

Over the last few years landowners and tree managers have been struggling to find a balanced approach to tree risk management on their properties. Following high profile incidents attracting huge media attention and in some cases prosecution of owners and managers there was huge uncertainty as to what an appropriate response should be. The publication of the National Tree Safety Groups guidance document, **Common Sense: Risk Management of Trees**, now gives us this framework.

However, as with everything the interpretation and implementation will not always be as straightforward as it might first appear. All of us that have been involved now feel that to provide a defensible position **it will be essential for owners and tree managers to be aware of the guidance and to be able to demonstrate that they have followed it in an appropriate and balanced way.**

One of the main themes of the guidance is the empowerment of the individual and a sensible balance of risk and benefit. **The last thing that any of us want to see is large numbers of trees being cut down unnecessarily.** The general themes and structure of the guidance and a link to the key documents is given below; and at Lockhart Garratt Ltd we would see our role as assisting our clients to respond appropriately and to work with them to provide the training, reassurance and structures so that they can manage with confidence, what is effectively a very low risk appropriately and in a balanced and secure way.

The NTSG fundamental concept within the guidance is that: ***"...the evaluation of what is reasonable should be based upon a balance between benefit and risk"***.

The aim of the NTSG has been to develop a document with a nationally recognised approach to tree safety management and to provide guidance that is proportionate to the actual low risk posed by trees.

The guidance has been developed to support the work of all those involved in tree management; whether connected with streets, parks, public open spaces, businesses such as hotels or farms, private estates, woodland, commercial forestry or private gardens; and are 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

The guidance emphasises the extremely low risk to the public from falling trees: 1 in 10 million chance of an individual being killed by a falling tree/part of a tree in any given year, according to the Centre for Decision Analysis and Risk Management. In addition, it outlines the current legal framework within which landowners must take 'reasonable' documented steps to prevent foreseeable tree related events.

"Key Steps in Tree Safety Management" is the practical approach which is outlined and forms the basis of a tree safety strategy founded on **"A reasonable and balanced approach...for sensible tree safety management"**, covering:

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

To demonstrate that a landowner is attempting to meet their 'duty of care' the guidance also stresses the importance of keeping relevant and appropriate records.

The appendix to the document is also very useful as it provides practical scenarios on how the guidance is intended to be used.

At Lockhart Garratt Ltd we recognise that the maintenance of completely safe trees in reality is not practical or possible therefore an appropriate balance between the benefit trees afford and the risks they pose are equally important considerations and are fundamental in devising a proportionate management approach. We also recognise the diverse land holdings of our clients and understand that there are varying (sometimes complex) levels of public access or other human activity.

It is acknowledged that many landowners may not be enthusiastic in instructing tree inspections as they may have experienced 'over complicated' work specifications in the past. With the framework of the new guidance former tree inspection information still has value and can be easily updated.

It may be that the guidance requires specific interpretation in the local context, or advice is needed on gaining training to undertake formal inspection, or simply a second opinion on a tree that is causing concern is required. In any case, with the new NTSG guidance in mind Lockhart Garratt can:

- Interpret the new guidance in relation to specific land holdings;
- Significantly reduce landowners exposure to tree risk by implementing a 'reasonable' and pro-active approach to managing tree risk (this may include the production of bespoke tree risk management policies);
- Empower landowners and/or their staff to take an active role in undertaking tree risk inspections and to guide the involvement of specialist advice as required.

"...Safety is but one of many goals to which we aspire and so the mistake that is often made is to focus on safety as if it is the only goal!"

Professor David Ball

We are able to provide a summary document titled "**Landowner summary of guidance on trees and public safety in the UK for estates and smallholdings**". This useful summary outlines the key points of the guidance and the main requirements of the landowner. If you would like to receive a free copy of this summary please email **Victoria Sherbourne** at our offices.

Alternatively please contact our Arboricultural Consultant, **Bryan Clary** on **01536 408840**.

