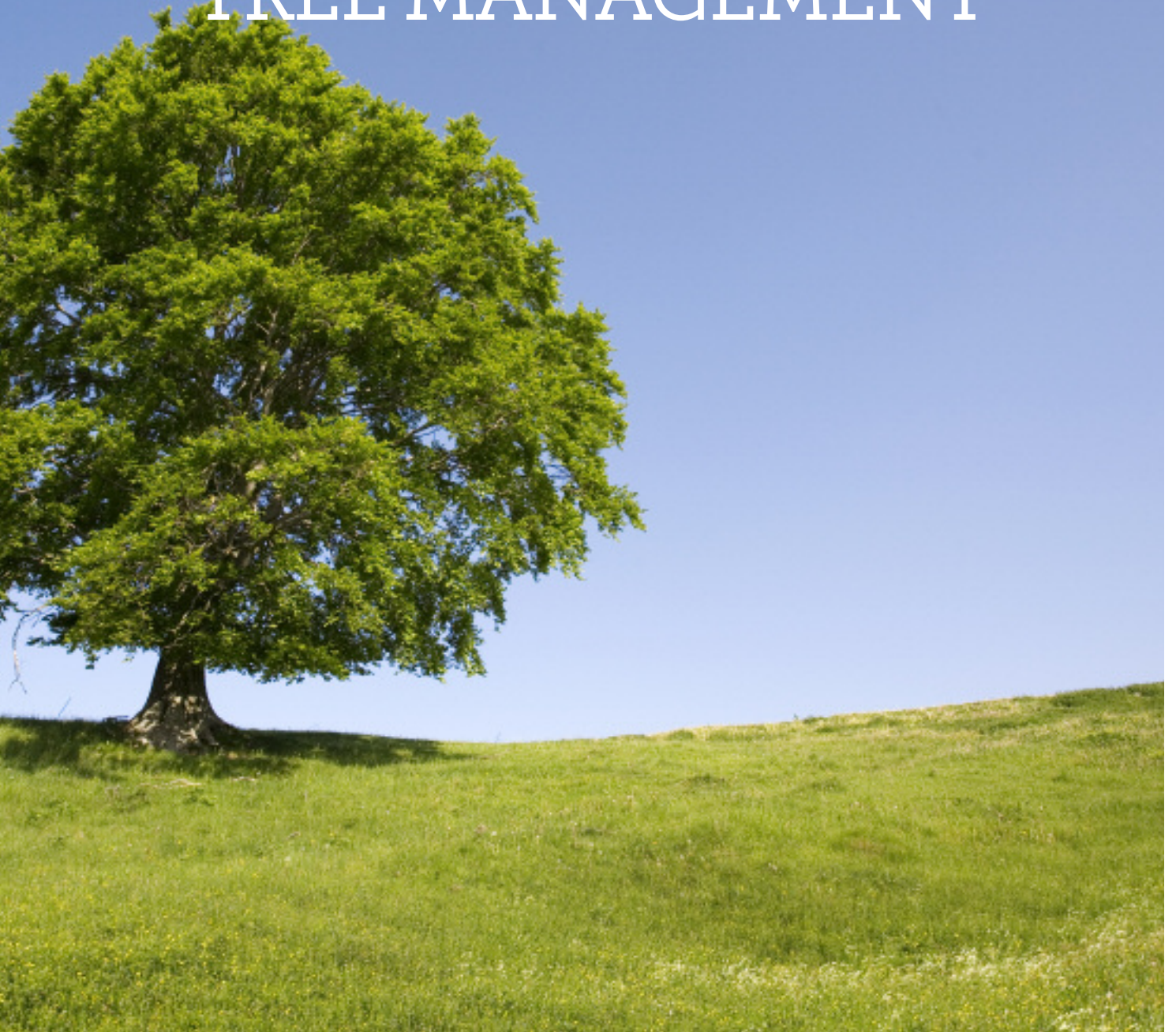


HEALTH AND SAFETY GUIDANCE NOTE
TREE MANAGEMENT



NFU Mutual
Risk Management Services

INTRODUCTION

Trees and woodlands are essential to our day to day living environment. Aside from their obvious benefits of providing oxygen, combatting climate change etc., they help manage water quality, reduce soil erosion, provide shelter for crops and lessen the risk of flooding. They can also however present a risk to people who are in close proximity to them.

