the last few years. This has largely been stimulated by a number of court cases and other responses to rare incidents where a falling tree or branch has killed or injured a person. Addressing these concerns requires information about the "real" risk involved and the level of public concern.

### HAZARDS

Very simply, a hazard is something that can cause harm and here, the hazard is a tree. Risk is characterised by reference to potential events and consequences, or a combination of the two. It is often expressed as a combination of an event's consequences and the likelihood of it occurring. In this case, a potential consequence is death or serious injury. Levels of risk are judged against a baseline, which is usually

the current overall maintenance or control regime for that hazard (the tree). When assessing trees, owners and managers need to judge whether the management measures they adopt will fulfil society's reasonable expectations. "Reasonableness" is a key legal concept when considering the risks of trees to the public and tree owners' obligations. Deciding what is reasonable can be undertaken only with regard to the trees' place within the wider management context and how that context influences decisions locally. The Health and Safety Executive (HSE) has identified that an individual risk of death of one in one million per year for both workers and the public corresponds to a very low level of risk. It points out that this level of risk is extremely small when compared with the general background level of risk which people face and engage with voluntarily in the course of everyday life.

### SIGNIFICANCE OF THE IDENTIFIED RISKS

The individual risk of death attributable to trees is 10 TIMES LESS than the threshold of one death in one million per year that the HSE says people regard as insignificant or trivial in their daily lives. Because trees present a very low risk to people, owners and managers should be able to make planning and management decisions by considering how trees fit into a particular local context and avoid unnecessary intervention, survey and cost. This approach will help them ensure that any management is proportionate and strikes an appropriate balance between the real risks and benefits.

### MANAGING THE RISK FROM TREES

Tree management or the lack of it should not expose people to significant likelihood of death, permanent disability or serious injury. Accidents are on occasions unavoidable. Such risk is acceptable only in the following conditions:

- the likelihood is extremely low
- the hazards are clear to users
- there are obvious benefits
- further reducing the risks would remove the benefits
- there are no reasonably practicable ways to manage the risks

In its position statement, the NTSG argues that it is reasonable that sufficiently large organisations that own or manage trees develop a management strategy (in line with practice in other sectors). This strategy may strike a balance between risks present and benefits accrued. An organisation that publishes and maintains a tree strategy or management plan, part of which includes information on their risk management plan for the trees they own, is much better placed to demonstrate they have fulfilled their duty of care.

## What the law says

### THE ROLE OF THIS GUIDANCE

This document may be presented to a court for consideration as supporting documentation in any case involving death or personal injury caused by a falling tree or branch. Reported judgments already demonstrate that courts will consider publications of this nature when addressing the duty of care. It must, however, be appreciated that the guidance in this document will not in itself determine a court's judgment in an individual case. First, all cases are sensitive to their own facts. Second, a court will always reserve to itself the decision as to whether a tree owner has acted as "a reasonable and prudent landowner". This guidance can, however, inform the court in the making of that decision.

### THE LEGAL FRAMEWORK

Under both the civil law and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch. The civil law gives rise to duties and potential liabilities to pay damages in the event of a breach of those duties. The criminal law gives rise to the risk of prosecution in the event of an infringement of the criminal law.

### THE CIVIL LAW

The owner of the land on which a tree stands, together with any party who has control over the tree's management, owes a duty of care at common law to all people who might be injured by the tree. The duty of care is to take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property.

### THE DUTY HOLDER

This is the person who has control of the tree's management whether as owner, lessee, licensee or occupier of the land on which the tree stands. The relevant highway authority is responsible for trees on land forming part of the highway.

### THE PERSON TO WHOM THE DUTY IS OWED

This is any person who can be reasonably foreseen as coming within the tree's vicinity and being injured by a fall of the tree or a branch from the tree. Those using highways, footways, public footpaths, bridleways, railways and canals are likely to come within striking distance of trees on adjacent land. In public spaces, and

semi-public spaces such as churchyards and school grounds, those working in or visiting them can be expected to come within the vicinity of trees. On private land, visitors and employees can also be expected to come within the reach of trees. Trespassers may also, in certain circumstances, be expected to come within the vicinity of trees on private land.

## THE DUTY OWED

This can be stated in general terms as being a duty to take reasonable care for the safety of those who may come within the vicinity of a tree. The courts have endeavoured to provide a definition of what amounts to reasonable care in the context of tree safety, and have stated that the standard of care is that of “the reasonable and prudent landowner”. The tree owner is not, however, expected to guarantee that the tree is safe. They have to take only reasonable care such as could be expected of the reasonable and prudent landowner. The duty owed under the tort of nuisance is owed by a tree owner to the occupier of neighbouring land. The duty, however, is no different to the general duty owed under the tort of negligence.

