

Draft BS8516 Recommendations for Tree Safety Inspections

Consultation, July 2008: response of the Landscape Institute

Introduction

The Landscape Institute is the Chartered Institute in the UK for Landscape Architects, incorporating designers, managers and scientists, concerned with enhancing and conserving the environment. The Landscape Institute promotes the highest standards in the practice of landscape planning, design, management and research, representing members in private practice, at all levels of government and government agencies and in academic institutions and commercial organisations. The Landscape Institute welcomes the opportunity to comment on the proposed new British Standard BS 8516, Recommendations for Tree Safety Inspection.

The Landscape Institute has a number of concerns regarding some of the principles of the proposed new BS. Fundamentally, The Landscape Institute is not convinced that there is a need for a new British Standard on Tree Safety Inspection.

Landscape Institute members are wholeheartedly committed to encouraging and enabling the appropriate planting and good management of trees and to promoting the many environmental, economic and social benefits that trees provide. The Institute is also well aware of the costs, nuisance and risks that are associated with trees and tree ownership, but it perceives that this Standard could be used to support or increase prevalent cost-benefit and risk-averse arguments against trees. In highlighting the risks associated with trees and the costs and responsibilities involved in managing such risks, the Institute fears that many individual and corporate land owners and managers will seek to avoid these burdens by removing existing trees or not planting new trees. There is substantial anecdotal evidence of this position already being advanced by a number of local authorities, highway authorities, estate owners, developers and private individuals. Whilst taking a realistic view of the demands associated with good tree management, the Institute would not wish to see adverse perceptions of trees being unduly encouraged.

As drafted, BS 8516 would appear to potentially place a new level of technical responsibility and awareness on all persons or bodies who may own or manage a tree, over and above the normal requirements in law for land and property owners or managers to act reasonably and to avoid negligence. **The Institute would therefore prefer the detailed technical guidance that forms the substance of BS 8516 to be incorporated within BS 3998: Recommendations for Tree Work, which we understand is currently under revision. This would effectively aim the guidance at a more professional and expert audience, who would be better equipped and experienced to address the relevant issues and advise on appropriate action.**

As an example of how this Standard might be applied, it is highly debatable whether a lay homeowner with a tree in the garden would necessarily associate the loss of an adjoining tree or the presence of toadstools as being a 'very obvious potential hazard' as in the note to 3.10.1. However, the failure to do so in the light of these recommendations could leave such a person exposed to claims. Under these circumstances, it might be considered prudent (and, indeed, might be advised by e.g. insurers, surveyors or other parties) for existing trees to be removed, thus avoiding such risk.

In 3.10.2, the Institute does not support the application of invasive investigation of trees (i.e. by mallet and probe) by persons who may not be competent in the relevant field. Such investigation may cause unnecessary damage. Basic (semi-skilled?) inspections should generally be confined to ground-level, visual and non-invasive procedures to identify obvious potential hazards, prior to seeking more specialised assistance as appropriate. Nor does the Institute consider it appropriate for persons

carrying out such basic inspections (e.g. highway inspectors, grounds maintenance staff or volunteer tree wardens) to hold professional indemnity insurance relating to trees. Such insurance should be required only of those persons carrying out expert or detailed inspections. Landscape architects would generally hold such insurance (or their employers would) and should be sufficiently competent to recognise many of the hazards that relate to trees or to seek further expert advice as appropriate.

The Landscape Institute generally agrees with the content of Section 4 as representing advice on good practice. It has some reservations regarding the practicality and resource implications of inspecting all trees after heavy wind, rain or snow. However, to be practicable, the guidance needs to be aimed primarily at bodies that have a responsibility for tree management generally and needs to be set within the context of an overall tree management strategy. This should establish priorities and resources appropriate to the objectives of managing the tree population, which will include reasonable health and safety and risk assessment alongside other aims, including amenity, biodiversity, character, heritage, functional and economic considerations. It is axiomatic within arboricultural circles that there is no such thing as a 'safe' tree. The Institute therefore does not support an approach which concentrates exclusively upon hazard identification and risk avoidance. Rather, it would promote a more holistic approach to tree management inspection which would incorporate, *inter alia*, potential hazard identification.

In Note 2, following 4.3.3, the Institute would recommend that *all* trees are included in an inspection, rather than assuming that those excluded showed no indication of potential hazards. They may simply have been missed. Indeed, it is in the interests of good tree management that maintenance and / or remedial works should be carried out in a timely manner to reduce potential future hazards. It is therefore recommended that inspections should be carried out in accordance with an appropriately agreed strategy, relevant to the circumstances, and that these should identify and prioritise any desirable actions (e.g. the timely removal of stakes, ties or guards or clean pruning of torn branches which might otherwise lead to long-term serious damage and decay). Where many trees are present, e.g. as groups or woodland, the management strategy should identify appropriate inspection guidelines and methodologies.

In Sections 6 and 8, reference is made to quantifying risk and taking remedial action. In the experience of the Institute's members (and probably most arboriculturists) many, if not most, cases of potential hazard in trees can be remedied by expert tree surgery, sometimes of a relatively minor nature (e.g. removal of dead wood, hanging branches, etc.). The need for complete removal of a tree for reasons of structural instability and potential hazard to persons or property is relatively uncommon when compared to the many instances of remedial works that remove potential hazards whilst retaining the tree.

The Institute therefore strongly disagrees with the recommendation in Section 8, which proposes modifying the 'target' prior to considering remedial tree work. In most cases of potential hazard, it is likely to prove expensive, inconvenient or impracticable to modify an existing 'target' when compared with the option of remedial arboriculture. This would apply particularly in the case of most trees near highways or paths or other frequented built infrastructure (including private driveways or domestic gardens) and the suggestion of deterrent planting is rarely likely to be either useful or practicable. The Standard does not appear to address assessing the need for urgent remedial actions, e.g. physically closing off an imminently hazardous area, as opposed to longer term and sustainable remedial actions.

In Section 7, the proposals for frequency of inspections represent an attempt to establish standards that can be applied to meet all circumstances. As the location, context and management of trees and their response to external factors can be infinitely varied, so it seems fundamentally flawed to try and

set a standard applicable to all. Risk assessment should form a part of a well-informed tree management strategy, and inspection frequencies and resultant actions should be guided by the relevant and context-sensitive management requirements of either a single tree or a wider tree population.

The Landscape Institute recognises the need for expert assessment and management of trees, but also recognises that trees are living organisms with different characteristics both between and amongst their many species, and that they are located in a wide variety of environments, including rural woodland, domestic gardens, roads and city squares. It also wishes to promote the value of trees for the many benefits that they provide and for this value to be set against the necessary costs associated with their provision and long-term maintenance. It sees this draft Standard as a potential hazard to this objective and reiterates its wish to see relevant technical guidance on tree safety inspection incorporated into the more holistic approach of BS 3998.

The Landscape Institute would like to thank the BSI for being given the opportunity to contribute to these proposals. For any queries relating to this response, or for future consultations, please contact:

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