Although the risk presented by trees is extremely low, unfortunately people do get injured or even killed every year by falling trees or branches. Trees grow in many different situations, with a greater or lesser level of interaction with people. Careful inspection and management of trees in higher risk areas can reduce the risk of incidents happening to anyone on your land.

WHAT ARE MY LEGAL RESPONSIBILITIES?

There is no specific health and safety law relating to the management of trees, other than the main duties on employers to manage all risks associated with their operations, which includes:

- Your general duty to provide a safe place of work, safe systems of work, and safe people to work with (Health and Safety at Work etc. Act) (Health and Safety at Work (Northern Ireland) Order), as well as ensuring the safety of anyone affected by your operations (which includes members of the public).
- Your duty to undertake risk assessments and to take action to eliminate or reduce risks (Management of Health and Safety at Work Regulations).

Other legislation relevant to the management of trees includes, for example the Occupiers' Liability Acts, Land Reform (Scotland) 2003, The Occupiers' Liability (Northern Ireland) Order

1987, the Countryside and Rights of Way Act 2000 (CRoW), the Wildlife and Countryside Act, the Marine and Coastal Access Act, as well as legislation relating to Sites of Special Scientific Interest, planning issues and Tree Preservation Orders.

There have also been a number of civil court rulings, which have set precedents on what occupiers and landowners are responsible for in relation to the trees on their land.

UNDERSTANDING THE RISKS ASSOCIATED WITH TREES

Real risks and public concerns:

Considerable concern and uncertainty about managing trees for safety has arisen in the last few years. This has been re-enforced by a handful of court cases and other responses to incidents where a falling tree or branch has killed or injured a member of the public. Addressing these concerns requires information about the 'real' risk involved and the level of public concern.

Over past decades we have taken good care of our trees (where this is needed). It is the natural behaviour of trees to shed branches and ultimately fall down. This is going on all the time and people have simply learnt how to live beside them. However, it is well known that it is not simply the actual risk of harm that troubles people, but how they perceive that risk. The perception of a higher level of risk than may actually be the case is even more obvious following an incident.

Public safety is not the only concern when deciding how to manage trees. Other broader concerns, such as ecological, landscape and aesthetic value, should also be taken into account.

To understand what the "real" risks are in relation to your trees, you need to carry out a risk assessment.

Risk Assessment

Very simply, a hazard is something that can cause harm; in this case the hazard is a tree. Risk is a combination of the likelihood of that hazard leading to harm and the consequences when it occurs. In this case, the consequences are death or serious injury and the likelihood of this occurring depends on a number of factors (e.g. the condition and location of the tree in relation to the presence of people).

Hazards with certain levels of risk may be tolerated, providing that:

- The nature and level of the risks are properly assessed and the results are properly used to determine control measures;
- The residual risks after these control measures have been implemented are not unduly high and kept as low as reasonably practicable (ALARP); and
- The risks are periodically reviewed to ensure that they still meet the ALARP criteria, for example, by ascertaining whether further or new control measures need to be introduced to take account of new knowledge or new techniques for reducing or eliminating risks.

Specific guidance on how to carry out risk assessments is covered in a separate guidance note.

When assessing the risks associated with a tree, you need to judge whether the control measures you have in place are sufficient to manage the risk (reasonably practicable).

HOW DO I CONTROL THE RISKS FROM TREES?

Planning for management of trees should be done on a rational, cost-effective basis. 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.