It is the duty holder’s fundamental responsibility, in taking reasonable care as a reasonable and prudent landowner, to consider the risks posed by their trees. The level of knowledge and the standard of inspection that must be applied to the inspection of trees are of critical importance. It is at this point that the balance between the risk posed by trees in general terms, the amenity or other values of trees and the cost of different types of inspection and remedial measures becomes relevant.

## THE STANDARD OF INSPECTION

The courts have not defined the standard of inspection more precisely than the standard of “the reasonable and prudent landowner”. In individual cases, the courts have sought to apply this general standard to the facts of each case. However, there is no clear and unambiguous indication from the courts in regard to the extent of the knowledge about trees a landowner is expected to bring to tree inspection in terms of type and regularity of inspection. Generally, the courts appear to indicate that the standard of inspection is proportional to the size of and resources available (in terms of expertise) to the landowner. It is of note that the HSE states in the HSE Sector Information Minute *Management of the risk from falling trees* (HSE 2007), that: “for trees in a frequently visited zone, a system for periodic, proactive checks is appropriate”.

## THE CRIMINAL LAW

The Health and Safety at Work etc Act 1974 places a duty on employers to ensure, so far as is reasonably practicable, that in the course of conducting their undertaking, employees and members of the public are not put at risk (sections 2(1) and 3(1) respectively, see also 3(2) in respect of self-employed persons). The acts of felling or lopping a tree clearly fall within the scope of this duty. It is also likely that the growing and management of trees on land falls within the scope of the duty if such operations fall within the employer's undertaking. The duty is subject to the words "so far as is reasonably practicable". This proviso requires an employer to address the practical and proportionate precautions which can be taken to reduce a risk. The courts have generally been unwilling to take into account environmental or aesthetic values when considering whether a step is reasonably practicable, confining the consideration to whether a precautionary step can "practically" be undertaken. Nevertheless, in *HSE v North Yorkshire County Council* (20.5.10) Wilkie J., when directing the jury as to the meaning of "reasonably practicable", identified as a material consideration "the benefits of conducting the activity".

He said (NTSG emphasis):

*"Now, in this context what does 'reasonably practicable' mean? Well, as you have been told correctly, it is a narrower concept than what is physically possible. It requires a computation to be made by the employer in which the amount of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk, whether in terms of money, time or trouble, or the benefits of conducting the activity, are placed in the other. If there is a gross disproportion between them where the risk to health and safety is insignificant in relation to the sacrifice and/or loss of benefit involved in averting that risk then the defendant discharges the onus upon him and is entitled to be acquitted, but if the defendant does not persuade you of that on the balance of probabilities then you would convict."*

The Management of Health and Safety at Work Regulations 1999 require employers, and self-employed persons, by regulation 3 to "make a suitable and sufficient assessment of the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking". This requires an employer, and a self-employed person, to undertake a risk assessment of the tree stock on the land which forms part of the undertaking. Breach of the duty under the Act, or the regulations derived from the Act, can give rise to a criminal prosecution against the employer.

## Reasonable, balanced tree risk management

### RESPONSIBLE MANAGEMENT

Landowners who already sensibly manage their trees can be reasonably confident that there is no need for any radical change driven by a fear of the law, though they may find this guidance useful when reviewing management practice. No tree can be guaranteed to be safe. As long as we retain trees, we cannot achieve zero risk. A disproportionate response to the actual risks posed by trees leads to unnecessary intervention, particularly alongside roads and public places. Disproportionately responding to risk itself runs the risk of diminishing the landscape and depriving the whole community of the enjoyment of trees and their wider benefits.

### LEGAL REQUIREMENTS

The law requires only that people should take reasonable care to avoid acts or omissions which cause a reasonably foreseeable risk of injury to persons or property. The generally agreed standard to be achieved is that of a reasonable and prudent landowner.

### LOW RISKS AND COMMON SENSE

Generally speaking, the existing tree management regimes in the UK's towns, cities and countryside contribute to the acknowledged low risk of anyone being killed or injured by a fallen or falling tree or branch. The normal practices that have prevailed over the past decades have, in large measure, been reasonable and proportionate. These management regimes have worked in conjunction with people's common sense approach to appraising risk from trees.