Tree Management Plan

A tree management plan is the most effective way of meeting your duty of care and demonstrating that you are managing the risk from trees. Such a plan should include the following elements:

- **Identify “target areas” or “zoning”.** Zoning is a practice whereby you define areas of land according to 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 alongside roads, public rights of way, where employees regularly work, where permissive access may have been granted, where tenants are known to access, or even where trespassers are known to stray. Low use zones are accessed infrequently. All these areas should be marked on a map for easy reference, each area could possibly be numbered, and perhaps photographs taken.

- **Identify how and when these “zones” will be checked.** There are three types of inspections:
 - **Informal observations:** 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. They are able to assess the trees’ health and any structural weaknesses that may pose an imminent threat to public safety.
 - **Formal inspections:** A specific visit to the tree is made with the sole purpose of performing an inspection that is not incidental to other activities. Simple formal inspection, through ground level visual checks, provides a useful, cost-effective means of identifying 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. The frequency of the formal inspections depends on the actual risk, but trees in high use zones should ideally be checked at least twice a year, including during the autumn (when the lack of leaves can help identify any rotten / diseased trees). In addition, certain 'events' should be identified, which will instigate a further inspection, such as following high winds.
 - **Detailed inspections:** Detailed inspection of a tree should be applied for individual, high-value trees giving high-priority concern in well-used areas. It entails an initial ground-level, visual assessment by a competent specialist looking at the exterior of the tree for signs of structural failure, where necessary followed by more detailed assessment activities. The frequency of detailed inspections is usually dictated by the findings of formal inspections.
- **Identify who will undertake the safety checks.**
 - **Informal observations:** People with good local knowledge and familiarity with local trees who are not tree specialists, but rather those closely associated with a property are well placed, 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.
 - **Formal inspections:** 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.
 - **Detailed inspections:** An appropriately “competent person” (specialist), experienced in the field of investigation that is to be carried out, e.g. a tree surgeon.
- **Identify what features of each tree the person carrying out the safety checks should look for,** such as broken tree limbs, hanging branches, tree instability, storm damage, diseases etc.
- **Define how the results of the safety checks will be recorded.** 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.
- **Any remedial safety work identified as a result of these inspections should be completed as soon as possible.** It must be remembered, however, that any work must take into account any restrictions on the work that may be undertaken, e.g. tree felling licences, tree preservation orders. Such restrictions should be clearly identified in the plan, and felling authorisation sought, if required.

FURTHER GUIDANCE

- National tree Safety Group – Common sense risk management of trees.
Available to download at no cost from: [http://www.forestry.gov.uk/pdf/FCMS024.pdf/\\$file/FCMS024.pdf](http://www.forestry.gov.uk/pdf/FCMS024.pdf/$file/FCMS024.pdf)
- Visitor Safety in the Countryside Group – Managing Visitor Safety in the Countryside.
This can be purchased online at: <http://vscg.co.uk/publications/managing-visitor-safety-in-the-countryside>

This document does not constitute nor should it be construed as constituting legal advice. It has been prepared for information purposes only based on health and safety guidance current at the time of its creation. This document is prepared on the strict understanding that the Client accepts, without limitation, that (a) it retains sole responsibility for compliance with all / any relevant health and safety legislation and / or regulations and / or guidance which is in force / has been provided at the date that this document was produced and (b) the provision of this document by RMS does not in any way amount to / evidence compliance of any such legislation and / or regulations and / or guidance.

This guidance note contains public sector information published by the Health and Safety Executive and licensed under the Open Government Licence.



NFU Mutual

NFU Mutual Risk Management Services Limited (No 350057) Registered in England.
Registered Office Tiddington Road, Stratford Upon Avon, Warwickshire, CV37 7BJ.
A member of the NFU Mutual Group of Companies.
For security and training purposes telephone calls may be recorded and monitored.

VERSION: 1.1 – 2015

nfumutual.co.uk/rms