### DEFENDABLE PRACTICE

Defendable management is consistent with a duty of care based on reasonable care, reasonable likelihood and reasonable practicability. Landowners and managers who know how important their trees are tend to take an interest in them; including their setting and how people use their land and the benefits that trees bring. It is reasonable that decisions regarding tree safety are considered against a background of the general low risk from falling trees. Being reasonable involves taking actions proportionate to the risk. Reasonable tree management has both reactive and proactive elements. While the owner or manager may need to react to events involving dangerous trees as they arise, it is also prudent to have forward-looking procedures to keep tree-related risks at an acceptable level. These procedures need not be complicated and may be incorporated into a tree strategy or management plan where applicable.

## Defect and obvious defect

### WHAT IS A DEFECT?

The term “defect” can be misleading, as the significance of structural deformities in trees (variations from a perceived norm) can be extremely variable. NTSG definition: “a defect in the context of the growing environment of a tree is a structural, health or environmental condition that could predispose a tree to failure”.

### WHAT IS AN OBVIOUS DEFECT?

The courts and specialist literature often apply the term “obvious” when referring to tree defects of which an owner or adviser should be aware. Obvious defects are likely to be so apparent that most people, whether specialist or not, would recognise them. While obvious defects may include external indications of potential structural failure, they take many forms, not all of which are significant hazards. Defects pose risks only where there is a likelihood of harm. An obvious risk defect might be a large tree that is clearly breaking up over a well-used road. A person doing a safety inspection is on the lookout for obvious defects posing a serious and present risk, particularly where the danger is immediate.



■ A wood decay fungus (*Ganoderma applanatum*) that may have implications for tree stability.

## Key steps in tree safety management

### THE ESSENTIALS

A reasonable and balanced approach forms the basis of a tree safety strategy for sensible tree safety management. By a “strategy”, we mean a plan that guides management decisions and practice, in a reasonable and cost-effective way, typically covering three essential aspects:

- zoning: appreciating tree stock in relation to people or property
- tree inspection: assessing obvious tree defects
- managing risk at an acceptable level: identifying, prioritising and undertaking safety work according to level of risk

A tree safety strategy may not necessarily be supported by extensive records. It may be self-evident through general prudent practice and behaviour. Alternatively, a strategy may be explicitly formulated and expressed through documents relating to management practice. If reasonably carried out, the strategy should meet the duty of care required by law, without the need for an overly bureaucratic approach or excessive paperwork. In the event of an accident, documents may provide supporting evidence that reasonable care has been taken.

### KEEPING RECORDS

Records, including maps, provide the basis for safety management reviews and, in the extremely rare event of an accident, can support evidence of reasonable tree management. It is not necessary to record every tree inspected. However, records of trees presenting a serious risk and requiring treatment are useful, as is a record of how they have been treated. When inspections are carried out, records can demonstrate that the owner or manager has met a key component of their duty of care. Other useful ways of demonstrating reasonable assessment and management of trees include recording recommendations for work and when tree work has been carried out.

### ZONING

Zoning is a practice whereby landowners and managers define areas of land according to levels of use. This practice prioritises the most used areas, and by doing so contributes to a cost-effective approach to tree inspection, focusing resources where most needed. It contributes to sensible risk management and a defensible position in the event of an accident. It may be a reasonable outcome of the zoning process to decide that no areas require inspection. Classifying levels of use in this way

requires only a broad assessment of levels of use. Typically, two zones, high and low use, may be sufficient. High use zones are areas used by many people every day, such as busy roads, railways and other well-used routes, car parks and children's playgrounds or where property may be affected. Low use zones are used infrequently and may only require irregular inspection if at all. While owners and managers may deem it appropriate to use a more sophisticated approach, designating three or more zones, in the event of an accident whichever system is adopted may require justification according to the standard set.

Normally, the best person to do an initial assessment is someone familiar with the land, how it is used and what trees are present. Typically, this could be the landowner, occupier or land manager. It does not require a tree specialist to zone a site.

### **TREES WITHIN FALLING DISTANCE OF ROADS, RAILWAYS ETC.**

Among the relatively few accidents from falling trees each year, the greatest risk to public safety has proved to be from trees within falling distance of where people move at speed in vehicles. However, even trees in well-used areas pose an extremely low overall level of risk to public safety. On average over the past decade, four people a year have died from roadside trees falling onto vehicles or from collisions with fallen trees, mainly because:

- risk of harm from falling trees is related to the force of impact
- the likelihood and extent of harm is influenced by the speed at which vehicles may impact
- risks are higher when vehicles are travelling at speed in high winds

It is both the high usage of roads and the speed at which people travel along them that makes this the most likely way that people will be killed by trees.

Even in well-used areas, inspecting and recording each tree is not always necessary. Trees with structural faults, but valued for their habitat or amenity interests, that are retained in frequently used areas may require specific assessment and management. Trees in well-used natural woodland or woodland surrounding housing or a public park may only warrant an informal or non-onerous prioritised system of assessment to identify trees warranting closer inspection.

### **TREES IN INFREQUENTLY USED AREAS**

The risk of death or serious injury from trees in infrequently used areas is so low that it is reasonable that these should receive no formal inspection or visual check. However, owners may need to respond to any reports of problems.

## TREE INSPECTION

The three types of inspections are:

- informal observations
- formal inspections
- detailed inspections

## INFORMAL OBSERVATIONS

Informal observations of trees contribute to wider management and tree safety. They are essentially those day-to-day observations of trees made by owners and employees of a site who have good local knowledge of the trees and location and see them during the course of their daily lives and work. While not going out of their way to make an assessment of the condition of the tree, they are nonetheless aware of it and any changes that may occur over time. In some circumstances, informal observation may be considered reasonable and appropriate when owners and staff are able to assess the trees' health and any structural weaknesses that may pose an imminent threat to public safety.

### **May be undertaken by:**

People with good local knowledge and familiarity with local trees who are not tree specialists, but rather those closely associated with a property, such as the owner, gardener, other employee or agent, who understands the way the property is used (areas most and least frequented) and the extent of the danger, should a tree be found that is clearly falling apart or uprooting. **Reports of problems by staff or members of the public are a fundamental part of informal observations and should be acted upon.**

### **Frequency of inspection:**

Informal observations contribute significantly to public safety, being important for deciding when action is needed and when more formal assessment is appropriate. They are generally on-going and undertaken as a given part of daily life on a site with trees and public access.

## FORMAL INSPECTIONS

Formal inspection of a tree is when a specific visit to the tree is made with the sole purpose of performing an inspection that is not incidental to other activities. The spectrum of formal inspection ranges from survey work for tree inventories, to health and condition assessments. These may be carried out through drive-by and walk-over inspections or ground-based visual checks. Drive-by and walk-over

inspections are accepted types of reasonable risk assessment under certain circumstances. It should be noted that reliance on drive-by inspections is not appropriate in busy urban areas. Initial drive-by inspections can, when appropriate, assist in deciding where tree management, walk-over or detailed inspection might be necessary. Simple formal inspection, through ground level visual checks in the course of walk-over surveys, provides a useful, cost-effective means of identifying clear and present signs of immediate instability (uprooting or other structural failure). This is an important means of identifying when further action is needed, including immediate tree surgery or further detailed inspection.

**May be undertaken by:**

People who do not necessarily have specific tree-related qualifications but do have a general knowledge of trees and the ability to recognise normal and abnormal appearance and growth for the locality. This includes an ability to recognise obviously visible signs of serious ill health or significant structural problems, such as substantial fractured branches or a rocking root plate which, were they to cause tree failure, could result in serious harm. They also need the ability to assess approximate tree height and falling distance from the tree to the area of use as well as when to request a detailed inspection.

**Frequency of inspection:**

Formal inspections will be undertaken as part of the implementation of the tree strategy or management plan for the site. Their frequency will be determined as a consequence of the zoning of the site together with consideration of prioritisation of the risk and the resources available to manage that risk. The decision is a judgment for the owner, agent or adviser, applying sensible reasonable behaviour in taking account of the site circumstances as a basis for good practice.

**DETAILED INSPECTIONS**

Detailed inspection of a tree should be applied for individual, high-value trees giving high-priority concern in well-used zones. The detailed inspection is normally prioritised according to the level of safety concern. It entails an initial ground-level, visual assessment by a competent specialist looking at the exterior of the tree for signs of structural failure. In a few special cases, further detailed investigations may be required, involving one or more of the following: soil and root condition assessments, aerial inspections of upper trunk and crown, or other procedures to evaluate the nature of suspected decay and defects, including using specialist diagnostic tools. Detailed inspections are therefore unusual, typically reserved for

trees valued for their heritage, amenity or habitat and which are suspected of posing a high level of risk, as already identified through owner interest or a previous formal or informal assessment.

**May be undertaken by:**

An appropriately competent person, experienced in the field of investigation that is to be carried out. Whoever is commissioning the detailed inspection should satisfy themselves as to the suitability of the inspector's qualifications, experience and professional indemnity and public liability insurance. A specialist involved in conducting a detailed tree inspection should be able to demonstrate the reasonable basis for allocating risks according to priority, and identify cost-effective ways of managing those tree-related risks.

**Frequency of inspection:**

Detailed inspection of a tree will normally be undertaken as a consequence of information obtained following informal observation or formal inspection of the tree. Alternatively, if the tree is a special tree it may be placed on a regular inspection regime that is determined by its location and the risk it poses.

**SPECIAL TREES**

Informal observation and formal inspections both have a reasonable likelihood of identifying trees posing a risk of serious harm in the near future. Important trees that owners want to retain, eg for heritage, habitat or visual amenity, but which may present a significant risk, are likely to require regular specialist detailed inspection to manage them without serious loss of the benefits they provide. Like formal inspections, the decision on the frequency of these inspections is a judgment for the owner and their advisers based on the circumstances and applying sensible reasonable behaviour as a basis for good practice.

**REDUCING RISKS BY MANAGING ACCESS**

For sites where special events greatly increase the number of people in the area within falling distance, restricting access is the best option. A large number of people on a site in very wet conditions can compact soil and harm tree roots. Though the effects of root damage can be slow to develop, they increase risks of tree failure.

**Ways to reduce risks in well-used areas include:**

- deterring informal parking beneath trees; damage to roots may not be apparent for many years and increases risk of failure
- re-locating facilities such as play equipment, seats, picnic tables, barbecues, information boards, commemorative plaques, hides, fishing platforms, horse jumps, feeding centres etc
- re-routing paths and tracks where legally allowed
- redesigning mown paths in areas of long grass, a proven method of directing people away from high-risk zones
- placing structures and assembly points beyond the falling range of trees

**Effective ways of deterring access area:**

- planting brambles and thorny shrubs
- using logs or piles of deadwood
- allowing grass to grow
- leaving brushwood around the tree
- temporary exclusion in adverse weather conditions
- changing the area's use, eg to hay meadow and for grazing

**BALANCING RISK WITH BENEFITS**

Outdoor activity increases in fine weather, with people remaining longer in certain areas. In summer, one option to reduce risk from falling branches is by the simple practice of not mowing under the trees' drip-line. However, within the play sector there is a strong recognition that it is important for children to get "back to nature", including interaction with trees. Decisions need therefore to balance benefits with risks when considering segregating trees and people.

The NTSG, its Management Committee and its individual member organisations in producing this report have endeavoured to ensure the accuracy of its contents. The guidance and views in this report should always be reviewed by those using the report in the light of the facts and merits of the particular case and specialist advice obtained as necessary. No liability for negligence or otherwise in relation to this report is accepted by the NTSG, its Management Committee, member organisations or their servants or agents.





**N|T|S|G**

**Further information**

This leaflet is based on the key elements of the full guidance document, which is available from the Forestry Commission Publications Service as a hard copy and from the NTSG website as a free downloadable PDF:

[www.forestry.gov.uk/publications](http://www.forestry.gov.uk/publications)

[www.nts.org.uk](http://www.nts.org.uk)

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Appendix 5 – Council Salary Scales

<b><u>NJCLGS SALARIES</u></b>					
<b><u>BAND</u></b>		<b><u>SCP</u></b>	<b><u>SALARY</u></b>		
			<b><u>01/04/2021</u></b>		
			<b>£</b>		
1		1	£18,333		
		2	£18,516		
2		3	£18,887		
		4	£19,264		
		5	£19,650		
		6	£20,043		
		7	£20,444		
3		8	£20,852		
		9	£21,269		
		10	£21,695		
		11	£22,129		
4		12	£22,571		
		13	£23,023		
		14	£23,484		
		15	£23,953		
		16	£24,432		
		17	£24,920		
5		18	£25,419		
		19	£25,927		
		20	£26,446		
		21	£26,975		
6		22	£27,514		
		23	£28,226		
		24	£29,174		
		25	£30,095		
		26	£30,984		
7		27	£31,895		
		28	£32,798		
		29	£33,486		
		30	£34,373		
		31	£35,336		
8		32	£36,371		
		33	£37,568		
		34	£38,553		
		35	£39,571		
		36	£40,578		
9		37	£41,591		
		38	£42,614		
		39	£43,570		
		40	£44,624		
		41	£45,648		
		42	£46,662		
		43	£47,665		